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

SA 341. Mr. ROCKEFELLER (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 342. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 343. Mr. REED (for himself, Mr. DODD, Mr. KERRY, Mr. SCHUMER, Ms. STABENOW, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 344. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 345. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 346. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 347. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 348. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 349. Ms. SNOWE (for herself, Mrs. FEINSTEIN, Mr. BINGAMAN, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 350. Ms. SNOWE (for herself, Mrs. FEINSTEIN, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 351. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 352. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 353. Mr. ENSIGN (for himself, Mr. MCCONNELL, and Mr. ALEXANDER) proposed an amendment to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra.

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

SA 355. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 356. Mr. UDALL, of New Mexico submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 357. Mr. UDALL, of New Mexico submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 358. Mr. UDALL, of New Mexico submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 359. Mr. UDALL, of New Mexico submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 360. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 361. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 362. Mr. REID (for Mr. KENNEDY (for himself and Mr. SANDERS)) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 363. Mrs. BOXER proposed an amendment to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra.

TEXT OF AMENDMENTS

SA 207. Mr. KYL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 450, after line 22, add the following:

SEC. _____. CREDIT FOR DONATIONS FOR SCHOLARSHIPS FOR ELEMENTARY AND SECONDARY SCHOOL STUDENTS.

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

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

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

''(b) LIMITATION.—The amount of the credit allowed under this section for any taxable year shall not exceed $500.

''(c) QUALIFIED ELEMENTARY AND SECONDARY SCHOOL STUDENT SCHOLARSHIP DONATIONS.—For purposes of this section, the term 'qualified elementary and secondary school student scholarship donation' means any donation to a an organization which—

''(1) is described in section 170(b)(1)(A)(ii) or 170(c)(2), and

''(2) provides scholarships to elementary or secondary school students for tuition incurred in connection with the enrollment or attendance of such student at public, private or religious school (within the meaning of section 530(b)(3)).

''(d) NO DOUBLE BENEFIT.—No deduction shall be allowed under section 170 or any other provision of this chapter with respect to any expense which is taken into account under subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of contents for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item related to section 25D the following new item:

''Sec. 25E. Donations for scholarships for elementary and secondary school students.''.

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

SA 208. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 489, strike lines 2 through 15 and insert the following:

SEC. 1241. SPECIAL RULES APPLICABLE TO QUALIFIED SMALL BUSINESS STOCK ACQUIRED IN 2009 AND 2010.

(a) IN GENERAL.—Section 1202 is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

''(k) SPECIAL RULES FOR STOCK ACQUIRED IN 2009 AND 2010.—In the case of qualified small business stock acquired after the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009 and before January 1, 2011, the following rules shall apply:

''(1) INCREASE EXCLUSION.—Subsection (a)(1) shall be applied by substituting '100 percent' for '50 percent'.

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

''(3) EXCLUSION NOT TREATED AS A TAX PREFERENCE.—Paragraph (7) of section 57(a) shall not apply and section 53(d)(1)(B)(ii)(II) shall be applied by disregarding any item of tax preference described in paragraph (7) of section 57(a).

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

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

SA 209. Mr. GRASSLEY (for himself, Mr. SCHUMER, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment,

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

Strike subsection (a) of section 1004 of division B and insert the following:

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

''(i) AMERICAN OPPORTUNITY TAX CREDIT.—In the case of any taxable year beginning in 2009 or 2010—

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

''(A) 100 percent of so much of the qualified tuition and related expenses paid by the taxpayer during the taxable year (for education furnished to the eligible student during any academic period beginning in such taxable year) as does not exceed $1,500,

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

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

''(2) CREDIT ALLOWED FOR FIRST 4 YEARS OF POST-SECONDARY EDUCATION.—Subparagraphs (A) and (C) of subsection (b)(2) shall be applied by substituting '4' for '2'.

''(3) QUALIFIED TUITION AND RELATED EXPENSES TO INCLUDE REQUIRED COURSE MATERIALS.—Subsection (f)(1)(A) shall be applied by substituting 'tuition, fees, and course materials' for 'tuition and fees'.

''(4) INCREASE IN AGI LIMITS FOR HOPE SCHOLARSHIP CREDIT.—In lieu of applying subsection (d) with respect to the Hope Scholarship Credit, such credit (determined without regard to this paragraph) shall be reduced (but not below zero) by the amount which bears the same ratio to such credit (as so determined) as—

''(A) the excess of—

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

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

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

''(5) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, so much of the credit allowed under subsection (a) as is attributable to the Hope Scholarship Credit shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this subsection and sections 23, 25D, and 30D) and section 27 for the taxable year.

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

''(6) PORTION OF CREDIT MADE REFUNDABLE.—25 percent of so much of the credit allowed under subsection (a) as is attributable to the Hope Scholarship Credit (determined after application of paragraph (4) and without regard to this paragraph and section 26(a)(2) or paragraph (5), as the case may be) shall be treated as a credit allowable under subpart C (and not allowed under subsection (a)). The preceding sentence shall not apply to any taxpayer for any taxable year if such taxpayer is a child to whom subsection (g) of section 1 applies for such taxable year.

''(7) COORDINATION WITH MIDWESTERN DISASTER AREA BENEFITS.—In the case of a taxpayer with respect to whom section 702(a)(1)(B) of the Heartland Disaster Tax Relief Act of 2008 applies for any taxable year, such taxpayer may elect to waive the application of this subsection to such taxpayer for such taxable year.''.

SA 210. Mr. CORNYN (for himself, Mr. GRASSLEY, Mr. COBURN, and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 723, between lines 7 and 8, insert the following:

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

(A) REQUIREMENT TO SUBMIT PLAN FOR APPROVAL.—

(i) IN GENERAL.—A State is not eligible for an increase in its FMAP under subsection (a), (b), or (c), or an increase in a cap amount under subsection (d), for any fiscal year quarter occurring during the recessionary adjustment period that begins on or after October 1, 2009, unless, not later than 6 months after the first date on which the State receives additional Federal funds under this section, the State submits a report to the Secretary that contains a plan for implementation of at least 4 of the anti-fraud measures described in subparagraph (B) with respect to the State Medicaid program under title XIX of the Social Security Act.

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

(B) ANTI-FRAUD MEASURES DESCRIBED.—The anti-fraud measures described in this subparagraph are the following:

(i) Implementation, in consultation with the Secretary and in coordination and consistent with activities carried out under contracts entered into under section 1893(h) of the Social Security Act (42 U.S.C. 1395ddd), of a recovery audit program under Medicaid.

(ii) Implementation of a Medicare-Medicaid data match program under section 1893(g) of the Social Security Act (42 U.S.C. 1395ddd).

(iii) Implementation of enhanced third party liability identification programs under section 1902(a)(25) of the Social Security Act to carry out the amendments made by section 6035 of the Deficit Reduction Act of 2005.

(iv) An increase in the amount of State expenditures attributable to the operation of the State medicaid fraud control unit described in section 1903(q) of the Social Security Act (42 U.S.C. 1396b(q)) by at least 50 percent more than the amount of such expenditures for the most recent fiscal year.

(v) Operation, beginning on October 1, 2009, of an eligibility determination system which provides for data matching through the Public Assistance Reporting Information System (PARIS), in accordance with the requirements of section 1903(r)(3) of the Social Security Act (42 U.S.C. 1396b(r)(3)).

(vi) Full implementation of the requirements of section 1923(j) of the Social Security Act (42 U.S.C. 1396r–4(j)), including the requirement for an annual, independent certified audit of DSH payment adjustments made to hospitals.

(vii) Full implementation, beginning on October 1, 2009, of an asset verification program that satisfies the requirements of section 1940 of the Social Security Act (42 U.S.C. 1396w).

(viii) Online, public access, posting of all Medicaid claims and patient encounter data (with such data patient de-identified and otherwise made available in a manner that protects the privacy of patients).

(ix) Electronic eligibility verification of Medicaid beneficiaries to confirm client identification, eligibility, and to reduce administrative costs.

(x) Any other policy proposed by a State that the Secretary certifies is likely to reduce fraud in the State's Medicaid program.

(C) GAO REPORTS.—The Comptroller General of the United States shall submit the following reports to Congress on the plans submitted by States under subparagraph (A)(i):

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

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

SA 211. Mr. CORNYN (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. COBURN, and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 723, between lines 7 and 8, insert the following:

(3) LONG-TERM MEDICAID FISCAL OUTLOOK AND SUSTAINABILITY PLAN; ANNUAL GAO REPORT.—

(A) IN GENERAL.—A State is not eligible for an increase in its FMAP under subsection (a), (b), or (c), or an increase in a cap amount under subsection (d), for any fiscal year quarter occurring during the recessionary adjustment period that begins on or after October 1, 2009, and before the date on which the State submits a report to the Secretary detailing the State's fiscal situation with respect to the State Medicaid program and the State's plan to ensure the long-term sustainability of its State Medicaid program that contains the information described in subparagraph (B). The Secretary shall make the reports submitted under this subparagraph publicly available.

(B) REQUIRED INFORMATION.—

(i) FISCAL OUTLOOK REQUIREMENTS.—The report required under subparagraph (A), shall include the following with respect to the fiscal outlook for the State:

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

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

(III) Recommendations for State actions in the next 5 years to ensure adequate State funding over the 10 and 25 year periods.

(ii) LONG-TERM SUSTAINABILITY PLAN.—The report required under subparagraph (A), shall include plans for reforms specified by the State with respect to each of the following:

(I) Program integrity.

(II) Payment reform.

(III) Capacity reform.

(IV) Market reform.

(C) GAO REPORT.—Beginning with fiscal year 2012, and every third fiscal year thereafter, the Comptroller General of the United States shall submit a report to Congress regarding the fiscal situation with respect to each State Medicaid program relative to the fiscal situation of such each such program on October 1, 2009. Subsection (i) of this section shall not apply to this subparagraph.

SA 212. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 399, between lines 6 and 7, insert the following:

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

(a) DEFINITIONS.—In this section:

(1) HIGH 2006 EDUCATION SUPPORT LEVEL.—The term ''high 2006 education support level'', when used with respect to a State, means a State for which the level of State support for elementary and secondary education or State support for higher education in fiscal year 2008 is less than the level of State support for elementary and secondary education, or State support for higher education, respectively, in fiscal year 2006.

(2) STATE SUPPORT FOR ELEMENTARY AND SECONDARY EDUCATION.—The term ''State support for elementary and secondary education'' means the support provided by the State for elementary and secondary education, but not including capital projects.

(3) STATE SUPPORT FOR HIGHER EDUCATION.—The term ''State support for higher education'' means the support provided by a State for public institutions of higher education in the State, but not including support provided for capital projects or for research and development.

(b) MAINTENANCE OF EFFORT.—Notwithstanding section 1405, a State with a high 2006 education support level that meets all requirements for a grant under this title except for section 1405(d)(1) shall receive such grant if, for each of fiscal years 2009 and 2010, such State does not reduce the percentage of State general funds that are to be used for State support for elementary and secondary education, and the percentage of State general funds that are to be used for State support for higher education, by more than one percent, as compared to the percentage of State general funds that are to be used for State support for elementary and secondary education, and the percentage of State general funds that are to be used for State support for higher education, respectively, for the fiscal year preceding the fiscal year for which the determination is being made.

(c) USE OF FUNDS.—

(1) RESTORING STATE SUPPORT FOR ELEMENTARY AND SECONDARY EDUCATION.—Notwithstanding section 1402, the Governor of a State with a high 2006 education support level shall, for each of fiscal years 2009 and 2010, use at least 61 percent of the State's allocation under section 1401(d) for the support of elementary, secondary, and postsecondary education by—

(A)(i) providing the amount of funds, through such State's principal elementary and secondary funding formula, that is needed to restore State support for elementary and secondary education to the level of such State support in fiscal year 2006 or fiscal year 2008, whichever level is greater; and

(ii) providing the amount of funds that is needed to restore State support for higher education to the level of such State support in fiscal year 2006 or fiscal year 2008, whichever level is greater; and

(B) using any remaining funds to provide subgrants described in section 1402(a)(3).

(2) SHORTFALL.—Notwithstanding section 1402, if the Governor of a State with a high 2006 education support level determines that the amount of funds available under paragraph (1) for a fiscal year is insufficient to restore State support for education to the levels described in clauses (i) and (ii) of paragraph (1)(A), the Governor shall—

(A) allocate those funds between those clauses in proportion to the relative shortfall in State support for the education sectors described in such clauses; and

(B) after making the allocation under subparagraph (A), use the amounts remaining from the State's allocation under section 1401(d) to restore State support for each such education sector that has a high 2006 education support level, to the fiscal year 2006 level.

(3) OTHER GOVERNMENT SERVICES.—Notwithstanding section 1402, for each of fiscal years 2009 and 2010, the Governor of a State with a high 2006 education support level shall use the amount of the State's allocation under section 1401(d) that remains after the application of paragraphs (1) and (2) for public safety and other government services, which may include assistance for elementary and secondary education and public institutions of higher education.

(d) WAIVERS.—The Secretary of Education may waive, on a case-by-case basis, any requirement of this section for a State on the basis of financial hardship.

SA 213. Mr. REID (for Mr. KENNEDY (for himself, Mr. KERRY, Mrs. SHAHEEN, and Mr. VOINOVICH)) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 404, add the following:

(c) SENSE OF CONGRESS.—It is the sense of Congress that to fulfill the goal of expedited issuance of loan guarantees to maximize the rapid stimulus effect of provided funds, the Secretary of Energy should immediately issue loan guarantees under section 1705 of the Energy Policy Act of 2005 (as added by subsection (a)) using funds provided to carry out that section for the subsidy cost for existing final round applicants under the loan guarantee program under section 1703 of that Act (42 U.S.C. 16513) that fall within the categories described in section 1705(b) of that Act (as added by subsection (a)).

SA 214. Mr. KOHL (for himself, Ms. SNOWE, Ms. STABENOW, Mr. BROWN, Mr. WHITEHOUSE, Mr. LEVIN, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 203. HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.

(a) APPROPRIATION OF ADDITIONAL AMOUNT.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, for an additional amount for ''Industrial Technology Services'', $30,000,000, to remain available until September 30, 2010.

(b) AVAILABILITY.—Of the amount appropriated or otherwise made available by subsection (a), $30,000,000 shall be available for the necessary expenses of the Hollings Manufacturing Partnership Program. Such amount shall be in addition to any other amounts made available for the Hollings Manufacturing Partnership Program under title II of this division.

(c) OFFSET.—The amount appropriated or otherwise made available by this title under the heading ''SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES'' is hereby decreased by $30,000,000.

