

ADDITIONAL STATEMENTS

REMEMBERING HARRY MAGNUSON

• Mr. CRAPO. Mr. President, on January 24, a man whose life was intricately woven into Idaho's history passed on. Harry Frank Magnuson, son of an Italian immigrant mother and Polish immigrant father, was born in Idaho in the early part of the 20th century in the small Idaho mining town of Wallace. As a young man, Harry sought and obtained his education, first at the University of Idaho. After completing his military service with the U.S. Navy during World War II, he obtained a master's degree in business administration at Harvard University. Harry returned to his hometown of Wallace, ID, and opened an accounting firm that was active for 60 years. At the time of his death, Harry Magnuson was known well beyond Idaho's borders for his leadership, philanthropy and business acumen.

Harry was a devoted father and husband and committed man of the community. He was first and foremost an Idahoan. His work brought him accolades from the University of Idaho, Gonzaga University, and Idaho State University. In 1990, our State's largest newspaper, the Idaho Statesman, named him Idaho Citizen of the Year. He chaired the Idaho Centennial Commission from 1987 to 1991. In 1999, Harry received the "Esto Perpetua" award from the Idaho State Historical Society, an award that honors an individual's lifetime contributions to the history of Idaho. One of the projects closest to his heart was the Cataldo Mission in north Idaho, the preservation of which he contributed mightily over the years.

My thoughts and prayers are with Colleen Magnuson and their children at this difficult time.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:35 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 27. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony in honor of the bicentennial of the birth of President Abraham Lincoln.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-554. A communication from the Senior Counsel for Regulatory Affairs, Office of Financial Stability, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TARP Conflicts of Interest" (RIN1505-AC05) received in the Office of the President of the Senate on January 26, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-555. A communication from the Deputy Secretary of the Interior and the General Counsel, Department of Commerce, transmitting draft legislation entitled "The Albatross and Petrel Conservation Act of 2009"; to the Committee on Environment and Public Works.

EC-556. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Credit Rates on Tax Credit Bonds" (Notice 2009-15) received in the Office of the President of the Senate on January 28, 2009; to the Committee on Finance.

EC-557. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of the waiver of restrictions contained in Section 907 of the FREEDOM Support Act of 1992; to the Committee on Foreign Relations.

EC-558. A communication from the Assistant Secretary for Civil Rights, Department of Education, transmitting, pursuant to law, the annual report of the Office for Civil Rights for fiscal years 2007-2008; to the Committee on Health, Education, Labor, and Pensions.

EC-559. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, a report relative to the vacancy, designation of acting officer and nomination for the position of Director of National Intelligence, received in the Office of the President of the Senate on January 28, 2009; to the Select Committee on Intelligence.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself, Mr. SPECTER, and Mr. FEINGOLD):

S. 357. A bill to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces; to the Committee on the Judiciary.

By Mr. CORNYN (for himself, Mr. LIEBERMAN, Mr. PRYOR, and Mrs. McCASKILL):

S. 358. A bill to ensure the safety of members of the United States Armed Forces while using expeditionary facilities, infra-

structure, and equipment supporting United States military operations overseas; to the Committee on Armed Services.

By Mr. INOUE:

S. 359. A bill to establish the Hawaii Capital National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. McCASKILL:

S. 360. A bill to limit compensation to officers and directors of entities receiving emergency economic assistance from the Government; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN:

S. 361. A bill for the relief of Guy Vang, Genevieve Chong Fong, Caroline Vang, and Melina "Melanie" Vang; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself, Mr. WEBB, Mr. BROWN, Ms. MIKULSKI, and Mr. SANDERS):

S. 362. A bill to amend title 38, United States Code, to improve the collective bargaining rights and procedures for review of adverse actions of certain employees of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

ADDITIONAL COSPONSORS

S. 150

At the request of Mr. LEAHY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 150, a bill to provide Federal assistance to States for rural law enforcement and for other purposes.

