

U.S. trade rights, rather than endlessly pursuing new free trade agreements. Shifting the focus of U.S. trade strategy to job preservation is particularly essential in the manufacturing sector, which since 1994—the year NAFTA came into effect—has lost over 4.2 million jobs. The economic downturn over the past year has further decimated U.S. manufacturers, which have shed over 600,000 jobs in 2008 alone.

It is no coincidence that this withering of our country's once-unparalleled manufacturing base took place during a decade-and-a-half of record trade liberalization and increases in imports from large, often poorly regulated low-cost producers like China and India. In Maine, my constituents have seen this down-side of trade, with over 20,000 manufacturing jobs lost since 2000, mainly in paper and wood-working industries that have suffered from unfair competition from Asian imports.

To stem the outflow of American manufacturing jobs due to trade competition with countries that manipulate their currencies, exploit their workers or wantonly degrade their environment, it is essential that we decisively enforce the trade agreements we already have in place. Yet our Government has often failed to take this basic but crucial step when confronted with egregiously unfair trade practices. While foreign governments engage in market-distorting currency manipulation, refuse to protect intellectual property rights and turn a blind eye to labor exploitation—each a violation of trade obligations to the United States—ours all too frequently demurs with communiqués and consultations, rather than formal enforcement action. What makes this abdication of duty to defend the U.S. economy from unfair foreign practices especially troubling is that the tools to do so already exist in the dispute resolution provisions of various trade agreements.

The distressing reality is that U.S. industry and labor groups are often rebuffed in attempts to petition the United States Trade Representative to initiate a formal investigation or bring a dispute resolution action under the relevant multilateral or bilateral trade agreement, as there seems to be considerable institutional momentum among senior officials at USTR and elsewhere in the bureaucracy against bringing formal enforcement action against key trade partners. Indeed, it is a troubling fact that every single one of the petitions brought by business or labor groups in the last 8 years under Section 301 of the Trade Act of 1974—the statute setting forth the process by which members of the public can request that the government enforce of U.S. trade rights—has been rejected by USTR, in some instances on the same day they were filed!

It is to prevent further disregard for U.S. businesses and workers seeking a fair and consequential hearing of their concerns with foreign trade practices that Senators ROCKEFELLER and

CONRAD and I today introduce the Trade Complaint and Litigation Accountability Improvement Measures Act, or the Trade CLAIM Act.

The Trade CLAIM Act would amend the Section 301 process to require the United States Trade Representative to act upon an interested party's petition to take formal action in cases where a U.S. trade right has been violated, except in instances where: the matter has already been addressed by the relevant trade dispute settlement body; the foreign country is taking imminent steps to end or ameliorate the effects of the practice; taking action would do more harm than good to the U.S. economy; or taking action would cause serious harm to the national security of the United States.

The bill would also grant the U.S. Court of International Trade jurisdiction to review *de novo* USTR's denials of Section 301 industry petitions to investigate and take enforcement action against unfair foreign trade laws or practices. Such jurisdiction would include the ability to review USTR determinations that U.S. trade rights have not been violated as alleged in industry petitions, and the sufficiency of formal actions taken by USTR in response to foreign trade laws or practices determined to violate U.S. trade rights.

The Trade CLAIM Act would thus give U.S. businesses and workers a greater say in whether, when and how U.S. trade rights should be enforced. As Ranking Member of the Committee on Small Business and Entrepreneurship, I believe this bill would also be particularly beneficial to small businesses, which—like other petitioners in Section 301 cases—currently have no avenue to formally challenge the merits of USTR's decisions, and are often drowned out by large business interests in industry-wide Section 301 actions initiated by USTR.

By providing for judicial review of USTR decisions not to enforce U.S. trade rights, the bill provides for impartial third party oversight by a specialty court not subject to political and diplomatic pressures. In de-linking discreet trade disputes from the mercurial machinations of USTR's trade liberalization agenda, this Act would end the sacrifice of individual industries on the negotiating table, and allow trade enforcement claims to be decided on their merits. We owe no less to the millions of American workers whose jobs depend on the level international playing field that can only be guaranteed by their Government consistently standing up for them against unfair foreign trade practices.

AMENDMENTS SUBMITTED AND PROPOSED

SA 99. Mr. CASEY 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.

SA 100. Mr. CASEY (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 101. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 102. Ms. LANDRIEU (for herself, Mr. GRASSLEY, and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 103. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 104. Ms. MIKULSKI (for herself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 105. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 99. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows;

At the appropriate place, insert the following:

SEC. ____ . JOINT SELECT COMMITTEE ON ECONOMIC RECOVERY.