(d) EXEMPTION FROM COST SHARING REQUIREMENTS.—The cost sharing requirements contained in the second sentence of paragraph (1), subparagraphs (B) and (C) of paragraph (3), and paragraph (4)(D) of section 25(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)) shall not apply to a Hollings Manufacturing Extension Center with respect to receipt of financial support from funds made available under subsection (b).

SA 215. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 244, between lines 2 and 3, insert the following:

SEC. 12___. Amounts made available under this title for distribution by the Federal Highway Administration for surface transportation projects shall not be subject to section 133(c) of title 23, United States Code, or any other provision of law that restricts the use of those funds for projects relating to local or rural roads or bridges.

SA 216. Mr. SANDERS (for himself, Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations

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

On page 228, line 19, strike ''$20,000,000'' and insert ''$1,000,000''.

SA 217. Mr. BROWN (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

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

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

SA 218. Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. BROWN, Ms. STABENOW, Mr. SANDERS, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

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

On page 123, line 12, insert ''(and an additional amount of $300,000,000)'' before ''for adult''.

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

On page 124, line 10, insert ''(and an additional amount of $500,000,000)'' before ''for grants''.

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

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

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

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

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

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

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

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

SA 219. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

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

(c) INCREASED FUNDING.—

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

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

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

(2) EMERGENCY DESIGNATION.—Each amount provided as a result of the amendments made by paragraph (1) is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

SA 220. Mr. MENENDEZ (for himself, Mr. DURBIN, Mr. DODD, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, line 14, before the period, insert the following:

'', and for an additional amount for the fire grant program under section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a), $500,000,000, to remain available until expended: *Provided*, That this amount is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.''

SA 221. Mr. LEAHY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 244, between lines 2 and 3, insert the following:

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

(a) DEFINITION OF COVERED TRANSPORTATION PROGRAM OR ACTIVITY.—In this section, the term ''covered transportation program or activity'' means a program or activity for which funds are authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) or an amendment made by that Act.

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

(c) EFFECT OF SECTION.—Nothing in this section prohibits a State or local government from contributing non-Federal funds toward the cost of a covered transportation program or activity.

SA 222. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 461, after line 10, insert the following:

SEC. 1124. CREDIT FOR BATTERY POWERED LAWN MOWERS.

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

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

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

''(b) QUALIFIED BATTERY POWERED LAWN MOWER EXPENSES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified battery powered lawn mower expenses' means the cost of any battery powered lawn mower the original use of which commences with the taxpayer and which is placed in service by the taxpayer during the taxable year.

''(2) BATTERY POWERED LAWN MOWER.—The term 'battery powered lawn mower' means a machine primarily for cutting grass which is powered by a motor drawing current only from rechargeable or replaceable batteries.''.

(b) CONFORMING AMENDMENTS.—

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

(2) Section 25(e)(1)(C)(ii) is amended by inserting ''25E,'' after ''25D,''.

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

(4) Section 904(i) is amended by striking ''and 25B'' and inserting ''25B, and 25E''.

(5) Section 1400C(d)(2) is amended by striking ''and 25D'' and inserting ''25D, and 25E''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Credit for battery powered lawn mowers.''.

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

SA 223. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 583, line 14, insert '', without regard to State restrictions on such compensation to individuals receiving stipends or other training allowances that can be used for non-training costs'' after ''1998''.

SA 224. Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. CARDIN, and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 105, between lines 3 and 4, insert the following:

SEC. 505. SMALL BUSINESS PROCUREMENT.

(a) EXISTING LAW.—Part 19 of the Federal Acquisition Regulation, section 15 of the Small Business Act (15 U.S.C. 644), and any other applicable procurement laws and regulations may not be waived with respect to contracts awarded with funds made available under this Act.

(b) CONTRACTS FOR SMALL BUSINESS CONCERNS.—To the maximum extent practicable, Federal agencies and State and local governments that receive funds under this Act shall award prime contracts to small business concerns.

SEC. 506. REPORT ON SMALL BUSINESS CONTRACTING.

(a) IN GENERAL.—The Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and the President, a report on the prime contracts and subcontracts made with funds appropriated to any Federal agency under this Act and awarded to small business concerns.

(b) CONTENTS.—The report under subsection (a) shall include—

(1) the number of prime contracts and subcontracts awarded to small business concerns by such Federal agency; and

(2) the percentage of the total number of prime contracts and subcontracts awarded by such Federal agency that are awarded to small business concerns.

(c) TIMING.—The report under subsection (a) shall be submitted not later than 180 days after the date of enactment of this Act, and once every 180 days thereafter during the 3 years following the date of enactment of this Act.

SA 225. Ms. SNOWE (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. EXTENSION OF WAIVER OF REQUIRED MINIMUM DISTRIBUTION RULES FROM CERTAIN RETIREMENT PLANS AND ACCOUNTS.

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

(1) by striking ''for calendar year 2009'' in clause (i) and inserting ''in calendar years 2009 or 2010'',

(2) by striking ''2009'' in clause (ii)(I) and inserting ''2010'', and

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

(b) ELIGIBLE ROLLOVER DISTRIBUTIONS.—The last sentence of section 402(c)(4), as added by the Worker, Retiree, and Employer Recovery Act of 2008, is amended by inserting ''or 2010'' after ''2009''.

(c) EFFECTIVE DATES.—

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

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

(A) IN GENERAL.—If this paragraph applies to any pension plan or contract amendment, such pension plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (B)(ii)(I).

(B) AMENDMENTS TO WHICH PARAGRAPH APPLIES.—

(i) IN GENERAL.—This paragraph shall apply to any amendment to any pension plan or annuity contract which—

(I) is made by pursuant to the amendments made by this section, and

(II) is made on or before the last day of the first plan year beginning on or after January 1, 2011.

In the case of a governmental plan, subclause (II) shall be applied by substituting ''2012'' for ''2011''.

(ii) CONDITIONS.—This paragraph shall not apply to any amendment unless during the period beginning on January 1, 2009, and ending on December 31, 2010 (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect.

SA 226. Mr. ENSIGN (for himself, Mr. SCHUMER, and Mr. CRAPO) 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 end of part I of subtitle A of title I of division B, insert the following:

SEC. ___. REPEAL OF EXCISE TAX ON TELEPHONE AND OTHER COMMUNICATIONS SERVICES.

(a) IN GENERAL.—Chapter 33 (relating to facilities and services) is amended by striking subchapter B.

(b) CONFORMING AMENDMENTS.—

(1) Section 4293 is amended by striking ''chapter 32 (other than the taxes imposed by sections 4064 and 4121) and subchapter B of chapter 33,'' and inserting ''and chapter 32 (other than the taxes imposed by sections 4064 and 4121),''.

(2)(A) Paragraph (1) of section 6302(e) is amended by striking ''section 4251 or''.

(B) Paragraph (2) of section 6302(e) is amended—

(i) by striking ''imposed by—'' and all that follows through ''with respect to'' and inserting ''imposed by section 4261 or 4271 with respect to'', and

(ii) by striking ''bills rendered or''.

(C) The heading for subsection (e) of section 6302 is amended by striking ''COMMUNICATIONS SERVICES AND''.

(3) Section 6415 is amended by striking ''4251, 4261, or 4271'' each place it appears and inserting ''4261 or 4271''.

(4) Paragraph (2) of section 7871(a) is amended by inserting ''or'' at the end of subparagraph (B), by striking subparagraph (C), and by redesignating subparagraph (D) as subparagraph (C).

(5) The table of subchapters for chapter 33 is amended by striking the item relating to subchapter B.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid pursuant to bills first rendered more than 90 days after the date of the enactment of this Act.

SA 227. Mr. ENSIGN 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 end of subtitle C of title I of division B, insert the following:

PART IX—REDUCTION IN CORPORATE INCOME TAX RATES

SEC. ___. PERMANENT REDUCTION IN CORPORATE INCOME TAX RATES.

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

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

(b) CONFORMING AMENDMENTS.—

(1) Section 1201 is amended—

(A) in subsection (a)—

(i) by striking ''35 percent'' each place it appears and inserting ''15 percent'', and

(ii) by striking ''(determined without regard to the last 2 sentences of section 11(b)(1))'', and

(B) by striking subsection (b) and redesignating subsection (c) as subsection (b).

(2) Section 1445(e) is amended by striking ''35 percent'' each place it appears and inserting ''15 percent''.

(c) CLERICAL AMENDMENTS.—

(1) Sections 280(c)(3)(B)(ii)(II), 860E(2)(B), and 860E(6)(A)(ii) are each amended by striking ''11(b)(1)'' and inserting ''11(b)''.

(2) Section 904(b)(3)(D)(ii) is amended by striking ''(determined without regard to the last sentence of section 11(b)(1))''.

(3) Section 962 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

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

SA 228. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill 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 252, line 7, after ''activities:'', insert the following: ''*Provided further*, That in the case of any foreclosure on any dwelling or residential real property acquired with any amounts made available under this heading, any successor in interest in such property pursuant to the foreclosure shall assume such interest subject to: (1) the provision by such successor in interest of a notice to vacate to any bona fide tenant at least 90 days before the effective date of such notice; and (2) the rights of any bona fide tenant, as of the date of such notice of foreclosure: (A) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90-day notice under this paragraph; or (B) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90-day notice under this paragraph, except that nothing in this paragraph shall affect the requirements for termination of any Federal- or State-subsidized tenancy or of any State or local law that provides longer time periods or other additional protections for tenants: *Provided further*, That, for purposes of this paragraph, a lease or tenancy shall be considered bona fide only if: (1) the mortgagor under the contract is not the tenant; (2) the lease or tenancy was the result of an arms-length transaction; and (3) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property: *Provided further*, That the recipient of any grant or loan from amounts made available under this heading may not refuse to lease a dwelling unit in housing assisted with such loan or grant to a holder of a voucher or certificate of eligibility under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) because of the status of the prospective tenant as such a holder: *Provided further*, That in the case of any qualified foreclosed housing for which funds made available under this heading are used and in which a recipient of assistance under section 8(o) of the U.S. Housing Act of 1937 resides at the time of acquisition or financing, the owner and any successor in interest shall be subject to the lease and to the housing assistance payments contract for the occupied unit: *Provided further*, That vacating the property prior to sale shall not constitute good cause for termination of the tenancy unless the property is unmarketable while occupied or unless the owner or subsequent purchaser desires the unit for personal or family use: *Provided further*, That this paragraph shall not preempt any State or local law that provides more protection for tenants: *Provided further*, That amounts made available under this heading may be used for the costs of demolishing foreclosed housing that is deteriorated or unsafe: *Provided further*, That no amounts from a grant made under this paragraph may be used to demolish any public housing (as such term is defined in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a)): *Provided further*, That section 2301(d)(4) of the Housing and Economic Recovery Act of 2008 (Public Law 110–289) is repealed:''

SA 229. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, between lines 8 and 9, insert the following:

SEC. _____. MODIFICATION OF THE TAX RATE FOR THE EXCISE TAX ON INVESTMENT INCOME OF PRIVATE FOUNDATIONS.

(a) IN GENERAL.—Subsection (a) of section 4940 is amended by striking ''2 percent'' and inserting ''1.33 percent''.

(b) ELIMINATION OF REDUCED TAX WHERE FOUNDATION MEETS CERTAIN DISTRIBUTION REQUIREMENTS.—Section 4940 is amended by striking subsection (e).

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

SA 230. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, between lines 8 and 9, insert the following:

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

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

''(3) TEMPORARY MINIMUM CREDIT RATE FOR CERTAIN FEDERALLY SUBSIDIZED NEW BUILDINGS.—In the case of any new building—

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

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

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

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

SA 231. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, between lines 8 and 9, insert the following:

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

(a) IN GENERAL.—Section 146(i)(6)(A) is amended by inserting ''(12-month period in the case of repayments made before January 1, 2011)'' after ''6-month period''.

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

SA 232. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, between lines 8 and 9, insert the following:

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

(a) IN GENERAL.—Section 146(i)(6)(A) is amended by striking ''6-month period'' and inserting ''12-month period''.

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

SA 233. Mr. SCHUMER (for himself, Mr. GRASSLEY, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and 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. —. DETERMINATION OF STANDARD MILEAGE RATE FOR CHARITABLE CONTRIBUTIONS DEDUCTION.

(a) IN GENERAL.—Subsection (i) of section 170 is amended to read as follows:

''(i) STANDARD MILEAGE RATE FOR USE OF PASSENGER AUTOMOBILE.—

''(1) IN GENERAL.—For purposes of computing the deduction under this section for use of a passenger automobile, the standard mileage rate shall be 14 cents per mile.

''(2) SPECIAL RULE FOR 2009 AND 2010.—For miles traveled after the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009 and before January 1, 2011, the standard mileage rate shall be the rate determined by the Secretary, which rate shall not be less than the standard mileage rate used for purposes of section 213.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to miles traveled after the date of the enactment of this Act.

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

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

''SEC. 139C. CHARITABLE MILEAGE REIMBURSEMENT.

''(a) IN GENERAL.—In the case of an individual, gross income shall not include amounts received from an organization described in section 170(c)(2) as reimbursement of operating expenses with respect to the use of a passenger automobile for the benefit of such organization.

''(b) LIMITATION.—The amount excluded from gross income under subsection (a) shall not exceed the product of the standard mileage rate used for purposes of section 162 multiplied by the number of miles traveled for which such reimbursement is made.

''(c) APPLICATION TO VOLUNTEER SERVICES ONLY.—Subsection (a) shall not apply with respect to any expenses relating to the performance of services for compensation.

''(d) NO DOUBLE BENEFIT.—A taxpayer may not claim a deduction or credit under any other provision of this title with respect to reimbursements excluded from income under subsection (a).

''(e) EXEMPTION FROM REPORTING REQUIREMENTS.—Section 6041 shall not apply with respect to reimbursements excluded from income under subsection (a).

''(f) MAINTENANCE OF RECORDS.—For purposes of this section, no exclusion shall be allowed under subsection (a) for any reimbursement unless with respect to such reimbursement the taxpayer meets substantiation requirements similar to the requirements of section 274(d).

''(g) TERMINATION.—This section shall not apply to any miles traveled after December 31, 2010.''.

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

''Sec. 139C. Charitable mileage reimbursement.''.

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

SA 234. Mr. SCHUMER (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

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

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

(a) IN GENERAL.—Subsection (i) of section 170 is amended to read as follows:

''(i) STANDARD MILEAGE RATE FOR USE OF PASSENGER AUTOMOBILE.—For purposes of computing the deduction under this section for use of a passenger automobile, the standard mileage rate shall be the rate determined by the Secretary, which rate shall not be less than the standard mileage rate used for purposes of section 213.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to miles traveled after the date of the enactment of this Act.