S. 244

At the request of Mr. BOND, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 244, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 252

At the request of Mr. AKAKA, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 252, a bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care veterans, and for other purposes.

S. 262

At the request of Mr. CASEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 262, a bill to improve and enhance the operations of the reserve components of the Armed Forces, to improve mobilization and demobilization processes for members of the reserve components of the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. SPECTER, and Mr. FEINGOLD):

S. 357. A bill to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to join with Senators SPECTER and FEINGOLD in introducing the Equal Justice for U.S. Servicemembers Act. The Act would eliminate an inequity in current law by allowing all court-martialed U.S. servicemembers who face dismissal, discharge or confinement for a year or more to petition the United States Supreme Court for discretionary review through a writ of certiorari.

The bill is a simple one, and would do the following: allow a writ of certiorari to be filed in any case in which the U.S. Court of Appeals for the Armed Forces has denied review; and allow a writ of certiorari to be filed in any case in which the U.S. Court of Appeals for the Armed Forces denied a petition for extraordinary relief.

In our civilian courts today, all person convicted of a crime, if they lose on appeal, have a right to petition the U.S. Supreme Court for discretionary review. Even enemy combatants have the right to direct appellate review in the Supreme Court.

In contrast, however, our men and women in uniform do not share this same right. Our military personnel can apply to the U.S. Supreme Court only if the U.S. Court of Appeals for the Armed Forces actually conducts a review of their case or grants a petition for extraordinary relief. That only happens about 10 percent of the time.

In other words, in 90 percent of their case, our U.S. servicemembers are prevented from ever seeking or obtaining direct review from the Supreme Court.

This disparity is not limited to our civilian and military court systems. A similar disparity exists within our military court system relief. The Government routinely has the chance to petition the Supreme Court for review of adverse court-martial rulings in any case where the charges are severe enough to make a punitive discharge possible. But our military personnel do not share the same rights to petition the Supreme Court as the military prosecutors on the other side of the aisle.

This is wrong, and this inequity was recently noted by the American Bar Association, which passed a resolution calling on Congress on fix this longstanding "disparity in our laws governing procedural due process."

Every day, our U.S. service personnel place their lives on the line in defense of American rights. It is unacceptable for us to continue to routinely deprive our men and women in uniform one of those rights—the ability to petition their Nation's highest court for direct relief. It is a right given to common criminals in our civilian courts, to the Government, and even to some of the terrorists who we hope to prosecute as war criminals.

The bill is supported by the American Bar Association, the Military Officers Association of America, and the National Institute of Military Justice. Robinson Everett, the former Chief Judge of the U.S. Court of Military Appeals, the predecessor to the Court of Appeals for the Armed Forces, also supports the bill.

It's long past time we give them the same rights as the American citizens they fight, and sometimes die, to protect.

I urge my colleagues to support this important legislation to give equal justice to our U.S. servicemembers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equal Justice for United States Military Personnel Act of 2009".

SEC. 2. CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.

(a) IN GENERAL.—Section 1259 of title 28, United States Code, is amended—

(1) in paragraph (3), by inserting "or denied" after "granted"; and

(2) in paragraph (4), by inserting "or denied" after "granted".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 867a(a) of title 10, United States Code, is amended by striking "The Supreme Court may not review by a writ of certiorari under this section any action of the Court of Appeals for the Armed Forces in refusing to grant a petition for review."

By Mr. INOUE:

S. 359. A bill to establish the Hawai'i Capital National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. INOUE. Mr. President, I rise to introduce a bill that will establish the Hawai'i Capital National Heritage Area.

National Heritage Areas allow residents, government agencies, nonprofit groups and private partners to collaboratively plan and implement programs that recognize and preserve America's defining landscapes. Of the 40 National Heritage Areas established, only a few are west of the Mississippi River. This will be Hawaii's first official Heritage Area.

I believe that Hawaii's unique cultural make up coupled with its historical significance will surely attract both residents and visitors to this special place. The proposed area is rich with cultural sites, museums, historic buildings, art galleries, performing arts venues, ethnic markets, and restaurants that will surely provide the average person with an experience of a lifetime.