(a) ESTABLISHMENT AND COMPOSITION.—

(1) IN GENERAL.—There is established a Joint Select Committee on Economic Recovery (referred to in this section as the “joint committee”) to be composed of 20 members as follows:

(A) 10 Members of the House of Representatives, including the Chairman and Ranking Member of the Committee on Ways and Means and the Committee on Appropriations, or their designee, 4 members appointed from the majority party by the Speaker of the House, and 2 members from the minority party to be appointed by the minority leader.

(B) 10 Members of the Senate, including the Chairman and Ranking Member of the Committee on Finance and the Committee on Appropriations, or their designee, 4 members appointed from the majority party by the majority leader of the Senate, and 2 members from the minority party to be appointed by the minority leader.

(2) VACANCY.—A vacancy in the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as the original selection.

(3) **LEGISLATIVE AUTHORITY.**—The joint committee shall not have any legislative authority.

(b) **OVERSIGHT.**—

(1) **IN GENERAL.**—The joint committee shall conduct continuing oversight over the implementations of this Act with a particular focus on—

(A) the success of this Act in creating jobs; and

(B) any instances of waste, fraud, and abuse in programs funded by this Act.

(2) **REPORTS.**—The joint committee shall submit reports to the committees of jurisdiction, the Senate and House of Representatives, and the general public not less than every 3 months after the date of enactment of this Act.

(c) **RESOURCES AND DISSOLUTION.**—

(1) **RESOURCES.**—The joint committee may utilize the resources of the House of Representatives and Senate.

(2) **DISSOLUTION.**—The joint committee shall cease to exist 30 days after September 30, 2010.

SA 100. Mr. CASEY (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, between lines 3 and 4, insert the following:

SEC. ____. **ASSISTANCE FOR COSTS OF DISTRIBUTING BONUS COMMODITIES.**

(a) **PURPOSES.**—The purposes of this section are—

(1) to encourage States and food assistance agencies to accept commodities acquired by the Secretary of Agriculture for farm support and surplus removal activities; and

(2) to offset the costs of the States and food assistance agencies for the intrastate transportation, storage, and distribution of the commodities.

(b) **COSTS OF DISTRIBUTING BONUS COMMODITIES.**—Section 202 of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7502) is amended by inserting after subsection (a) the following:

“(b) **COSTS OF DISTRIBUTING BONUS COMMODITIES.**—

“(1) **IN GENERAL.**—The Secretary shall use funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to provide funding described in paragraph (2) to eligible recipient agencies to offset the costs of the agencies for intrastate transportation, storage, and distribution of commodities described in subsection (a).

“(2) **FUNDING.**—The Secretary shall provide funding described in paragraph (1) to an eligible recipient agency at a rate equal to the lower of \$0.05 per pound or \$0.05 per dollar value of commodities described in subsection (a) that are made available under this Act to, and accepted by, the eligible recipient agency.”.

SA 101. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment,

energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 129, line 10, strike “\$2,700,000,000” and insert “\$9,200,000,000”.

On page 129, line 11, strike “\$1,350,000,000” and insert “\$7,850,000,000”.

SA 102. Ms. LANDRIEU (for herself, Mr. GRASSLEY, and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 251, lines 13 and 14, strike “housing:” and insert the following: “housing: *Provided further*, That funding used for section 2301(c)(3)(E) of the Act shall also be available to redevelop demolished, blighted, or vacant properties, including those damaged or destroyed in areas subject to a disaster declaration by the President under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.):”

SA 103. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, beginning on line 22, strike “\$637,875,000” and all that follows through “equipment:” on line 13 and insert: “\$757,875,000, to remain available until September 30, 2013, of which \$84,100,000 shall be for child development centers; \$481,000,000 shall be for warrior transition complexes; \$42,400,000 shall be for health and dental clinics (including acquisition, construction, installation, and equipment); and \$120,000,000 shall be for the Secretary of the Army to carry out at least three pilot projects to use the private sector for the acquisition or construction of military unaccompanied housing for all ranks and locations in the United States.”.

SA 104. Ms. MIKULSKI (for herself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, after line 8, insert the following:

SEC. ____. **ABOVE-THE-LINE DEDUCTION FOR INTEREST ON INDEBTEDNESS WITH RESPECT TO THE PURCHASE OF CERTAIN MOTOR VEHICLES.**

(a) **IN GENERAL.**—Paragraph (2) of section 163(h) of the Internal Revenue Code of 1986 is amended—

(1) by striking “and” at the end of subparagraph (E),

(2) by striking the period at the end of subparagraph (F) and inserting “, and”, and

(3) by adding at the end the following new subparagraph:

“(G) any qualified motor vehicle interest (within the meaning of paragraph (5)).”.