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

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

''SEC. 139C. CHARITABLE MILEAGE REIMBURSEMENT.

''(a) IN GENERAL.—In the case of an individual, gross income shall not include amounts received from an organization described in section 170(c)(2) as reimbursement of operating expenses with respect to the use of a passenger automobile for the benefit of such organization.

''(b) LIMITATION.—The amount excluded from gross income under subsection (a) shall not exceed the product of the standard mileage rate used for purposes of section 162 multiplied by the number of miles traveled for which such reimbursement is made.

''(c) APPLICATION TO VOLUNTEER SERVICES ONLY.—Subsection (a) shall not apply with respect to any expenses relating to the performance of services for compensation.

''(d) NO DOUBLE BENEFIT.—A taxpayer may not claim a deduction or credit under any other provision of this title with respect to reimbursements excluded from income under subsection (a).

''(e) EXEMPTION FROM REPORTING REQUIREMENTS.—Section 6041 shall not apply with respect to reimbursements excluded from income under subsection (a).

''(f) MAINTENANCE OF RECORDS.—For purposes of this section, no exclusion shall be allowed under subsection (a) for any reimbursement unless with respect to such reimbursement the taxpayer meets substantiation requirements similar to the requirements of section 274(d).''.

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

''Sec. 139C. Charitable mileage reimbursement.''.

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

SA 235. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 409, strike lines 16 through 19, and insert the following:

(C) auditing or reviewing covered funds to determine whether wasteful spending, poor contract or grant management, or other abuses are occurring and referring matters the Board considers appropriate for investigation to the inspector general for the agency that disbursed the covered funds;

On page 410, line 3, insert before the period '', including coordinating and collaborating to the extent practicable with the Inspectors General Council on Integrity and Efficiency established by the Inspector General Reform Act of 2008 (Public Law 110–409)''.

On page 411, strike lines 1 through 3, and insert ''subject to disclosure under sections 552 and 552a of title 5, United States Code, (commonly referred to as the Freedom of Information Act and the Privacy Act).''

On page 411, line 20, strike all after ''conduct'' through line 22, and insert ''audits and reviews of spending of covered funds and coordinate on such activities with the inspectors general of the relevant agencies to avoid duplication of work.''.

On page 411, line 23, strike ''INVESTIGATIONS'' and insert ''REVIEWS''.

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

On page 412, line 3, strike ''investigations'' and insert ''reviews''.

On page 412, line 7, strike ''INVESTIGATIONS'' and insert ''REVIEWS''.

On page 412, line 10, insert ''Additionally, the Board may issue subpoenas to compel the testimony of persons who are not Federal officers or employees and may enforce such subpoenas in the same manner as provided for inspector general subpoenas under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).'' at the end.

On page 412, lines 16 and 17, strike ''investigative depositions'' and insert ''necessary inquiries''.

On page 412, strike lines 21 through 23 and insert ''are not Federal officers or employees at such public hearings. Any such subpoenas may be enforced in the same manner as provided for inspector general subpoenas under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).''.

On page 413, line 8, strike all after ''audits'' through line 11 and insert '', reviews, or other activities relating to oversight by the Board of covered funds to any office of inspector general (including for the purpose of a related investigation of an inspector general), the Office of Management and Budget, the General Services Administration, and the Panel.''.

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

On page 415, line 23, strike the period through line 25 and insert '', a brief statement or notification. The statement or notification shall state the reasons that the inspector general has rejected the request in whole or in part. The decision of the inspector general to reject the request shall be final.''.

SA 236. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 22, strike ''2010'' and insert ''2011''.

On page 3, line 23, insert before the period ''and an additional $17,500,000 for such purposes, to remain available until September 30, 2011''.

On page 41, line 4, strike ''2010.'' and insert ''2011, and an additional $4,000,000 for such purposes, to remain available until September 30, 2011.''.

On page 41, line 21, strike ''2010'' and insert ''2011''.

On page 47, line 8, strike ''2010'' and insert ''2011''.

On page 47, line 26, strike ''2010'' and insert ''2011''.

On page 60, line 4, strike ''2010.'' and insert ''2011, and an additional $3,000,000 for such purposes, to remain available until September 30, 2011.''.

On page 77, line 19, strike ''expended.'' and insert ''September 30, 2012, and an additional $10,000,000 for such purposes, to remain available until September 30, 2012.''.

On page 95, line 12, insert before the period ''and an additional $13,000,000 for such purposes, to remain available until September 30, 2011''.

On page 105, line 9, strike ''$248,000,000'' and insert ''$142,600,000''.

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

On page 116, line 21, strike ''2010.'' and insert ''2011, and an additional $7,400,000 for such purposes, to remain available until September 30, 2011.''.

On page 127, line 14, strike ''2010'' and insert ''2011''.

On page 137, line 8, strike ''2011.'' and insert ''2012, and an additional $15,000,000 for such purposes, to remain available until September 30, 2011.''.

On page 146, line 12, insert before the period ''and an additional $10,000,000 for such purposes, to remain available until September 30, 2012''.

On page 149, between lines 5 and 6, insert the following:

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, $1,000,000, which shall remain available until September 30, 2011.

On page 214, line 19, strike ''2010'' and insert ''2011''.

On page 225, line 6, strike ''2010'' and insert ''2011''.

On page 226, line 23, strike ''2010'' and insert ''2011''.

On page 243, line 6 insert '', and an additional $12,250,000 for such purposes, to remain available until September 30, 2011'' before the colon.

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

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

SA 237. Mr. CARDIN (for himself, Ms. LANDRIEU, and Ms. SNOWE) proposed an amendment to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; as follows:

On page 105, between lines 3 and 4, insert the following:

SEC. 505. SURETY BONDS.

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)'';

(2) by striking ''$2,000,000'' and inserting ''$5,000,000''; and

(3) by adding at the end the following:

''(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract amount that does not exceed $10,000,000, if a contracting officer of a Federal agency certifies that such a guarantee is necessary.''.

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

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

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

SA 238. Mr. GRASSLEY (for Mr. THUNE) proposed an amendment to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; as follows:

At the appropriate place, insert the following:

IN GENERAL.—Notwithstanding any other provision of this Act, for each amount in each account as appropriated or otherwise authorized to be made available in this Act, the Office of Management and Budget shall make a determination about whether an authorization for that specific program had been enacted prior to February 1, 2009, and if no such authorization existed by that date, then the Office of Management and Budget shall reduce to zero the amount appropriated or otherwise made available for each program in each account where no authorization existed.

SA 239. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, between lines 4 and 5, insert the following:

EXTENSION OF PILOT PROGRAMS FOR EMPLOYMENT ELIGIBILITY CONFIRMATION

SEC. 603. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) is amended by striking ''11-year period'' and inserting ''16-year period''.

PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS RELATED TO PILOT PROGRAMS FOR EMPLOYMENT ELIGIBILITY CONFIRMATION

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

(1) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Appropriations, the Committee on Finance, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Appropriations, the Committee on the Judiciary, and the Committee on Ways and Means of the House of Representatives.

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Social Security.

(3) PILOT PROGRAM.—The term ''pilot program'' means the pilot program carried out under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(b) FUNDING UNDER AGREEMENT.—For each fiscal year after fiscal year 2008, the Commissioner and the Secretary shall enter into an agreement that—

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

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

(B) responding to individuals who contest tentative nonconfirmations provided by the confirmation system established pursuant to the pilot program;

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

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

(c) CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.—

(1) CONTINUATION OF PREVIOUS AGREEMENT.—

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

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

(i) inflation; or

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

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

(A) not later than the first day of such fiscal year, submit to the appropriate committees of Congress a notification of the failure to reach the agreement required under subsection (b) for such fiscal year; and

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

and the Secretary to reach such an agreement.

STUDY AND REPORT OF ERRONEOUS RESPONSES SENT UNDER THE PILOT PROGRAM FOR EMPLOYMENT ELIGIBILITY CONFIRMATION

SEC. 605. (a) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study of the erroneous tentative nonconfirmations sent to individuals seeking confirmation of employment eligibility under the pilot program established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note).

(b) MATTERS TO BE STUDIED.—The study required by subsection (a) shall include an analysis of—

(1) the causes of erroneous tentative nonconfirmations sent to individuals under the pilot program referred to in subsection (a);

(2) the processes by which such erroneous tentative nonconfirmations are remedied; and

(3) the effect of such erroneous tentative nonconfirmations on individuals, employers, and agencies and departments of the United States.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Finance and the Committee on the Judiciary of the Senate and the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives a report on the results of the study required by this section.

STUDY AND REPORT OF THE EFFECTS OF THE PILOT PROGRAM FOR EMPLOYMENT ELIGIBILITY CONFIRMATION ON SMALL ENTITIES

SEC. 606. (a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on the Judiciary of the Senate; and

(B) the Committee on the Judiciary of the House of Representatives.

(2) COMPTROLLER GENERAL.—The term ''Comptroller General'' means the Comptroller General of the United States.

(3) PILOT PROGRAM.—The term ''pilot program'' means the pilot program described in section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note).

(4) SMALL ENTITY.—The term ''small entity'' has the meaning given that term in section 601 of title 5, United States Code.

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

(c) MATTERS TO BE STUDIED.—

(1) IN GENERAL.—The study required by subsection (b) shall include an analysis of—

(A) the costs of complying with the pilot program incurred by small entities;

(B)(i) the description and estimated number of small entities enrolled in and participating in the pilot program; or

(ii) why no such estimated number is available;

(C) the projected reporting, recordkeeping, and other compliance requirements of the pilot program that apply to small entities;

(D) the factors that impact enrollment and participation of small entities in the pilot program, including access to appropriate technology, geography, and entity size and class; and

(E) the actions, if any, carried out by the Secretary of Homeland Security to minimize the economic impact of participation in the pilot program on small entities.

(2) DIRECT AND INDIRECT EFFECTS.—The study required by subsection (b) shall analyze, and treat separately, with respect to small entities—

(A) any direct effects of compliance with the pilot program, including effects on wages and time used and fees spent on such compliance; and

(B) any indirect effects of such compliance, including effects on cash flow, sales, and competitiveness of such compliance.

(3) DISAGGREGATION BY ENTITY SIZE.—The study required by subsection (b) shall analyze separately data with respect to—

(A) small entities with fewer than 50 employees; and

(B) small entities that operate in States that require small entities to participate in the pilot program.

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

RESTRICTION ON USE OF FUNDS

SEC. 607. None of the funds made available in this Act may be used to enter into a contract with a person that does not participate in the pilot program described in section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note).

SA 240. Mr. CRAPO (for himself, Ms. LANDRIEU, Mr. GRAHAM, Mr. RISCH, and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, 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 519, beginning on line 12, strike through line 19 and insert the following:

''(IV) designed to capture and sequester carbon dioxide emissions,

''(V) designed to refine or blend renewable fuels or to produce energy conservation technologies (including energy-conserving lighting technologies and smart grid technologies, or

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

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SA 241. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 735, after line 7, add the following:

SEC. 5006. MEDICAID INTERNET-BASED TRANSPARENCY PROGRAM.

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

''SEC. 1942. INTERNET-BASED TRANSPARENCY PROGRAM.

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

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

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

''(3) to the extent feasible—

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

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

''(C) the information made so available shall include non-aggregated information with respect to the provision of medical assistance under State plans under this title of Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa; and

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

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

''(c) ANNUAL REPORTS.—Not later than 2 years after the date of the enactment of this section and annually thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the progress of the program under subsection (a), including on the extent to which information made available through the program is accessed and the extent to which comments received under subsection (a)(4) were used during the year involved to improve the utility of the program.

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

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

''(2) not later than 60 days after the date of a finding that the State has not fully and properly complied with section 1903(r)(1)(F), the State submits to the Secretary (and the Secretary approves) a corrective action plan to implement such a program; and

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

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

''(e) FUNDING.—

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

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

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

(b) FEASIBILITY REPORT ON INCLUDING SCHIP INFORMATION IN INTERNET-BASED TRANSPARENCY PROGRAM.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representative and the Committee on Finance of the Senate a report on the feasibility, potential costs, and potential benefits of making publicly available through an Internet-based program de-identified payment and patient encounter information for items and services furnished under title XXI of the Social Security Act which would not otherwise be included in the information collected under the Medicaid Statistical Information System described in section 1903(r)(1)(F) of such Act and made available under section 1942 of such Act, as added by subsection (a).

SA 242. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes;

On page 570, between lines 8 and 9, insert the following:

SEC. ___. TEMPORARY REPEAL OF 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS.

(a) IN GENERAL.—Paragraph (2) of section 86(a) (relating to social security and tier 1 railroad retirement benefits) is amended by adding at the end the following new flush sentence:

''This paragraph shall not apply to any taxable year beginning in 2009.''.

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

(c) MAINTENANCE OF TRANSFERS TO HOSPITAL INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) amounts equal to the reduction in revenues to the Treasury by reason of the amendment made by subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendment not been enacted.

(d) OFFSET.—Notwithstanding any other provision of division A, the amounts appropriated or made available in division A (other than any such amount under the heading ''Department of Veterans Affairs'' in title X of division A) shall be reduced by a percentage necessary to offset the aggregate amount appropriated under subsection (c).

SA 243. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 484, after line 24, add the following:

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

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

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

SEC. 1001. REDUCTION IN 10-PERCENT RATE BRACKET FOR 2009 AND 2010.

(a) IN GENERAL.—Paragraph (1) of section 1(i) is amended by adding at the end the following new subparagraph:

''(D) REDUCED RATE FOR 2009 AND 2010.—In the case of any taxable year beginning in 2009 or 2010—

''(i) IN GENERAL.—Subparagraph (A)(i) shall be applied by substituting '5 percent' for '10 percent'.

''(ii) RULES FOR APPLYING CERTAIN OTHER PROVISIONS.—

''(I) Subsection (g)(7)(B)(ii)(II) shall be applied by substituting '5 percent' for '10 percent'.

''(II) Section 3402(p)(2) shall be applied by substituting '5 percent' for '10 percent'.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) WITHHOLDING PROVISIONS.—Subclause (II) of section 1(i)(1)(D)(ii) of the Internal Revenue Code of 1986, as added by subsection (a), shall apply to amounts paid after the 60th day after the date of the enactment of this Act.

Beginning on page 554, line 6, strike all through page 565, line 3.

SA 245. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, line 11, after the period at the end, add the following: ''No State higher education agency in any of the several States, the District of Columbia, or the Commonwealth of Puerto Rico shall receive less than ½ of 1 percent of the amount allocated under this paragraph.''.