This makes Hawaii Capital Cultural district an ideal candidate for a Heritage Area designation.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 359

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hawai'i Capital National Heritage Area Establishment Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term "Heritage Area" means the Hawai'i Capital National Heritage Area established by section 3(a).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by section 3(d).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area required under section 5.

(4) MAP.—The term "map" means the map entitled "Hawai'i Capital National Heritage Area Proposed Boundary", numbered T17/90,000B, and dated January 2009.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of Hawai'i.

SEC. 3. HAWAII CAPITAL NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Hawai'i Capital National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall consist of portions of Honolulu and the Honolulu Ahupua'a, as depicted on the map.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Hawai'i Capital Cultural Coalition.

(d) LOCAL COORDINATING ENTITY.—The Hawai'i Capital Cultural Coalition shall be the local coordinating entity for the Heritage Area.

SEC. 4. DUTIES AND AUTHORITIES OF THE LOCAL COORDINATING ENTITY.

(a) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with section 5;

(2) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(F) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(3) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(5) for any fiscal year for which the local coordinating entity receives Federal funds under this Act—

(A) submit to the Secretary an annual report that describes, for the fiscal year—

(i) the accomplishments, expenses, income, amounts, and sources of matching funds;

(ii) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(iii) grants made to any other entities;

(B) make available to the Secretary for audit all information relating to the expenditure of Federal funds and any matching funds for the fiscal year; and

(C) require, in all agreements authorizing the expenditure of Federal funds by other organizations, that the organizations receiving the Federal funds make available to the Secretary for audit all records and other information relating to the expenditure of the funds; and

(6) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(b) **AUTHORITIES.**—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available under this Act to—

(1) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(2) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff;

(4) obtain money or services from any source, including under any other Federal law or program;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that—

(A) further the purposes of the Heritage Area; and

(B) are consistent with the approved management plan.

(c) **PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.**—The local coordinating entity shall not use Federal funds made available under this Act to acquire real property or any interest in real property.

SEC. 5. MANAGEMENT PLAN.

(a) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to carry out this Act, the local coordinating entity shall submit to the Secretary for approval a management plan for the Heritage Area.

(b) **REQUIREMENTS.**—The management plan shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for—

(A) conveying the heritage of the region; and

(B) encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(3) include a description of actions and commitments that governments, private organizations, and individuals have agreed to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(4) specify existing and potential sources of funding or economic development strategies

to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(5) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area related to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(6) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(7) describe a program of implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, and interpretation; and

(C) specific commitments for implementation of the management plan that have been made by the local coordinating entity or any government, organization, business, or individual;

(8) include an analysis of, and recommendations for, ways in which Federal, tribal, State, and local programs may best be coordinated to carry out the purposes of this Act, including recommendations for the role of the National Park Service and other Federal agencies associated with the Heritage Area;

(9) include an interpretive plan for the Heritage Area; and

(10) include a business plan that—

(A) describes the role, operation, financing, and functions of—

(i) the local coordinating entity; and

(ii) each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(c) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary in accordance with this Act, the local coordinating entity shall be ineligible to receive additional funding under this Act until the date on which the Secretary approves the management plan.

(d) **APPROVAL OF MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of receipt of the management plan under subsection (a), the Secretary, in consultation with the Governor of the State and any applicable tribal government, shall approve or disapprove the management plan.

(2) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(B) the local coordinating entity has afforded adequate opportunity for public and governmental involvement, including workshops and public meetings, in the preparation of the management plan;

(C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(E) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials, the support of which is necessary to ensure the effective implemen-

tation of the State, tribal, and local aspects of the management plan; and

(F) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan.

(3) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves the management plan under paragraph (1), the Secretary—

(A) shall advise the local coordinating entity in writing of the reasons for the disapproval;

(B) may make recommendations to the local coordinating entity for revisions to the management plan; and

(C) not later than 180 days after the receipt of any proposed revision of the management plan from the local coordinating entity, shall approve or disapprove the proposed revised management plan.