(b) **QUALIFIED MOTOR VEHICLE INTEREST.**—Section 163(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(5) **QUALIFIED MOTOR VEHICLE INTEREST.**—For purposes of this subsection—

“(A) **IN GENERAL.**—The term ‘qualified motor vehicle interest’ means any interest which is paid or accrued during the taxable year on any indebtedness which—

“(i) is incurred after November 12, 2008, and before January 1, 2010, in acquiring any qualified motor vehicle of the taxpayer, and

“(ii) is secured by such qualified motor vehicle.

Such term also includes any indebtedness secured by such qualified motor vehicle resulting from the refinancing of indebtedness meeting the requirements of the preceding sentence (or this sentence); but only to the extent the amount of the indebtedness resulting from such refinancing does not exceed the amount of the refinanced indebtedness.

“(B) **DOLLAR LIMITATION.**—The aggregate amount of indebtedness treated as described in subparagraph (A) for any period shall not exceed \$49,500 (\$24,750 in the case of a separate return by a married individual).

“(C) **INCOME LIMITATION.**—The amount otherwise treated as interest under subparagraph (A) for any taxable year (after the application of subparagraph (B)) shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which is so treated as—

“(i) the excess (if any) of—

“(I) the taxpayer’s modified adjusted gross income for such taxable year, over

“(II) \$125,000 (\$250,000 in the case of a joint return), bears to

“(ii) \$10,000.

For purposes of the preceding sentence, the term ‘modified adjusted gross income’ means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

“(D) **QUALIFIED MOTOR VEHICLE.**—The term ‘qualified motor vehicle’ means a passenger automobile (within the meaning of section 30B(h)(3)) or a light truck (within the meaning of such section)—

“(i) which is acquired for use by the taxpayer and not for resale after November 12, 2008, and before January 1, 2010,

“(ii) the original use of which commences with the taxpayer, and

“(iii) which has a gross vehicle weight rating of not more than 8,500 pounds.”.

(c) **DEDUCTION ALLOWED ABOVE-THE-LINE.**—Section 62(a) of the Internal Revenue Code of 1986 is amended by inserting after paragraph (21) the following new paragraph:

“(22) **QUALIFIED MOTOR VEHICLE INTEREST.**—The deduction allowed under section 163 by reason of subsection (h)(2)(G) thereof.”.

(d) **REPORTING OF QUALIFIED MOTOR VEHICLE INTEREST.**—

(1) **IN GENERAL.**—Subpart B of part III of subchapter A of chapter 61 of the Internal

Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 6050X. RETURNS RELATING TO QUALIFIED MOTOR VEHICLE INTEREST RECEIVED IN TRADE OR BUSINESS FROM INDIVIDUALS.

“(a) QUALIFIED MOTOR VEHICLE INTEREST.—Any person—

“(1) who is engaged in a trade or business, and

“(2) who, in the course of such trade or business, receives from any individual interest aggregating \$600 or more for any calendar year on any indebtedness secured by a qualified motor vehicle (as defined in section 163(h)(5)(D)),

shall make the return described in subsection (b) with respect to each individual from whom such interest was received at such time as the Secretary may by regulations prescribe.

“(b) FORM AND MANNER OF RETURNS.—A return is described in this subsection if such return—

“(1) is in such form as the Secretary may prescribe,

“(2) contains—

“(A) the name and address of the individual from whom the interest described in subsection (a)(2) was received,

“(B) the amount of such interest received for the calendar year, and

“(C) such other information as the Secretary may prescribe.

“(c) APPLICATION TO GOVERNMENTAL UNITS.—For purposes of subsection (a)—

“(1) TREATED AS PERSONS.—The term ‘person’ includes any governmental unit (and any agency or instrumentality thereof).

“(2) SPECIAL RULES.—In the case of a governmental unit or any agency or instrumentality thereof—

“(A) subsection (a) shall be applied without regard to the trade or business requirement contained therein, and

“(B) any return required under subsection (a) shall be made by the officer or employee appropriately designated for the purpose of making such return.

“(d) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

“(1) the name, address, and phone number of the information contact of the person required to make such return, and

“(2) the aggregate amount of interest described in subsection (a)(2) received by the person required to make such return from the individual to whom the statement is required to be furnished

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made.

“(e) RETURNS WHICH WOULD BE REQUIRED TO BE MADE BY 2 OR MORE PERSONS.—Except to the extent provided in regulations prescribed by the Secretary, in the case of interest received by any person on behalf of another person, only the person first receiving such interest shall be required to make the return under subsection (a).”

(2) AMENDMENTS RELATING TO PENALTIES.—(A) Section 6721(e)(2)(A) of such Code is amended by striking “or 6050L” and inserting “6050L, or 6050X”.

(B) Section 6722(c)(1)(A) of such Code is amended by striking “or 6050L(c)” and inserting “6050L(c), or 6050X(d)”.