SA 246. Mrs. SHAHEEN (for herself, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 168, between lines 12 and 13, insert the following:

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

(a) IN GENERAL.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $2,500,000,000 for carrying out activities authorized under section 803 of this Act, which funds shall remain available through September 30, 2010.

(b) EMERGENCY DESIGNATION.—The amount provided in subsection (a) is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

SA 247. Mr. UDALL of Colorado submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 118, strike lines 3 through 5 and insert the following:

For an additional amount for ''State and Tribal Assistance Grants'', $8,400,000,000, to remain available until September 10, 2010, of which $6,000,000,000 shall

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SA 248. Mr. UDALL of Colorado submitted an amendment intended to be

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

On page 68, line 2, strike ''$1,400,000,000'' and insert ''$1,425,000,000''.

On page 70, line 9, before the period, insert the following: '': *Provided further*, That not less than $25,000,000 of the funds provided under this heading shall be used for programs, projects, and activities for and relating to the Armel Unit of the Pick-Sloan Missouri River Basin Program as authorized by section 9 of the Act of December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 891, chapter 665)), and other law''.

SA 249. Mrs. LINCOLN (for herself, Ms. STABENOW, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, insert the following:

TITLE VI—MISCELLANEOUS PROVISIONS

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

Section 421(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2283), as amended by section 5201(b) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 46), is amended—

(1) by striking '', and episodes'' and inserting '', episodes''; and

(2) by inserting ''and episodes and visits ending on or after the date of enactment of the American Recovery and Reinvestment Act of 2009 and before January 1, 2011,'' after ''January 1, 2007,''.

SA 250. Mrs. LINCOLN (for herself, Mr. CRAPO, Mr. WYDEN, Mr. ROBERTS, and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, insert the following:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 6001. NO APPLICATION OF REVISED AVERAGE HOURLY WAGE COMPARISON RECLASSIFICATION CRITERIA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall not apply, during the period described in subsection (b), the changes to the average hourly wage comparison reclassification criteria described in sections 412.230(d)(1)(iv), 412.232(c), and 412.234(b) of title 42, Code of Federal Regulations (as in effect on October 1, 2008), or any similar provision, to a subsection (d) hospital (as defined for purposes of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) seeking reclassification of its wage index for purposes of such section during such period.

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

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

(d) IMPLEMENTATION.—The Secretary shall make a proportional adjustment in the standardized amounts determined under section 1886(d)(3) of the Social Security Act (42 U.S.C. 1395ww(d)(3)) for a fiscal year to assure that the provisions of this section do not result in aggregate payments under section 1886(d) (42 U.S.C. 1395ww(d)) that are greater or less than those that would otherwise be made during the fiscal year.

SA 251. Mrs. LINCOLN (for herself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 735, after line 7, add the following:

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

Section 203 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1396r–8 note) is amended—

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

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

SA 252. Mr. COBURN (for himself, Mr. GRASSLEY, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 723, between lines 7 and 8, insert the following:

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

(A) IN GENERAL.—

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

(ii) IMPLEMENTATION.—Each State that is paid additional Federal funds as a result of this section shall, not later than 18 months after such date of enactment, implement such a plan that has been approved by the Secretary.

(B) DETAILS.—Such plan shall include the following:

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

(ii) Such management fee shall not be provided to a primary care physician with respect to an eligible Medicaid beneficiary unless such eligible Medicaid beneficiary has designated the primary care physician (under procedures established by the State) as the health home of the eligible Medicaid beneficiary.

(C) DEFINITION OF ELIGIBLE MEDICAID BENEFICIARY.—In this paragraph, the term ''eligible Medicaid beneficiary'' means an individual who—

(i) is enrolled in the State Medicaid plan under title XIX of the Social Security Act; and

(ii) is determined to have 1 or more chronic diseases.

SA 253. Mr. COBURN (for himself, Mr. GRASSLEY, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 723, between lines 7 and 8, insert the following:

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

(A) IN GENERAL.—

(i) SUBMISSION.—A State is not eligible for an increase in its FMAP under subsection

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

(ii) IMPLEMENTATION.—Each State that is paid additional Federal funds as a result of this section shall, not later than 18 months after such date of enactment, implement such a plan that has been approved by the Secretary.

(B) DETAILS.—Such plan shall include the following:

(i) Provide primary care physicians chronic care disease management payments for assuring that an eligible Medicaid beneficiary receives appropriate and comprehensive care, including referral of the eligible Medicaid beneficiary to specialists, and that the eligible Medicaid beneficiary receives preventive services.

(ii) The amount of such chronic care disease management payment shall reflect the amount of time spent with the eligible Medicaid beneficiary, and the family of the eligible Medicaid beneficiary, providing chronic care disease management services to the eligible Medicaid beneficiary.

(C) DEFINITION OF ELIGIBLE MEDICAID BENEFICIARY.—In this paragraph, the term ''eligible Medicaid beneficiary'' means an individual who—

(i) is enrolled in the State Medicaid plan under title XIX of the Social Security Act; and

(ii) is determined to have 1 or more of the diseases with respect to which such chronic care disease management programs are established in the State.

SA 254. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 263, strike line 11 and all that follows through line 21 on page 390, and insert the following:

TITLE XIII—HEALTH INFORMATION TECHNOLOGY

SEC. 13001. SHORT TITLE.

This title may be cited as the ''Wired for Health Care Quality Act''.

Subtitle A—Improving the Interoperability of Health Information Technology

SEC. 13101. IMPROVING HEALTH CARE QUALITY, SAFETY, AND EFFICIENCY.

(a) IN GENERAL.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

''TITLE XXX—HEALTH INFORMATION TECHNOLOGY AND QUALITY

''SEC. 3001. DEFINITIONS; REFERENCE.

''(a) IN GENERAL.—In this title:

''(1) ENTITY.—The term 'Entity' means the Health IT Standards Entity established under section 3003.

''(2) HEALTH CARE PROVIDER.—The term 'health care provider' means a hospital, skilled nursing facility, home health entity, nursing facility, licensed assisted-living facility, health care clinic, federally qualified health center, group practice (as defined in section 1877(h)(4) of the Social Security Act), a pharmacist, a pharmacy, a laboratory, a physician (as defined in section 1861(r) of the Social Security Act), a practitioner (as defined in section 1842(b)(18)(CC) of the Social Security Act), a health facility operated by or pursuant to a contract with the Indian Health Service, a rural health clinic, and any other category of facility or clinician determined appropriate by the Secretary.

''(3) HEALTH INFORMATION.—The term 'health information' has the meaning given such term in section 1171(4) of the Social Security Act.

''(4) HEALTH INSURANCE PLAN.—

''(A) IN GENERAL.—The term 'health insurance plan' means—

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

''(ii) a group health plan (as defined in section 2791(a)(1)); and

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

''(iv) a safety net health plan.

''(B) SAFETY NET HEALTH PLAN.—The term 'safety net health plan' means a managed care organization, as defined in section 1932(a)(1)(B)(i) of the Social Security Act—

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

''(ii) for which not less than 75 percent of the enrolled population receives benefits under a Federal health care program (as defined in section 1128B(f)(1) of the Social Security Act) or a health care plan or program which is funded, in whole or in part, by a State (other than a program for government employees).

''(C) REFERENCES.—All references in this title to 'health plan' shall be deemed to be references to 'health insurance plan'.

''(5) INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.—The term 'individually identifiable health information' has the meaning given such term in section 1171 of the Social Security Act.

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

''(7) NATIONAL COORDINATOR.—The term 'National Coordinator' means the National Coordinator of Health Information Technology appointed pursuant to section 3002.

''(8) POLICY COMMITTEE.—The term 'Policy Committee' means the Health Information Technology Policy Committee established under section 3004.

''(9) QUALIFIED HEALTH INFORMATION TECHNOLOGY.—The term 'qualified health information technology' means a computerized system (including hardware and software) that—

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

''(B) maintains and provides permitted access to health information in an electronic format;

''(C) with respect to individually identifiable health information maintained in a designated record set, preserves an audit trail of each individual that has gained access to such record set;

''(D) incorporates decision support to reduce medical errors and enhance health care quality;

''(E) complies with the standards and implementation specifications and certification criteria adopted by the Federal Government under section 3003;

''(F) has the ability to transmit and exchange information to other health information technology systems and, to the extent feasible, public health information technology systems; and

''(G) allows for the reporting of quality measures adopted under section 3010.

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

''(b) REFERENCES TO SOCIAL SECURITY ACT.—Any reference in this section to the Social Security Act shall be deemed to be a reference to such Act as in effect on the date of enactment of this title.

''SEC. 3002. OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY.

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

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

''(1) ensuring that key health information technology initiatives are coordinated across programs of the Department of Health and Human Services;

''(2) ensuring that health information technology policies and programs of the Department of Health and Human Services are coordinated with such policies and programs of other relevant Federal agencies (including Federal commissions and advisory committees) with a goal of avoiding duplication of efforts and of helping to ensure that each agency undertakes activities primarily within the areas of its greatest expertise and technical capability;

''(3) reviewing Federal health information technology investments to ensure that Federal health information technology programs are meeting the objectives of the strategic plan published by the Office of the National Coordinator for Health Information Technology to establish a nationwide interoperable health information technology infrastructure;

''(4) providing comments and advice regarding specific Federal health information technology programs, at the request of Office of Management and Budget; and

''(5) enhancing the use of health information technology to improve the quality of health care in the prevention and management of chronic disease and to address population health.

''(c) ROLE WITH POLICY COMMITTEE AND ENTITY.—The Office of the National Coordinator shall—

''(1) serve as an ex officio member of the Policy Committee, and act as a liaison between the Federal Government and the Policy Committee;

''(2) serve as an ex officio member of the Entity and act as a liaison between the Federal Government and the Entity; and

''(3) serve as a liaison between the Entity and the Policy Committee.

''(d) REPORTS AND WEBSITE.—The Office of the National Coordinator shall—

''(1) develop, publish, and update as necessary a strategic plan for implementing a nationwide interoperable health information technology infrastructure;

''(2) maintain and frequently update an Internet website that—

''(A) publishes the schedule for the assessment of standards and implementation specifications;

''(B) publishes the recommendations of the Policy Committee;

''(C) publishes the recommendations of the Entity;

''(D) publishes quality measures adopted pursuant to this title and the Wired for Health Care Quality Act;

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

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

''(3) prepare a report on the lessons learned from major public and private health care systems that have implemented health information technology systems, including an explanation of whether the systems and practices developed by such systems may be applicable to and usable in whole or in part by other health care providers; and

''(4) assess the impact of health information technology in communities with health disparities and identify practices to increase the adoption of such technology by health care providers in such communities.

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

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

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

''SEC. 3003. HEALTH INFORMATION TECHNOLOGY STANDARDS ENTITY.

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

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

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

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

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

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

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

''(4) CHAIRPERSON; VICE CHAIRPERSON.—The Entity may designate one member to serve as the chairperson and one member to serve as the vice chairperson of the Entity.

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

''(6) BALANCE AMONG SECTORS.—In developing the procedures for conducting the activities of the Entity, the Entity shall act to ensure a balance among various sectors of the health care system so that no single sector unduly influences the actions of the Entity.

''(c) STANDARDS AND IMPLEMENTATION SPECIFICATIONS.—

''(1) ACTIVITIES OF THE ENTITY.—In providing for the establishment of the Entity pursuant to subsection (a), the Secretary shall ensure the following:

''(A) PUBLICATION OF SCHEDULE.—Not later than 90 days after the date on which the Entity is established, the Entity shall develop and publish a schedule for the assessment of standards and implementation specifications under this section, and update such schedule annually.

''(B) FIRST YEAR STANDARDS ACTIVITY.—Consistent with the initial schedule published under subparagraph (A) and not later than 1 year after date on which the Entity is established, the Entity shall develop, harmonize, or recognize such standards and implementation specifications.

''(C) SUBSEQUENT STANDARDS ACTIVITY.—The Entity shall review at least annually, and modify as appropriate, standards and implementation specifications that the Entity has previously developed, harmonized, or recognized, and continue to develop, harmonize, or recognize additional standards and implementation specifications, consistent with the updated schedule published pursuant to subparagraph (A).

''(D) RECOGNITION OF ENTITY TO MAKE RECOMMENDATIONS.—The Entity, in consultation with the Secretary, may recognize a private entity or entities for the purpose of developing, harmonizing, or updating standards and implementation specifications, consistent with this section, and making recommendations on such subjects to the Entity, in order to achieve uniform and consistent implementation of the standards and implementation specifications.

''(E) STANDARD TESTING PILOT PROJECT.—The Entity may conduct, or, in consultation with the Secretary, may recognize a private entity or entities to conduct, a pilot project to test the standards and implementation specifications developed, harmonized, or recognized under this section in order to provide for the efficient implementation of such standards and implementation specifications.

''(2) REVIEW.—The Secretary shall review the standards and implementation specifications described in paragraphs (1)(A) and (1)(B).

''(3) PUBLICATION.—

''(A) SCHEDULE.—The Secretary shall publish the schedules developed under paragraph (1)(A) in the Federal Register and on the Internet website of the Department of Health and Human Services.

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

''(4) FEDERAL ACTION.—Not later than 6 months after the issuance of a standard or implementation specification by the Entity under this subsection, the Secretary, the Secretary of Veterans Affairs, and the Secretary of Defense, in collaboration with representatives of other relevant Federal agencies as determined appropriate by the President, shall jointly review such standard or implementation specification. If appropriate, the President shall provide for the adoption by the Federal Government of any such standard or implementation specification. Such determination shall be published in the Federal Register and on the Internet website of the Office of the National Coordinator within 30 days after the date on which such determination is made.

''(d) OPEN AND PUBLIC PROCESS.—In providing for the establishment of the Entity pursuant to subsection (a), the Secretary shall ensure the following:

''(1) CONSENSUS APPROACH; OPEN PROCESS.—The Entity shall use a consensus approach and a fair and open process to support the development, harmonization, and recognition of standards described in subsection (a)(1).

''(2) PARTICIPATION OF OUTSIDE ADVISERS.—The Entity shall ensure an adequate opportunity for the participation of outside advisors, including individuals with expertise in—

''(A) health information privacy;

''(B) health information security;

''(C) health care quality and patient safety, including individuals with expertise in utilizing health information technology to improve healthcare quality and patient safety;

''(D) long-term care and aging services; and

''(E) data exchange and developing health information technology standards and new health information technology.

''(3) OPEN MEETINGS.—Plenary and other regularly scheduled formal meetings of the Entity (or established subgroups thereof) shall be open to the public.