(4) **AMENDMENTS.**—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines would make a substantial change to the management plan in accordance with this subsection.

(5) **USE OF FUNDS.**—The local coordinating entity shall not use Federal funds authorized by this Act to carry out any amendments to the management plan until the Secretary has approved the amendments.

SEC. 6. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(1) **IN GENERAL.**—On the request of the local coordinating entity, the Secretary may provide to the local coordinating entity technical and financial assistance on a reimbursable or nonreimbursable basis, as determined by the Secretary, to develop and implement the management plan.

(2) **PRIORITY ACTIONS.**—In providing assistance under this subsection, the Secretary shall give priority to actions that assist in—

(A) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities for the purposes of carrying out this subsection.

(b) **EVALUATION.**—

(1) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under section 10, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(2) **EVALUATION COMPONENTS.**—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of this Act for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) **REPORT.**—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

SEC. 7. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(c) OTHER FEDERAL AGENCIES.—Nothing in this Act—

(1) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 8. PRIVATE PROPERTY OWNERS AND REGULATORY PROTECTIONS.

Nothing in this Act—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by any Federal, tribal, State, or local agency) to the property;

(3) modifies any provisions of Federal, tribal, State, or local law with regard to public access to, or use of, private land;

(4) alters any land use regulation, approved land use plan, or other regulatory authority of any Federal, tribal, State, or local agency;

(5) conveys any land use or other regulatory authority to the local coordinating entity;

(6) authorizes or implies the reservation or appropriation of water or water rights;

(7) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(8) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(b) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The Federal share of the cost of any activity provided assistance or a grant under this Act shall not exceed 50 percent of the total cost of the activity.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share—

(A) shall be from non-Federal sources; and

(B) may be in the form of in-kind contributions of goods and services fairly valued.

SEC. 10. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide financial assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

By Mrs. MCCASKILL:

S. 360. A bill to limit compensation to officers and directors of entities receiving emergency economic assistance from the Government; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. MCCASKILL. Mr. President, I could not agree more with my colleague from Rhode Island. There are a lot of things we need in this country right now. We need jobs. We need something to stimulate our economy. We need certainty in the credit market. But probably more than anything what we need in this country right now is confidence, confidence that we can face down these problems and move forward like America has always done.

What do we have instead of confidence? Raw anger. I am mad. Everyone I work for is mad. Anger can be constructive. It can be channeling. I am here today to say it is time we channel this anger and change the law. We do not need anger. We have a bunch of idiots on Wall Street who are kicking sand in the face of the American taxpayer. My colleague talked about some of them. Let me review. These financial institutions, on the brink of extinction, come to the American taxpayer for hundreds of billions of dollars at the very same time they think they are going to buy a \$50 million corporate jet. They are going to pay out \$18 billion in bonuses. They paid an average of \$2.6 million to every executive at the first 116 banks that got taxpayer money under TARP. Let me say that again: An average of \$2.6 million in executive pay to the folks at the first 116 banks that got money from the taxpayers.

They don't get it. These people are idiots. You can't use taxpayer money to pay out \$18 billion in bonuses. Merrill Lynch is unbelievable. They saved \$3 billion to \$4 billion from the pot of money that was going to Bank of America, the sale that was going to close the first week in January. They always gave bonuses in January. Do you know what these sneaky guys did? They decided to give their bonuses in December before the Bank of America took over. They paid out \$3 billion to \$4 billion in bonuses in December, and that quarter, Merrill Lynch lost \$21 billion. What planet are these people on? What could they be thinking about?