(C) Subparagraph (B) of section 6724(d)(1) of such Code is amended by redesignating clauses (xvi) through (xxii) as clauses (xvii)

through (xxiii), respectively, and by inserting after clause (xii) the following new clause:

“(xvi) section 6050X (relating to returns relating to qualified motor vehicle interest received in trade or business from individuals).”

(D) Paragraph (2) of section 6724(d) of such Code is amended by striking the period at the end of subparagraph (DD) and inserting “, or” and by inserting after subparagraph (DD) the following new subparagraph:

“(EE) section 6050X(d) (relating to returns relating to qualified motor vehicle interest received in trade or business from individuals).”

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6050W the following new item:

“Sec. 6050X. Returns relating to qualified motor vehicle interest received in trade or business from individuals.”

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

SEC. —. ABOVE-THE-LINE DEDUCTION FOR STATE SALES TAX AND EXCISE TAX ON THE PURCHASE OF CERTAIN MOTOR VEHICLES.

(a) IN GENERAL.—Subsection (a) of section 164 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (5) the following new paragraph:

“(6) Qualified motor vehicle taxes.”

(b) QUALIFIED MOTOR VEHICLE TAXES.—Subsection (b) of section 164 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) QUALIFIED MOTOR VEHICLE TAXES.—

“(A) IN GENERAL.—For purposes of this section, the term ‘qualified motor vehicle taxes’ means any State or local sales or excise tax imposed on the purchase of a qualified motor vehicle (as defined in section 163(h)(5)(D)).

“(B) DOLLAR LIMITATION.—The amount taken into account under subparagraph (A) for any taxable year shall not exceed \$49,500 (\$24,750 in the case of a separate return by a married individual).

“(C) INCOME LIMITATION.—The amount otherwise taken into account under subparagraph (A) (after the application of subparagraph (B)) for any taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which is so treated as—

“(i) the excess (if any) of—

“(I) the taxpayer’s modified adjusted gross income for such taxable year, over

“(II) \$125,000 (\$250,000 in the case of a joint return), bears to

“(ii) \$10,000.

For purposes of the preceding sentence, the term ‘modified adjusted gross income’ means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

“(D) QUALIFIED MOTOR VEHICLE TAXES NOT INCLUDED IN COST OF ACQUIRED PROPERTY.—The last sentence of subsection (a) shall not apply to any qualified motor vehicle taxes.

“(E) COORDINATION WITH GENERAL SALES TAX.—This paragraph shall not apply in the case of a taxpayer who makes an election under paragraph (5) for the taxable year.”

(c) CONFORMING AMENDMENTS.—Paragraph (5) of section 163(h) of the Internal Revenue Code of 1986, as added by section 1, is amended—

(1) by adding at the end the following new subparagraph:

“(E) EXCLUSION.—If the indebtedness described in subparagraph (A) includes the

amounts of any State or local sales or excise taxes paid or accrued by the taxpayer in connection with the acquisition of a qualified motor vehicle, the aggregate amount of such indebtedness taken into account under such subparagraph shall be reduced, but not below zero, by the amount of any such taxes for which a deduction is allowed under section 164(a) by reason of paragraph (6) thereof.”, and

(2) by inserting “, after the application of subparagraph (E),” after “for any period” in subparagraph (B).

(d) DEDUCTION ALLOWED ABOVE-THE-LINE.—Section 62(a) of the Internal Revenue Code of 1986, as amended by section 1, is amended by inserting after paragraph (22) the following new paragraph:

“(23) QUALIFIED MOTOR VEHICLE TAXES.—The deduction allowed under section 164 by reason of subsection (a)(6) thereof.”

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

SA 105. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 428, between lines 11 and 12, insert the following:

Subtitle D—Reports by the Government Accountability Office

SEC. 1551. REPORTS BY THE GOVERNMENT ACCOUNTABILITY OFFICE.

(a) REPORTS BY INSPECTORS GENERAL.—The inspector general of each agency that receives funds appropriated under this Act, shall submit reports on the oversight activities of that inspector general with respect to such funds to the Government Accountability Office in a form, containing such information, and at such times as the Comptroller General of the United States may determine to enable the Comptroller General to submit the reports required under subsection (b).

(b) REPORTS BY THE GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) IN GENERAL.—The Comptroller General of the United States shall submit 3 reports to Congress that contain—

(A) a summary of the oversight activities of the offices of inspectors general described under subsection (a) relating to funds appropriated under this Act; and

(B) an evaluation of the effectiveness of this Act.

(2) SUBMISSION DATES.—The reports under this subsection shall be submitted not later than—

(A) 120 days after the date of enactment of this Act;

(B) 180 days after that date of enactment; and

(C) 240 days after that date of enactment.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following fellows, detailees, and interns of the Finance Committee be allowed floor privileges during the consideration of the America Recovery and Reinvestment Act: Mary Baker, Randy Debastiani, Pete Harvey, Laura