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

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

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

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

''(1) the Entity, in consultation with the Secretary, may recognize a private entity or entities for the purpose of developing, updating, and recommending to the Entity criteria to certify that appropriate categories of health information technology products that claim to be in compliance with applicable standards and implementation specifications developed, harmonized, or recognized under this title have established such compliance;

''(2) the Entity, in consultation with the Secretary, reviews, and if appropriate, adopts such criteria; and

''(3) the Entity, in consultation with the Secretary, may recognize a private entity or

entities to conduct the certifications described under paragraph (1) using the criteria adopted under this subsection.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring the duplication of Federal efforts with respect to activities described in this section that are existing on the date of enactment of this title, including the establishment of an entity to support the development, harmonization, or recognition of standards, implementation specifications, and certification criteria, regardless of whether such efforts are carried out prior to or after such date of the enactment.

''(g) FLEXIBILITY.—The provisions of Public Law 92-463 (as amended) shall not apply to the Entity.

''(h) REQUIREMENT TO CONSIDER RECOMMENDATIONS.—In carrying out the activities described in this section, the Entity shall integrate the recommendations of the Policy Committee that are adopted by the Secretary under section 3004(c).

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

''SEC. 3004. HEALTH INFORMATION TECHNOLOGY POLICY COMMITTEE.

''(a) ESTABLISHMENT.—There is established a committee to be known as the Health Information Technology Policy Committee to provide advice to the Secretary and the heads of any relevant Federal agencies concerning the policy considerations related to health information technology.

''(b) PURPOSE.—The Policy Committee shall—

''(1) not later than 1 year after the date of enactment of this title, and semiannually thereafter, make recommendations concerning a policy framework for the development and adoption of a nationwide interoperable health information technology infrastructure;

''(2) not later than 1 year after the date of enactment of this title, and annually thereafter, make recommendations concerning national policies for adoption by the Federal Government, and voluntary adoption by private entities, to support the widespread adoption of health information technology, including—

''(A) the protection of individually identifiable health information, including policies concerning the individual's ability to control the acquisition, uses, and disclosures of individually identifiable health information;

''(B) methods to protect individually identifiable health information from improper use and disclosures and methods to notify patients if their individually identifiable health information is wrongfully disclosed;

''(C) methods to facilitate secure access to such individual's individually identifiable health information;

''(D) methods, guidelines, and safeguards to facilitate secure access to patient information by a family member, caregiver, or guardian acting on behalf of a patient due to age-related and other disability, cognitive impairment, or dementia that prevents a patient from accessing the patient's individually identifiable health information;

''(E) the appropriate uses of a nationwide health information network including—

''(i) the collection of quality data and public reporting;

''(ii) biosurveillance and public health;

''(iii) medical and clinical research; and

''(iv) drug safety;

''(F) fostering the public understanding of health information technology;

''(G) strategies to enhance the use of health information technology in preventing and managing chronic disease;

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

''(I) other policies determined to be necessary by the Policy Committee; and

''(J) best practices in the communication of privacy protections and procedures to ensure comprehension by individuals with limited English proficiency and limited health literacy; and

''(3) serve as a forum for the participation of a broad range of stakeholders to provide input on improving the effective implementation of health information technology systems.

''(c) PUBLICATION.—All recommendations made by the Policy Committee pursuant to this section shall be published in the Federal Register and on the Internet website of the National Coordinator. The Secretary shall review all recommendations and determine which recommendations shall be adopted by the Federal Government and such determination shall be published on the Internet website of the Office of the National Coordinator within 30 days after the date of such adoption.

''(d) MEMBERSHIP.—

''(1) IN GENERAL.—The Policy Committee shall be composed of members to be appointed as follows:

''(A) 1 member shall be appointed by the Secretary.

''(B) 1 member shall be appointed by the Secretary of Veterans Affairs who shall represent the Department of Veterans Affairs.

''(C) 1 member shall be appointed by the Secretary of Defense who shall represent the Department of Defense.

''(D) 1 member shall be appointed by the majority leader of the Senate.

''(E) 1 member shall be appointed by the minority leader of the Senate.

''(F) 1 member shall be appointed by the Speaker of the House of Representatives.

''(G) 1 member shall be appointed by the minority leader of the House of Representatives.

''(H) Eleven members shall be appointed by the Comptroller General of whom—

''(i) three members shall represent patients or consumers;

''(ii) one member shall represent health care providers;

''(iii) one member shall be from a labor organization representing health care workers;

''(iv) one member shall have expertise in privacy and security;

''(v) one member shall have expertise in improving the health of vulnerable populations;

''(vi) one member shall represent health plans or other third party payers;

''(vii) one member shall represent information technology vendors;

''(viii) one member shall represent purchasers or employers; and

''(ix) one member shall have expertise in health care quality measurement and reporting.

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

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

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

''(5) TERMS.—

''(A) IN GENERAL.—The terms of members of the Policy Committee shall be for 3 years except that the Comptroller General shall designate staggered terms for the members first appointed.

''(B) VACANCIES.—Any member appointed to fill a vacancy in the membership of the Policy Committee that occurs prior to the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has been appointed. A vacancy in the Policy Committee shall be filled in the manner in which the original appointment was made.

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

''(A) health information privacy and security;

''(B) improving the health of vulnerable populations;

''(C) health care quality and patient safety, including individuals with expertise in measurement and the use of health information technology to capture data to improve health care quality and patient safety;

''(D) long-term care and aging services;

''(E) medical and clinical research; and

''(F) data exchange and developing health information technology standards and new health information technology.

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

''(8) FAILURE OF INITIAL APPOINTMENT.—

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

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

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

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

''(e) FEDERAL AGENCIES.—

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

''(2) TECHNICAL ASSISTANCE.—Upon the request of the Policy Committee, the head of a Federal agency shall provide such technical assistance to the Policy Committee as the

Policy Committee determines to be necessary to carry out its duties.

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

''(f) ADMINISTRATIVE PROVISIONS.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Policy Committee, except that the term provided for under section 14(a)(2) of such Act shall be not longer than 7 years.

''(2) CHARTER.—

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

''(B) FAILURE TO FILE.—If the charter described in subparagraph (A) has not been filed by the date specified in such subparagraph, then the requirement under section 9(c) of the Federal Advisory Committee Act (5 U.S.C. App.) shall be deemed to have been met as of the day following the date specified in such subparagraph.

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

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

''SEC. 3005. FEDERAL PURCHASING AND DATA COLLECTION.

''(a) COORDINATION OF FEDERAL SPENDING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), not later than 2 years after the adoption by the President of a recommendation under section 3003(c)(8), a Federal agency shall not expend Federal funds for the purchase of any new health information technology or health information technology system for clinical care or for the electronic retrieval, storage, or exchange of health information if such technology or system is not consistent with applicable standards and implementation specifications adopted by the Federal Government under section 3003.

''(2) EXCEPTIONS.—The President may authorize an exception to the requirement in paragraph (1) as determined necessary by the Secretary for the efficient administration of the Federal agency involved or for economic reasons, including a case in which—

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

''(B) a new technology or system must interact with a separate older technology or system whose replacement or modification would impose significant costs.

''(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to restrict the purchase of minor (as determined by the Secretary) hardware or software components in order to modify, correct a deficiency in, or extend the life of existing hardware or software.

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

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

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

''SEC. 3006. QUALITY AND EFFICIENCY REPORTS.

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

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

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

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

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

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

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

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

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

''(i) Has multi-institutional data sources.

''(ii) Is national in scope.

''(iii) Has publicly available protocols that encompass common definitions, data collection, sampling size, methodology, and standardized reporting format.

''(iv) Has an external audit process to ensure adequacy and quality of data.

''(v) Is risk-adjusted to ensure appropriate data comparison.

''(2) DEFINITIONS.—In this section:

''(A) FEDERAL HEALTH CARE DATA.—

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

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

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

''(ii) EXCEPTION.—The term 'Federal health care data' includes data relating to programs administered by the Secretary under the Social Security Act only to the extent that the disclosure of such data is authorized or required under such Act.

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

''(c) ACCESS TO FEDERAL HEALTH CARE DATA.—

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

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

''(d) QUALITY REPORTING ORGANIZATIONS.—

''(1) IN GENERAL.—

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

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

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

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

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

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

''(B) has in place—

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

''(ii) operational standards to provide security for such database;

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

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

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

''(A) ENSURING BENEFICIARY PRIVACY.—

''(i) HIPAA.—The entity shall meet the requirements imposed on a covered entity for purposes of applying part C of title XI and all regulatory provisions promulgated thereunder, including regulations (relating to privacy) adopted pursuant to the authority of the Secretary under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

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

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

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

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

''(ii) if applicable, the fact that the entity is managed, controlled, or operated by any

health care provider or supplier or health care plan.

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

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

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

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

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

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

''(I) return to the Secretary all Federal health care data disclosed to the entity and each report developed by the entity; or

''(II) if returning the Federal health care data and reports is not practicable, destroy the reports and Federal health care data.

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

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

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

''(1) REQUEST FOR A REPORT.—

''(A) REQUEST.—

''(i) IN GENERAL.—The procedures established under subsection (b)(1) shall include a process for an entity to submit a request to a Quality Reporting Organization for a report based on Federal health care data and private data that is publicly available or is provided by the entity making the request for the report. Such request shall comply with the purpose described in subsection (a).

''(ii) REQUEST FOR SPECIFIC METHODOLOGY.—The process described in clause (i) shall permit an entity making a request for a report to request that a specific methodology, including appropriate risk adjustment, be used by the Quality Reporting Organization in developing the report. The Organization shall work with the entity making the request to finalize the methodology to be used.

''(iii) REQUEST FOR A SPECIFIC QRO.—The process described in clause (i) shall permit an entity to submit the request for a report to any Quality Reporting Organization.

''(B) RELEASE TO PUBLIC.—The procedures established under subsection (b)(1) shall provide that at the time a request for a report is finalized under subparagraph (A) by a Quality Reporting Organization, the Organization shall make available to the public, through the Internet website of the Department of Health and Human Services and other appropriate means, a brief description of both the requested report and the methodology to be used to develop such report.

''(2) DEVELOPMENT AND RELEASE OF REPORT.—

''(A) DEVELOPMENT.—

''(i) IN GENERAL.—If the request for a report complies with the purpose described in subsection (a), the Quality Reporting Organization may develop the report based on the request.

''(ii) REQUIREMENT.—A report developed under clause (i) shall include a detailed description of the standards, methodologies, and measures of quality used in developing the report.

''(iii) RISK ADJUSTMENT.—A Quality Reporting Organization shall ensure that the methodology used to develop a report under clause (i) shall include acceptable risk adjustment and case-mix adjustment developed in consultation with providers as described in clause (iv).

''(iv) PROVIDER CONSULTATION.—During the development of the report under clause (i), the Quality Reporting Organization shall consult with a group of not more than 5 providers of the relevant specialty who are appointed by the providers' respective national associations, as to compliance with clauses (ii) and (iii). The comments of the consulted providers shall be included in the public release of the report.

''(B) REVIEW OF REPORT BY SECRETARY.—Prior to a Quality Reporting Organization releasing a report under subparagraph (C), and within 30 days of receiving a request for such a release, the Secretary shall review the report to ensure that the report was delivered using a scientifically valid methodology including appropriate risk adjustment and case-mix adjustment, and determine that the report does not disclose—

''(i) information whose disclosure by a covered entity, as such term is defined for purposes of the regulations issued under section 264(c) of the Health Insurance Portability and Accountability Act of 1996, would violate such regulations; or

''(ii) information that could be withheld by the Department of Health and Human Services under section 552 of title 5, United States Code, or whose disclosure by the Department would violate section 552(a) of such title.

''(C) RELEASE OF REPORT.—

''(i) RELEASE TO ENTITY MAKING REQUEST.—If the Secretary finds that the report complies with the provisions described in subparagraph (B), the Quality Reporting Organization shall release the report to the entity that made the request for the report.

''(ii) RELEASE TO PUBLIC.—The procedures established under subsection (b)(1) shall provide for the following:

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

''(II) COMPLETE REPORT.—Not later than 1 year after the date of the release of a report under clause (i), the report shall be made available to the public through the Internet website of the Department of Health and Human Services and other appropriate means.

''(f) ANNUAL REVIEW OF REPORTS AND TERMINATION OF CONTRACTS.—

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

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

''(g) FEES.—

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

''(A) disclosing the data under subsection (c); and

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

The Secretary shall ensure that such fees are sufficient to cover the costs of the activities described in subparagraph (A) and (B).

''(2) FEES FOR QRO.—

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

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

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

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to effect the requirement that a report be released to the public under clause (ii)(II) of subsection (e)(2)(C)(ii)(II) by not later than 1 year after the date of the release of the report to the requesting entity under clause (i) of such subsection.

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

''SEC. 3007. RESEARCH ACCESS TO HEALTH CARE DATA AND REPORTING ON PERFORMANCE.

''The Secretary shall permit researchers that meet criteria used to evaluate the appropriateness of the release data for research purpose (as established by the Secretary) to—

''(1) have access to Federal health care data (as defined in section 3006(b)(2)(A)); and

''(2) report on the performance of health care providers and suppliers, including reporting in a provider- or supplier-identifiable format.''.

(b) COORDINATION.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report (including recommendations) to the appropriate committees of Congress concerning the coordination of existing Federal health care quality initiatives.

Subtitle B—Facilitating the Widespread Adoption of Interoperable Health Information Technology

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

Title XXX of the Public Health Service Act, as added by section 13101, is amended by adding at the end the following:

"SEC. 3008. FACILITATING THE WIDESPREAD ADOPTION OF INTEROPERABLE HEALTH INFORMATION TECHNOLOGY.

''(a) COMPETITIVE GRANTS FOR ADOPTION OF TECHNOLOGY.—

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

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

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

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

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

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

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

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

''(G) demonstrate significant financial need;

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

''(I) be a—

''(i) public or not for profit hospital;

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

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

''(iv) another health care provider not described in clause (i) or (ii);

that serves medically underserved communities.

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

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

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

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

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

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

''(5) PREFERENCE IN AWARDING GRANTS.—In awarding grants under this subsection the Secretary shall give preference to—

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

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

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

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

''(2) ESTABLISHMENT OF FUND.—To be eligible to receive a competitive grant under this subsection, a State shall establish a qualified health information technology loan fund (referred to in this subsection as a 'State loan fund') and comply with the other requirements contained in this subsection. Amounts received under a grant under this subsection shall be deposited in the State loan fund established by the State. No funds authorized by other provisions of this title to be used for other purposes specified in this title shall be deposited in any such State loan fund.