So here is what this bill is going to do. This is called the Cap Executive Officer Pay Act of 2009, and it is very simple. Going forward, you want tax-

payers to help you survive? You want the people at your financial institution to have a job tomorrow? Then you are going to have to limit everyone's pay at your company to the same salary the President of the United States makes. Is that so unreasonable? It is eight times the median household income in the United States of America—\$400,000 a year. I don't think that sounds like a bad deal. Should these people be making more than the President of the United States? Now, really, should they? They should not be making more than the President of the United States. So every executive going forward could not make more than \$400,000 a year, and they have to limit that executive compensation for everyone in their company until they pay back every dime to the taxpayers.

Now, once they are off the public dole, once the taxpayers aren't footing the bill, then it is not as much our business what they get paid. But right now, they are on the hook to us, and they owe us something other than a fancy wastebasket and a \$50 million jet. They owe us some common sense. If any of them think it is a hardship to take the salary of the President of the United States, I dare them to say so out loud right now because that is not going to instill confidence.

What is going to instill confidence is for the men and women in these companies to realize it is time for everyone in this country to tighten their belt. It is time for everyone to realize we must have our financial institutions survive but not with a culture that thinks it is OK to kick the taxpayer in the shins while they drink champagne and fly in fancy jets. It doesn't work; not in the United States of America.

I ask my colleagues to sign on to this bill. I think it makes sense. We should have done it in the first place, but I don't think any of us thought these guys were this stupid. I don't think any of us believed they would take billions of dollars of bonuses while their institutions were literally days from being wiped out, but they did, and we have learned our lesson.

So I hope all my colleagues will sign on to this bill. I hope we can get it passed quickly so that from this day forward, the President of the United States will make the same amount of money as the executives of these companies who owe the taxpayers hundreds and hundreds of billions of dollars.

By Mr. ROCKEFELLER (for himself, Mr. WEBB, Mr. BROWN, Ms. MIKULSKI, and Mr. SANDERS

S. 362. A bill to amend title 38, United States Code, to improve the collective bargaining rights and procedures for review of adverse actions of certain employees of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, I rise today to reintroduce legislation designed to fix the personnel laws that

cover the Department of Veterans Affairs health care professionals, including registered nurses, physicians, physician assistants, dentists, podiatrists, optometrists, and dental assistants. I am proud to have the support of my colleagues, Senators WEBB, BROWN, MIKULSKI, and SANDERS.

Whenever I visit VA Medical Centers and meet with veterans, I hear wonderful stories about nurses and other VA health care professionals who work long and hard to provide care to our veterans. Too often, our health care professionals are working under real stress due to lack of funds or staff shortages. Almost 22,000 of the registered nurses caring for our veterans will be eligible to retire by 2010. Even more stunning is that 77 percent of all resignations of nurses occur within the first 5 years. This is a clear signal that more must be done to retain VA nurses and quality health care staff. Anyone involved in health care understands the important role that nurses play in the quality of care and patient satisfaction.

The goal of this bill is to support the VA health care professionals who work hard to provide quality care to our veterans. The bill seeks to return to the partnership agreement of the 1990s between VA management and workforce. Flexible scheduling and basic fairness from management are key issues that must be addressed to recruit and retain a strong workforce. Morale is important in every workplace, and particularly in a VA Medical Center.

West Virginia has four VA Medical Centers, each with a dedicated team of health care professionals. I have met with the nurses and other professionals to hear their requests for flexible scheduling. I believe that we should restore the management partnership and work hard to retain our dedicated team of health professionals for our aging veterans, and those newly returning from Iraq and Afghanistan, with both physical and mental wounds of war, that deserve experienced VA care.