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

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

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

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

''(D) require that health care providers receiving loans under the grant—

''(i) link, to the extent practicable, the qualified health information system to a local or regional health information network;

''(ii) consult, as needed, with the Health Information Technology Resource Center established in section 914(d) to access the knowledge and experience of existing initiatives regarding the successful implementation and effective use of health information technology;

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

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

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

''(F) require that health care providers receiving loans under the grant implement the measures adopted under section 3010 and report to the Secretary on such measures; and

''(G) provide matching funds in accordance with paragraph (8).

''(4) STRATEGIC PLAN.—

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

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

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

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

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

''(iv) a description of the strategies the State will use to address challenges in the adoption of health information technology due to limited broadband access.

''(5) USE OF FUNDS.—

''(A) IN GENERAL.—Amounts deposited in a State loan fund, including loan repayments and interest earned on such amounts, shall be used only for awarding loans or loan guarantees, or as a source of reserve and security for leveraged loans, the proceeds of which are deposited in the State loan fund established under paragraph (1). Loans under this section may be used by a health care provider to—

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

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

''(iii) train personnel in the use of such systems.

''(B) LIMITATION.—Amounts received by a State under this subsection may not be used—

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

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

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

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

''(A) To award loans that comply with the following:

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

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

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

''(B) To guarantee, or purchase insurance for, a local obligation (all of the proceeds of which finance a project eligible for assistance under this subsection) if the guarantee or purchase would improve credit market access or reduce the interest rate applicable to the obligation involved.

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

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

''(7) ADMINISTRATION OF STATE LOAN FUNDS.—

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

''(B) COST OF ADMINISTERING FUND.—Each State may annually use not to exceed 4 percent of the funds provided to the State under a grant under this subsection to pay the reasonable costs of the administration of the programs under this section, including the recovery of reasonable costs expended to establish a State loan fund which are incurred after the date of enactment of this title.

''(C) GUIDANCE AND REGULATIONS.—The Secretary shall publish guidance and promulgate regulations as may be necessary to carry out the provisions of this subsection, including—

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

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

''(D) PRIVATE SECTOR CONTRIBUTIONS.—

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

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

''(8) MATCHING REQUIREMENTS.—

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

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

''(9) PREFERENCE IN AWARDING GRANTS.—The Secretary may give a preference in awarding grants under this subsection to States that adopt value-based purchasing programs to improve health care quality.

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

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

''(1) IN GENERAL.—The Secretary may award competitive grants to eligible entities to implement regional or local health information plans to improve health care quality and efficiency through the electronic exchange of health information pursuant to the standards, implementation specifications and certification criteria, and other requirements adopted by the Secretary under section 3010.

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

''(A) demonstrate financial need to the Secretary;

''(B) demonstrate that one of its principal missions or purposes is to use information technology to improve health care quality and efficiency;

''(C) adopt bylaws, memoranda of understanding, or other charter documents that demonstrate that the governance structure and decisionmaking processes of such entity allow for participation on an ongoing basis by multiple stakeholders within a community, including—

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

''(ii) pharmacists or pharmacies;

''(iii) health plans;

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

''(v) patient or consumer organizations;

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

''(vii) employers;

''(viii) State or local health departments; and

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

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

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

''(F) adopt the standards and implementation specifications adopted by the Secretary under section 3003;

''(G) require that health care providers receiving such grants—

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

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

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

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

''(J) prepare and submit to the Secretary an application in accordance with paragraph (3);

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

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

''(3) APPLICATION.—

''(A) IN GENERAL.—To be eligible to receive a grant under paragraph (1), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(B) REQUIRED INFORMATION.—At a minimum, an application submitted under this paragraph shall include—

''(i) clearly identified short-term and long-term objectives of the regional or local health information plan;

''(ii) a technology plan that complies with the standards, implementation specifications, and certification criteria adopted under section 3003(c)(8) and that includes a descriptive and reasoned estimate of costs of the hardware, software, training, and consulting services necessary to implement the regional or local health information plan;

''(iii) a strategy that includes initiatives to improve health care quality and efficiency, including the use and reporting of health care quality measures adopted under section 3010;

''(iv) a plan that describes provisions to encourage the implementation of the electronic exchange of health information by all health care providers participating in the health information plan;

''(v) a plan to ensure the privacy and security of individually identifiable health information that is consistent with Federal and State law;

''(vi) a governance plan that defines the manner in which the stakeholders shall jointly make policy and operational decisions on an ongoing basis;

''(vii) a financial or business plan that describes—

''(I) the sustainability of the plan;

''(II) the financial costs and benefits of the plan; and

''(III) the entities to which such costs and benefits will accrue;

''(viii) a description of whether the State in which the entity resides has received a grant under section 319D, alone or as a part of a consortium, and if the State has received such a grant, how the entity will coordinate the activities funded under such section 319D with the system under this section; and

''(ix) in the case of an applicant entity that is unable to demonstrate the participation of all stakeholders pursuant to paragraph (2)(C), the justification from the entity for any such nonparticipation.

''(4) USE OF FUNDS.—Amounts received under a grant under paragraph (1) shall be used to establish and implement a regional or local health information plan in accordance with this subsection.

''(5) MATCHING REQUIREMENT.—

''(A) IN GENERAL.—The Secretary may not make a grant under this subsection to an entity unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the infrastructure program for which the grant was awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount equal to not less than $1 for each $2 of Federal funds provided under the grant.

''(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under subparagraph (A) may be in cash or in kind, fairly evaluated, including equipment, technology, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(d) REPORTS.—Not later than 1 year after the date on which the first grant is awarded under this section, and annually thereafter during the grant period, an entity that receives a grant under this section shall submit to the Secretary a report on the activities carried out under the grant involved. Each such report shall include—

''(1) a description of the financial costs and benefits of the project involved and of the entities to which such costs and benefits accrue;

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

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

''(4) other information as required by the Secretary.

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

3010. The Secretary shall ensure that such evaluation take into account differences in patient health status, patient characteristics, and geographic location, as appropriate.

''(f) LIMITATIONS.—

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

''(2) LOAN RECIPIENTS.—A health care provider may only receive 1 non-renewable loan awarded or guaranteed with funds provided under subsection (b),

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $139,000,000 for fiscal year 2009 and $139,000,000 for fiscal year 2010.

''(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available through fiscal year 2012.

''SEC. 3009. DEMONSTRATION PROGRAM TO INTEGRATE INFORMATION TECHNOLOGY INTO CLINICAL EDUCATION.

''(a) IN GENERAL.—The Secretary may award grants to eligible entities or consortia under this section to carry out demonstration projects to develop academic curricula integrating qualified health information technology systems in the clinical education of health professionals or analyze clinical data sets from electronic health records to discover quality measures. Such awards shall be made on a competitive basis and pursuant to peer review.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity or consortium shall—

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

''(2) be or include—

''(A) a health professions school;

''(B) a school of public health;

''(C) a school of nursing; or

''(D) an institution with a graduate medical education program;

''(3) provide for the collection of data regarding the effectiveness of the demonstration project to be funded under the grant in improving the safety of patients and the efficiency of health care delivery; and

''(4) provide matching funds in accordance with subsection (d).

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—With respect to a grant under subsection (a), an eligible entity or consortium shall use amounts received under the grant in collaboration with 2 or more disciplines.

''(2) LIMITATION.—An eligible entity or consortium shall not award a grant under subsection (a) to purchase hardware, software, or services.

''(d) MATCHING FUNDS.—

''(1) IN GENERAL.—The Secretary may award a grant to an entity or consortium under this section only if the entity or consortium agrees to make available non-Federal contributions toward the costs of the program to be funded under the grant in an amount that is not less than $1 for each $2 of Federal funds provided under the grant.

''(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions under paragraph (1) may be in cash or in kind, fairly evaluated, including equipment or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such contributions.

''(e) EVALUATION.—The Secretary shall take such action as may be necessary to evaluate the projects funded under this section and publish, make available, and disseminate the results of such evaluations on as wide a basis as is practicable.

''(f) REPORTS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives a report that—

''(1) describes the specific projects established under this section; and

''(2) contains recommendations for Congress based on the evaluation conducted under subsection (e).

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

''(h) SUNSET.—This provisions of this section shall not apply after September 30, 2012.''.

Subtitle C—Improving the Quality of Health Care

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

Title XXX of the Public Health Service Act, as amended by section 13201, is further amended by adding at the end the following:

''SEC. 3010. FOSTERING DEVELOPMENT AND USE OF HEALTH CARE QUALITY MEASURES.

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

''(b) DESIGNATION OF, AND ARRANGEMENT WITH, ORGANIZATION.—

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

''(2) RESPONSIBILITIES.—The responsibilities to be performed by the organization designated under paragraph (1) (in this title referred to as the 'designated organization') shall include—

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

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

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

''(D) endorsing national consensus quality measures;

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

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

''(G) providing recommendations and advice to the Entity regarding the integration of quality measures into the standards, implementation specification, and certification criteria adoption process outlined under section 3003 and the Policy Committee regarding national policies outlined under section 3004.

''(c) REQUIREMENTS DESCRIBED.—The requirements described in this subsection are the following:

''(1) PRIVATE ENTITY.—The organization shall be a private nonprofit entity that is governed by a board of directors and an individual who is designated as president and chief executive officer.

''(2) BOARD MEMBERSHIP.—The members of the board of directors of the entity shall include representatives of—

''(A) health care providers or groups representing providers;

''(B) health plans or groups representing health plans;

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

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

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

''(3) OTHER MEMBERSHIP REQUIREMENTS.—The membership of the board of directors of the entity shall be representative of individuals with experience with—

''(A) urban health care issues;

''(B) safety net health care issues;

''(C) rural or frontier health care issues;

''(D) quality and safety issues;

''(E) State or local health programs;

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

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

''(4) OPEN AND TRANSPARENT.—With respect to matters related to the arrangement with the Secretary under subsection (a)(1), the organization shall conduct its business in an open and transparent manner, and provide the opportunity for public comment and ensure a balance among disparate stakeholders, so that no member organization unduly influences the work of the organization.

''(5) VOLUNTARY CONSENSUS STANDARDS SETTING ORGANIZATIONS.—The organization shall operate as a voluntary consensus standards setting organization as defined for purposes of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (Public Law 104-113) and Office of Management and Budget Revised Circular A-119 (published in the Federal Register on February 10, 1998).

''(6) PARTICIPATION.—If the organization requires a fee for membership, the organization shall ensure that such fee is not a substantial barrier to participation in the entity's activities related to the arrangement with the Secretary.

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

''(1) MEASURES.—The designated organization, in promoting the development of quality measures under this title, shall ensure that such measures—

''(A) are evidence-based, reliable, and valid;

''(B) include—

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

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

''(C) include measures of underuse and overuse.

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

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

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

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

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

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

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

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

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

''(e) GRANTS FOR PERFORMANCE MEASURE DEVELOPMENT.—The Secretary, acting through the Agency for Healthcare Research and Quality, may award grants, in amounts not to exceed $50,000 each, to organizations to support the development and testing of quality measures that meet the standards established by the designated organization.

''(f) ADOPTION AND USE OF QUALITY MEASURES.—For purposes of carrying out activities authorized or required under this title to ensure the use of quality measures and to foster uniformity between health care quality measures utilized by private entities, the Secretary shall—

''(1) select quality measures for adoption and use, from quality measures recommended by multi-stakeholder groups and endorsed by the designated organization; and

''(2) ensure that the standards and implementation specifications adopted under section 3003 integrate the quality measures endorsed, adopted, and utilized under this section.

''SEC. 3011. RELATIONSHIP WITH PROGRAMS UNDER THE SOCIAL SECURITY ACT.

''(a) IN GENERAL.—For purposes of carrying out activities authorized or required under this title, the Secretary shall ensure that the quality measures not described in subsection (b) and adopted under this title—

''(1) complement quality measures developed by the Secretary under programs administered by the Secretary under the Social Security Act, including programs under titles XVIII, XIX, and XXI of such Act; and

''(2) do not conflict with the needs, priorities, and activities of programs authorized or required under titles XVIII, XIX, and XXI of such Act, as set forth by the Administrator of the Centers for Medicare & Medicaid Services.

''(b) ADOPTION OF MEDICARE, MEDICAID, AND SCHIP MEASURES.—Where quality measures developed and endorsed through a multi-stakeholder consensus process under title XVIII, XIX, or XXI of the Social Security Act are available and appropriate, the Secretary shall adopt such measures for activities under this title.

''(c) NONDUPLICATION OF SOCIAL SECURITY ACT REPORTING REQUIREMENTS.—If a grantee under section 3008 reports on quality measures to the Secretary under title XVII, XIX, or XXI of the Social Security Act, such grantee is deemed to have met the quality reporting requirement under such section 3008, provided that such reporting is conducted utilizing a qualified health information technology system.''.

Subtitle D—Privacy and Security

SEC. 13401. PRIVACY AND SECURITY.

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

''SEC. 3012. PRIVACY AND SECURITY.

''(a) PRIVACY AND SECURITY OF PERSONAL HEALTH RECORDS.—Not later than 180 days after the date of enactment of this title, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives, a report containing recommendations for privacy and security protections for personal health records, including whether it is appropriate to apply any provisions of subpart E of part 164 of title 45, Code of Federal Regulations, to such records and the extent to which the implementation of separate privacy and security measures is necessary. In making such recommendations, the Secretary shall to the maximum extent practicable avoid the application of new regulations that would be inconsistent, or conflict, with privacy regulations that are in effect on the date of enactment of this title.

''(b) DEFINITION.—In this section, the term 'personal health record' means an electronic, cumulative record of health-related information concerning an individual that is often drawn from multiple sources, that is offered by an entity that is not a covered entity or a business associate acting pursuant to a business associate agreement under the Health Insurance Portability and Accountability Act of 1996 (and the regulations promulgated under such Act) and that is primarily intended to be used and managed by the individual.

''(c) MARKETING.—For purposes of the regulations promulgated pursuant to part C of title XI of the Social Security Act and section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note), referred to in this title as the 'HIPAA Privacy Rule', the term 'marketing' means, in addition to the activities described in section 164.501 of the HIPAA Privacy Rule (45 C.F.R. 164.501) and any comparable provision in any amended or superseding rule, an arrangement whereby a covered entity, in exchange for remuneration, makes a communication described in clause (i), (ii), or (iii) of paragraph (1) of the definition of marketing in section 164.501 of the HIPAA Privacy Rule (45 C.F.R. 164.501) as in effect on the date of enactment of this title, except that the Secretary shall promulgate regulations establishing the terms and conditions under which covered entities may charge an appropriate fee for making such communications. This subsection shall become effective on the date that is 90 days after the date on which the Secretary has promulgated such regulations.

''(d) RIGHT OF INDIVIDUALS TO ELECTRONIC ACCESS.—With respect to the right of access to inspect and obtain a copy of health information under the HIPAA Privacy Rule, effective not later than 180 days after the later of the date of enactment of this title or the issuance of guidance by the Secretary, any entity that maintains health information in an electronic form shall, to the extent readily producible, provide an individual access to that information in the form or format requested, and upon request, an electronic copy of such records. The Secretary shall issue such guidance as is necessary to implement this subsection.

''(e) RIGHTS OF INDIVIDUALS WHO ARE VICTIMS OF MEDICAL FRAUD.—To the extent provided for under the HIPAA privacy regulations and under the conditions specified in such regulations, with respect to protected health information, an individual who is a victim of medical fraud or who believes that there is an error in their protected health information stored in an electronic format shall have the right—

''(1) to have access to inspect and obtain a copy of protected health information about the individual, including the information fraudulently entered, in a designated record set; and

''(2) to have a covered entity amend protected health information or a record about the individual, including information fraudulently entered, in a designated electronic record set for as long as the protected health information is maintained in the designated electronic record set to ensure that fraudulent and inaccurate health information is not shared or re-reported.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supercede or otherwise limit the provisions of any contract that provides for the application of privacy protections that are greater than the privacy protections provided for under the regulations promulgated under section 264 of the Health Insurance Portability and Accountability Act of 1996.

''SEC. 3013. NOTICE OF PRIVACY PRACTICES.

''Not later than 1 year after the date of enactment of this title, and after notice and comment, the Secretary shall develop and disseminate a model summary notice of privacy practices for use with the privacy notice required under the HIPAA Privacy Rule. Such summary notice shall be suitable for printing on one page and shall include separate statements on any marketing uses for which authorization is sought, shall describe the right to object to such uses in an way that is easily understood, and shall otherwise describe the elements of the right to privacy and security in a clear and concise manner. Such summary notice shall be provided in a form separate from any other notice or consent requests.

''SEC. 3014. REPORTING.

''Not later than 180 days after the date of enactment of this title, and every year thereafter for the next 5 years, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives, a report on compliance and enforcement under the HIPAA Privacy Rule. Such report shall include—

''(1) the number of complaints filed;

''(2) the resolution or disposition of each complaint;

''(3) the amount of civil money penalties imposed;

''(4) the number of compliance reviews conducted and the outcome of each such review;

''(5) the number of subpoenas or closed cases; and

''(6) the Secretary's plan for improving compliance and enforcement in the coming year.

''SEC. 3015. NOTIFICATION OF PRIVACY BREACH.

''Not later than 1 year after the date of enactment of this title, and after notice and comment, the Secretary shall provide for the development of standards and protections and determine appropriate protocols regarding the notification trigger, methods, and contents of the notification by the entity responsible for the protected health information to an individual whose protected health information has been lost, stolen, or otherwise disclosed for an unauthorized purpose. Such notification shall be made within 60 days of the discovery that such information has been lost, stolen, or otherwise disclosed. The Secretary shall include exemptions to such standards and protection for law enforcement and national security purposes. The Secretary shall determine penalties to be imposed on entities that fail to comply with this section in accordance with sections 1176 and 1177 of the Social Security Act.

''SEC. 3016. ACCOUNTABILITY.

''(a) SUBCONTRACTING AND OUTSOURCING OVERSEAS.—In the event an entity subject to this title contracts with service providers that are not subject to this title, including service providers operating in a foreign country, such entity shall—

''(1) take reasonable steps to select and retain third party service providers capable of maintaining appropriate safeguards for the security, privacy, and integrity of protected health information; and

''(2) require by contract that such service providers implement and maintain appropriate measures designed to meet the requirements of entities subject to this title.

''(b) COMPLIANCE ASSISTANCE.—The Secretary shall ensure there is a capacity to assist covered entities to determine the appropriate elements to be considered in arranging contracts with service providers who are not subject to this title.

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

Subtitle E—Miscellaneous Provisions

SEC. 13501. GAO STUDY.

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

SEC. 13502. HEALTH INFORMATION TECHNOLOGY RESOURCE CENTER.

Section 914 of the Public Health Service Act (42 U.S.C. 299b–3) is amended by adding at the end the following:

''(d) HEALTH INFORMATION TECHNOLOGY RESOURCE CENTER.—

''(1) IN GENERAL.—The Secretary, acting through the Director, shall develop a Health Information Technology Resource Center (referred to in this subsection as the 'Center') to provide technical assistance and develop best practices to support and accelerate efforts to adopt, implement, and effectively use interoperable health information technology in compliance with sections 3003 and 3010.

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

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

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

''(C) assemble, analyze, and widely disseminate evidence and experience related to the adoption, implementation, and effective use of interoperable health information technology;

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

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

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

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

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

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, such sums as may be necessary for each of fiscal years 2009 and 2010 to carry out this section.''.

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

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

''SEC. 330L. TELEMEDICINE; INCENTIVE GRANTS REGARDING COORDINATION AMONG STATES.

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

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

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

SA 255. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 604, between lines 10 and 11, insert the following:

(D) EXEMPTION FOR CERTAIN EMPLOYERS.—

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

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

(I) the employer's liability for payroll taxes (as defined in section 6432(b) of the Internal Revenue Code of 1986) for any quarter does not exceed the amount of the credit that the employer would be entitled to receive under section 6432 of such Code to compensate the employer for the costs of providing the subsidy under this subsection for such quarter; or

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

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

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

SA 256. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

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

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

(1) require a bidder, offeror, recipient, contractor, or subcontractor for a grant or contract described in subsection (c) that is for less than $1,000,000 to comply with the provisions of subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act) or other Federal

or State law that similarly requires the payment of a prevailing wage to various classes of employees with respect to such grant or contract or other related construction project (not including any minimum wage requirements under applicable Federal or State law); or

(2) require such bidder, offeror, recipient, contractor, or subcontractor to enter into, or adhere to, any agreement with 1 or more labor organizations, with respect to such grant or contract or another related construction project.

(b) NONAPPLICABILITY OF LABOR REQUIREMENTS.—Notwithstanding any other provision of law, a recipient of a grant or contract described in subsection (c) that is for less than $1,000,000 shall not be subject to—

(1) the provisions of subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act), or any other Federal or State law that similarly requires the payment of a prevailing wage to various classes of employees (not including any minimum wage requirements under applicable Federal or State law) with respect to such grant or contract or other related construction project; and

(2) any requirement under Federal or State law that the recipient enter into or adhere to any agreement with 1 or more labor organizations with respect to such grant or contract or other related construction project.

(c) APPLICABLE GRANT OR CONTRACT.—A grant or contract described in this subsection is a grant, subgrant, contract, or subcontract that is funded from amounts appropriated under this Act, or is for a project financed with the proceeds of a bond described in section 1901.

SA 257. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE VI—HOME OWNERSHIP PRESERVATION

SEC. 6001. DEFINITIONS.

As used in this title—

(1) the term ''Secretary'' means the Secretary of the Treasury;

(2) the term ''qualifying homeowner'' means any homeowner with an existing mortgage on their principal residence;

(3) the term ''Office'' means the Office of Home Ownership Preservation and Foreclosure Prevention established under this title; and

(4) the term ''Program'' means the Home Ownership Preservation and Foreclosure Prevention Program established under this title.

SEC. 6002. ESTABLISHMENT OF OFFICE.

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

SEC. 6003. FUNCTIONS.

(a) IN GENERAL.—The Office shall be responsible for operating and supervising the Home Ownership Preservation and Foreclosure Prevention Program for the purpose of making loans, subject to sections 6004 and 6005, with respect to any qualifying homeowner.

(b) FUNDING.—The Secretary may issue $100,000,000,000 in public debt for the purposes of funding the Program, including administrative costs associated with the Program.

(c) LOAN TERMS.—With respect to loans made under the Program—

(1) the interest rate applicable to such loans shall be fixed to the interest rate of the debt issued by the Secretary to finance the Program; and

(2) the duration of such loans shall be subject to a 30-year amortization schedule.

SEC. 6004. LIMITATIONS.

(a) IN GENERAL.—Loans originated under the Program—

(1) may not be extended to homeowners who would have a monthly debt-to-income ratio of greater than 35 percent for all mortgage-related after such loan is made;

(2) shall be applied to the primary residence of the borrower only;

(3) may not exceed the lesser of 20 percent of the principal amount of the mortgage or $80,000;

(4) may only be applied to mortgages below the conforming loan limit used by the Federal Housing Administration; and

(5) may be used only for loans originated between January 1, 2003 and January 1, 2008.

(b) NO PREPAYMENT PENALTIES.—There shall be no prepayment penalty for the early payment of a loan originated under this title.

SEC. 6005. PROTECTIONS AGAINST TAXPAYER LIABILITY.

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

(b) PRIORITY OF OBLIGATION.—The Department of the Treasury shall have priority repayment over all liens or interests in the assets of the borrower during any bankruptcy or foreclosure proceeding.

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

SA 258. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 723, between lines 7 and 8, insert the following:

(3) QUARTERLY CERTIFICATION OF NO STATE TUITION INCREASES.—For each fiscal year quarter during the recession adjustment period, a State eligible for an increased FMAP under this section shall certify to the Secretary, as a condition of receiving the additional Federal funds resulting from the application of this section to the State for the quarter, that the State will not take any action to increase tuition at State two and four-year colleges and universities during the quarter. Any State that fails to make such a certification shall not be eligible for such additional Federal funds and any State that makes such a certification and is determined by the Secretary to have taken an action that results in an increase in tuition at State two and four-year colleges and universities during the quarter shall pay the Secretary an amount equal to the additional Federal funds paid to the State under this section during the period of noncompliance and shall cease to be eligible for an increased FMAP under this section for the remainder of the recession adjustment period.

SA 259. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 723, between lines 7 and 8, insert the following:

(3) QUARTERLY CERTIFICATION OF TIMELY PAYMENTS TO CERTAIN NONPROFIT ORGANIZATIONS.—For each fiscal year quarter during the recession adjustment period, a State eligible for an increased FMAP under this section shall certify to the Secretary, as a condition of receiving the additional Federal funds resulting from the application of this section to the State for the quarter, that the State is current on its contractual obligations with nonprofit organizations that deliver human services on behalf of the State. Any State that fails to make such a certification shall not be eligible for such additional Federal funds and any State that makes such a certification and is determined by the Secretary to not be in compliance with the certification shall pay the Secretary an amount equal to the additional Federal funds paid to the State under this section during the period of noncompliance and shall cease to be eligible for an increased FMAP under this section for the remainder of the recession adjustment period.

SA 260. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 732, strike line 15 and all that follows through page 733, line 4, and insert the following:

SEC. 5004. INCREASED RESOURCES TO COMBAT MEDICAID FRAUD.

(a) FUNDING FOR THE HHS INSPECTOR GENERAL.—For purposes of ensuring the proper expenditure of Federal funds under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), there is appropriated to the Office of the Inspector General of the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated and without further appropriation, $100,000,000 for each of fiscal years 2009 through 2013. Amounts appropriated under this section shall remain available for expenditure until expended and shall be in addition to any other amounts appropriated or made available to such Office for such purposes.

(b) STATE MEDICAID FRAUD CONTROL UNITS.—

(1) IN GENERAL.—No State may elect to provide medical assistance under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (or under any waiver of such plan) to individuals described

in paragraph (2) unless the Secretary determines that the State has increased the amount of State expenditures attributable to the operation of the State medicaid fraud control unit described in section 1903(q) of the such Act (42 U.S.C. 1396b(q)) by at least 50 percent more than the amount of such expenditures for the most recent fiscal year.

(2) INDIVIDUALS DESCRIBED.—

(A) IN GENERAL.—The individuals described in this paragraph are—

(i) individuals who—

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

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

(ii) individuals who—

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

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

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

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

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

(ii) Individuals who are involuntarily unemployed and were involuntarily separated from employment on or after September 1, 2008, and before January 1, 2011, whose family gross income does not exceed a percentage specified by the State (not to exceed 200 percent) of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved, and who, but for such an election by the State, are not eligible for medical assistance under the State plan under title XIX of the Social Security Act or health assistance under a State plan under title XXI of such Act.

(iii) Such categories of individuals do not include individuals who are involuntarily unemployed and were involuntarily separated from employment on or after September 1, 2008, and before January 1, 2011, who are members of households participating in the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), and who, but for subsection (a)(10)(A)(ii)(XX), are not eligible for medical assistance under this title or health assistance under title XXI.

(C) REQUIREMENTS.—The requirements of this subparagraph with respect to an individual are the following:

(i) In the case of individuals within a category described in clause (i)(I) of subparagraph (B), the individual was involuntarily separated from employment on or after September 1, 2008, and before January 1, 2011, or meets such comparable requirement as the Secretary specifies through rule, guidance, or otherwise in the case of an individual who was an independent contractor.

(ii) The individual is not otherwise covered under creditable coverage, as defined in section 2701(c) of the Public Health Service Act (42 U.S.C. 300gg(c)), but applied without regard to paragraph (1)(F) of such section and without regard to coverage provided by reason of such an election by the State.

SA 261. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 723, between lines 7 and 8, insert the following:

(3) DEDICATION OF ENHANCED FUNDS FOR COVERAGE OF LOW-INCOME AMERICANS.—The increases in the FMAP for a State under this section shall not apply with respect to any expenditures for a fiscal year quarter occurring during the recession adjustment period for medical assistance provided to individuals under a State plan under title XIX of the Social Security Act (including under any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315) and including such expenditures that would be paid from a State allotment under title XXI of such Act) whose family income exceeds the State median income, as determined by the American Community Survey and as updated as necessary by the Secretary for the fiscal year. The limitation under the preceding sentence shall not apply with respect to any expenditures for such a fiscal year quarter for providing medical assistance under such a State plan for individuals described in section 1937(a)(2)(B) of such Act (42 U.S.C. 1396u–7(a)(2)(B)).

SA 262. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; as follows:

On page 60, between lines 4 and 5, insert the following:

GENERAL PROVISIONS—THIS TITLE

ADDITIONAL AMOUNTS FOR PROCUREMENT FOR RECONSTITUTION OF MILITARY UNITS AND RESTOCKING OF PREPOSITIONED ASSETS AND WAR RESERVE MATERIAL

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

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

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

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

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

(b) OFFSET.—

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

(2) DIGITAL-TO-ANALOG COMPUTER BOX PROGRAM.—The amount appropriated by title II under the heading ''NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION'' under the heading ''DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM'' is hereby reduced by $650,000,000.

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

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

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

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

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

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

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

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

(8) OPERATING EXPENSES FOR CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.—The amount appropriated by title VIII under the heading ''CORPORATION FOR NATIONAL AND COMMUNITY SERVICE'' under the heading ''OPERATING EXPENSES'' is hereby reduced by $13,000,000, with the amount of reduction allocated to amounts available for research activities authorized under subtitle H of title I of the 1990 Act.