AMENDMENTS SUBMITTED AND PROPOSED

SA 98. Mr. INOUE (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 98. Mr. INOUE (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year

ending September 30, 2009, and for other purpose; which was ordered to lie on the table; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Recovery and Reinvestment Act of 2009".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

DIVISION A—APPROPRIATIONS PROVISIONS	
TITLE I—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES	
TITLE II—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES	
TITLE III—DEPARTMENT OF DEFENSE	
TITLE IV—ENERGY AND WATER DEVELOPMENT	
TITLE V—FINANCIAL SERVICES AND GENERAL GOVERNMENT	
TITLE VI—DEPARTMENT OF HOMELAND SECURITY	
TITLE VII—INTERIOR, ENVIRONMENT, AND RELATED AGENCIES	
TITLE VIII—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES	
TITLE IX—LEGISLATIVE BRANCH	
TITLE X—MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES	
TITLE XI—STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS	
TITLE XII—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES	
TITLE XIII—HEALTH INFORMATION TECHNOLOGY	
TITLE XIV—STATE FISCAL STABILIZATION	
TITLE XV—RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD AND RECOVERY INDEPENDENT ADVISORY PANEL	
TITLE XVI—GENERAL PROVISIONS—THIS ACT	
DIVISION B—TAX, UNEMPLOYMENT, HEALTH, STATE FISCAL RELIEF, AND OTHER PROVISIONS	
TITLE I—TAX PROVISIONS	
TITLE II—ASSISTANCE FOR UNEMPLOYED WORKERS AND STRUGGLING FAMILIES	
TITLE III—HEALTH INSURANCE ASSISTANCE	
TITLE IV—HEALTH INFORMATION TECHNOLOGY	
TITLE V—STATE FISCAL RELIEF	
SEC. 3. REFERENCES.	

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—APPROPRIATIONS PROVISIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, and for other purposes, namely:

TITLE I—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES	
DEPARTMENT OF AGRICULTURE	
OFFICE OF THE SECRETARY	
(INCLUDING TRANSFERS OF FUNDS)	

For an additional amount for the "Office of the Secretary", \$300,000,000, to remain avail-

able until September 30, 2010: *Provided*, That the Secretary may transfer these funds to agencies of the Department, other than the Forest Service, for necessary replacement, modernization, or upgrades of laboratories or other facilities to improve workplace safety and mission-area efficiencies as deemed appropriate by the Secretary: *Provided further*, that the Secretary shall provide to the Committees on Appropriations of the House and Senate a plan on the allocation of these funds no later than 60 days after the date of enactment of this Act.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", \$5,000,000, to remain available until September 30, 2010, for oversight and audit of programs, grants, and activities funded under this title.

COOPERATIVE STATE RESEARCH, EDUCATION AND ECONOMIC SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For an additional amount for competitive grants authorized at 7 U.S.C. 450(i)(b), \$100,000,000, to remain available until September 30, 2010.

FARM SERVICE AGENCY SALARIES AND EXPENSES

For an additional amount for "Farm Service Agency, Salaries and Expenses", \$171,000,000, to remain available until September 30, 2010.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, to be available from funds in the Agricultural Credit Insurance Fund Program Account, as follows: farm ownership loans, \$400,000,000 of which \$100,000,000 shall be for unsubsidized guaranteed loans and \$300,000,000 shall be for direct loans; and operating loans, \$250,000,000 of which \$50,000,000 shall be for unsubsidized guaranteed loans and \$200,000,000 shall be for direct loans.

For an additional amount for the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to remain available until September 30, 2010, as follows: farm ownership loans, \$17,530,000 of which \$330,000 shall be for unsubsidized guaranteed loans and \$17,200,000 shall be for direct loans; and operating loans, \$24,900,000 of which \$1,300,000 shall be for unsubsidized guaranteed loans and \$23,600,000 shall be for direct loans.

Funds appropriated by this Act to the Agricultural Credit Insurance Fund Program Account for farm ownership, operating, and emergency direct loans and unsubsidized guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

NATURAL RESOURCES CONSERVATION SERVICE WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations", \$275,000,000, to remain available until September 30, 2010.

WATERSHED REHABILITATION PROGRAM

For an additional amount for the "Watershed Rehabilitation Program", \$120,000,000, to remain available until September 30, 2010.

RURAL DEVELOPMENT SALARIES AND EXPENSES
For an additional amount for "Rural Development, Salaries and Expenses", \$110,000,000, to remain available until September 30, 2010.