(9) SUPPLEMENTAL CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION.—The amount appropriated by title XII under the heading ''FEDERAL RAILROAD ADMINISTRATION'' under the heading ''SUPPLEMENTAL CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION'' is hereby reduced by $850,000,000.

SA 263. Ms. STABENOW (for herself, Ms. CANTWELL, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure

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

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

SEC. —. FORMERLY HOMELESS YOUTH WHO ARE STUDENTS QUALIFIED FOR PURPOSES OF LOW INCOME HOUSING TAX CREDIT.

(a) IN GENERAL.—Clause (i) of section 42(i)(3)(D) is amended by redesignating subclauses (II) and (III) as subclauses (III) and (IV), respectively, and by inserting after subclause (I) the following new subclause:

''(II) a student who previously was a homeless child or youth (as defined by section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)),''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to determinations made before, on, or after the date of the enactment of this Act.

SA 264. Ms. STABENOW (for herself, Mr. ROCKEFELLER, Mr. BEGICH, Mr. LEVIN, Mr. BROWN, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 14 and 15, insert the following:

SEC. 4___. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.—Section 136(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(b)) is amended by striking ''30 percent'' and inserting ''90 percent''.

SA 265. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 422, between lines 4 and 5, insert the following:

(4) The website shall provide—

(A) information, organized by the location of the job opportunities involved, consisting of links to and information on how to access descriptions of and related information for job opportunities created by or with entities receiving funding under this Act;

(B) Internet links to the job banks operated by State workforce agencies and to the Department of Labor's CareerOneStop website that connects jobseekers to the one-stop career centers established under section 134(c) of the Workforce Investment Act of 1998; and

(C) to the extent practicable, links to other information about—

(i) other State, local, and public agencies receiving funding under this Act; and

(ii) nonprofit and other private organizations that enter into contracts to perform work funded by this Act for the purpose of increasing employment opportunities under this Act for individuals in the United States.

On page 422, line 5, strike ''(4)'' and insert ''(5)''.

On page 422, line 12, strike ''(5)'' and insert ''(6)''.

On page 422, line 15, strike ''(6)'' and insert ''(7)''.

On page 422, line 18, strike ''(7)'' and insert ''(8)''.

SA 266. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, strike line 21 and all that follows through page 56, line 23, and insert the following:

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

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

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

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

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

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

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

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

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

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

(3) The Assistant Secretary shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) construct and deploy broadband service related infrastructure;

(C) deploy necessary infrastructure for the provision of wireless voice service;

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

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

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

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

(7) The Assistant Secretary—

(A) shall require any entity receiving a grant pursuant to this section to report quarterly, in a format specified by the Assistant Secretary, on such entity's use of the assistance and progress fulfilling the objectives for which such funds were granted, and

the Assistant Secretary shall make these reports available to the public;

(B) may establish additional reporting and information requirements for any recipient of any assistance made available pursuant to this section;

(C) shall establish appropriate mechanisms to ensure appropriate use and compliance with all terms of any use of funds made available pursuant to this section;

(D) may, in addition to other authority under applicable law, deobligate awards to grantees that demonstrate an insufficient level of performance, or wasteful or fraudulent spending, as defined in advance by the Assistant Secretary, and award these funds competitively to new or existing applicants consistent with this section; and

(E) shall create and maintain a fully searchable database, accessible on the Internet at no cost to the public, that contains at least the name of each entity receiving funds made available pursuant to this section, the purpose for which such entity is receiving such funds, each quarterly report submitted by the entity pursuant to this section, and such other information sufficient to allow the public to understand and monitor grants awarded under the program.

(8) Concurrent with the issuance of the Request for Proposal for grant applications pursuant to this section, the Assistant Secretary shall, in coordination with the Federal Communications Commission, publish the non-discrimination and network interconnection obligations that shall be contractual conditions of grants awarded under this section.

(9) Within 1 year after the date of enactment of this Act, the Commission shall complete a rulemaking to develop a national broadband plan. In developing the plan, the Commission shall—

(A) consider the most effective and efficient national strategy for ensuring that all Americans have access to, and take advantage of, advanced broadband services;

(B) have access to data provided to other Government agencies under the Broadband Data Improvement Act (47 U.S.C. 1301 note);

(C) evaluate the status of deployments of broadband service, including the progress of projects supported by the grants made pursuant to this section; and

(D) develop recommendations for achieving the goal of nationally available broadband service for the United States and for promoting broadband adoption nationwide.

(10) The Assistant Secretary shall develop and maintain a comprehensive nationwide inventory map of existing broadband service capability and availability in the United States that entities and depicts the geographic extent to which broadband service capability is deployed and available from a commercial provider or public provider throughout each State: *Provided*, That not later than 2 years after the date of the enactment of the Act, the Assistant Secretary shall make the broadband inventory map developed and maintained pursuant to this section accessible to the public.

(11) For purposes of this section, the term ''wireless voice service'' means the provision of two-way, real-time, voice communications using a mobile service.

SA 267. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 98 by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, between lines 4 and 5, insert the following:

GENERAL PROVISIONS—THIS TITLE

ADDITIONAL AMOUNTS FOR PROCUREMENT FOR RECONSTITUTION OF MILITARY UNITS AND RESTOCKING OF PREPOSITIONED ASSETS AND WAR RESERVE MATERIAL

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

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

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

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

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

(b) OFFSET.—

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

(2) DIGITAL-TO-ANALOG COMPUTER BOX PROGRAM.—The amount appropriated by title II under the heading ''NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION'' under the heading ''DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM'' is hereby reduced by $650,000,000.

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

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

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

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

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

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

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

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

(8) OPERATING EXPENSES FOR CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.—The amount appropriated by title VIII under the heading ''CORPORATION FOR NATIONAL AND COMMUNITY SERVICE'' under the heading ''OPERATING EXPENSES'' is hereby reduced by $13,000,000, with the amount of reduction allocated to amounts available for research activities authorized under subtitle H of title I of the 1990 Act.

(9) SUPPLEMENTAL CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION.—The amount appropriated by title XII under the heading ''FEDERAL RAILROAD ADMINISTRATION'' under the heading ''SUPPLEMENTAL CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION'' is hereby reduced by $850,000,000.

SA 268. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, strike lines 1 through 5.

On page 59, between lines 9 and 10, insert the following:

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $2,000,000,000, to remain available for obligation until September 30, 2010: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the date of the enactment of this Act, individually submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives the modernization priority assessment for their respective Reserve and National Guard components.

On page 95, strike lines 1 through 8.

On page 137, line 17, strike ''$5,800,000,000'' and insert ''$5,400,000,000''.

SA 269. Mrs. HUTCHISON (for herself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and

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

At the appropriate place insert the following:

FEDERAL AVIATION ADMINISTRATION

NEXTGEN ACCELERATION

For grants or other agreements to accelerate the transition to the Next Generation Air Transportation System by accelerating deployment of ground infrastructure for Automatic Dependent Surveillance–Broadcast, by accelerating development of procedures and routes that support performance-based air navigation, to incentivize aircraft equipage to use such infrastructure and procedures and routes, and for additional agency administrative costs associated with the certification and oversight of the deployment of these systems, $550,000,000, to remain available until September 30, 2010: *Provided*, That the Administrator of the Federal Aviation Administration shall use the authority under section 106(l)(6) of title 49, United States Code, to make such grants or agreements: *Provided further*, That, with respect to any incentives for equipage, the Federal share of the costs shall be no more than 50 percent: and *Provided further*, That each amount otherwise appropriated by this division for administrative costs or programmatic overhead shall be reduced by a percentage that will reduce the aggregate amount otherwise appropriated for such purposes by $550,000,000.

SA 270. Mr. DEMINT (for himself, Mr. VITTER, Mr. WICKER, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, 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:

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

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

Section 19 of the Consumer Product Safety Act (15 U.S.C. 2068) is amended by adding at the end thereof the following:

''(c) EXCEPTIONS FOR SECOND-HAND SELLERS.—

''(1) IN GENERAL.—It is not a violation of subsection (a)(1) or (a)(2) of this section for a second-hand seller to sell, offer for sale, or distribute in commerce—

''(A) a consumer product for resale that is treated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) because of the application of section 101(a) of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a); or

''(B) a children's product without the label required by section 14(c) of this Act.

''(2) SECOND-HAND SELLER DEFINED.—In this subsection, the term 'second-hand seller' means—

''(A) a consignment shop, thrift shop, or similar enterprise that sells, offers for sale, or distributes in commerce a product after the first retail sale of that product;

''(B) an individual who utilizes the Internet, a yard sale, or other casual means of selling, or offering for sale, such a product; or

''(C) a person who sells, or offers for sale, such a product at an auction for the benefit of a nonprofit organization.''.

SEC. —002. PROSPECTIVE APPLICATION OF LEAD CONTENT AND THIRD PARTY TESTING RULES.

(a) LEAD CONTENT.—Section 101(a) of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a(a)) is amended—

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

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

(3) by striking ''180 days'' in paragraph (2)(A) and inserting ''360 days'';

(4) by striking ''1 year'' in paragraph (2)(B) and inserting ''18 months'';

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

(6) by striking ''3 years'' in paragraph (2)(D) and inserting ''3½ years''.

(b) THIRD PARTY TESTING.—Section 14(a)(3)(A) of the Consumer Product Safety Act (15 U.S.C. 2063(a)(3)(A)) is amended by inserting ''after August 9, 2009, and'' after ''manufactured''.

(c) APPLICATION.—The amendments made by subsections (a) and (b) shall be treated as having taken effect on August 15, 2008.

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

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

''(5) SPECIAL RULE FOR LEAD CONTENT TESTING AND CERTIFICATION.—Subsection (a) shall not require the manufacturer or private labeler of a product to test a product for, or certify it with respect to, lead content if—

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

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

SEC. —004. SUSPENSION OF ENFORCEMENT PENDING FINAL REGULATIONS.

Notwithstanding any provision of law to the contrary, neither the Consumer Product Safety Commission nor the Attorney General of any State may initiate an enforcement proceeding under the Consumer Product Safety Act or the Federal Hazardous Substances Act for failure to comply with the requirements of, or for violation of, the following provisions of law until 30 days after the date on which the Commission issues the referenced rule, regulation, or guidance:

(1) Section 101(a) of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a) with respect to materials, products, or parts described in subsection (b)(1), until the date on which the Commission promulgates a final rule providing the guidance required by section 101(b)(2)(B) of that Act.

(2) Section 101(a) of that Act with respect to certain electronic devices described in section 101(b)(4) of that Act, until the date on which the Commission, by final regulation, issues the requirements described in subparagraph (A) of section 101(b)(4) and establishes the schedule described in subparagraph (A) of section 101(b)(4).

(3) Section 14(a)(1) or (2) of the Consumer Product Safety Act (15 U.S.C. 2063(a)(1) or (2)), until the date on which—

(A) the Commission has established and published final notice of the requirements for accreditation of third party conformity assessment bodies under section 14(a)(3)(B)(vi) of that Act for products to which children's product safety rules established or revised before August 14, 2008, apply,

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

(C) the Commission has by final regulation initiated the program required by section 14(d)(2)(A) of that Act (15 U.S.C. 2063(d)(2)(A)) and established protocols and standards under section 14(d)(2)(B) of that Act (15 U.S.C. 2063(d)(2)(B)),

whichever is last.

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

Section 20(c) of the Consumer Product Safety Act (15 U.S.C. 2069(c)) is amended by adding at the end thereof the following: ''The Commission shall waive any civil penalty under this section if the Commission determines that—

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

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

SEC. —006. SMALL ENTERPRISE COMPLIANCE ASSISTANCE.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, or as soon thereafter as is practicable, the Consumer Product Safety Commission, in consultation with the Small Business Administration and State small business agencies, shall develop a compliance guide for small enterprises to assist them in complying with the requirements of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and other Acts enforced by the Commission.

(b) CONTENTS.—The guide—

(1) shall be designed to assist small enterprises to determine—

(A) whether the Consumer Product Safety Act (or any other Act enforced by the Commission) applies to their business activities;

(B) whether they are considered distributors, manufacturers, private labelers, or retailers under the Act; and

(C) which rules, standards, regulations, or statutory requirements apply to their business activities;

(2) shall provide guidance on how to comply with any such applicable rule, standard, regulation, or requirement, including—

(A) what actions they should take to ensure that they meet the requirements; and

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

(3) may contain such additional information as the Commission deems appropriate, including telephone, e-mail, and Internet contacts for compliance support and information.

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

(1) publish a sufficient number of copies of the guide to satisfy both individual requests for copies and mass requests to accommodate distribution by chambers of commerce, trade associations and other organizations the membership of which includes small enterprises whose business activities are affected by the requirements of the Consumer Product Safety Act and other Acts enforced by the Commission;

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

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

SA 271. Mr. REID (for Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE) for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

SEC. 1607. COMMUNITY ASSISTANCE.

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

SA 272. Mr. ROCKEFELLER (for Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE) for himself and Mr. BAUCUS) to the bill 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 40, between lines 11 and 12, insert the following:

INDUSTRIAL TECHNOLOGY SERVICES

For an additional amount for Industrial Technology Services, $70,000,000 shall be available for the necessary expenses of the Technology Innovation Program, to remain available until September 30, 2010.

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

SA 274. Ms. CANTWELL (for herself, Mr. HATCH, Ms. STABENOW, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 461, strike lines 8 to 10 and insert the following:

(b) ENSURING CONSUMER ACCESSIBILITY TO ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY IN THE CASE OF ELECTRICITY.—Section 179(d)(3) is amended by striking subparagraph (B) and inserting the following:

"(B) for the recharging of motor vehicles propelled by electricity, but only if—

"(i) the property complies with the Society of Automotive Engineers' connection standards,

"(ii) the property provides for non-restrictive access for charging and for payment interoperability with other systems, and

"(iii) the property—

"(I) is located on property owned by the taxpayer, or

"(II) is located on property owned by another person, is placed in service with the permission of such other person, and is fully maintained by the taxpayer.".

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

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

(a) 5-YEAR RECOVERY PERIOD.—

(1) IN GENERAL.—Subparagraph (B) of section 168(e)(3) is amended by striking "and" at the end of clause (vi), by striking the period at the end of clause (vii) and inserting ", and", and by adding at the end the following new clauses:

"(viii) any qualified smart electric meter, and

"(ix) any qualified smart electric grid system.".

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

(b) TECHNICAL AMENDMENTS.—Paragraphs (18)(A)(ii) and (19)(A)(ii) of section 168(i) are each amended by striking "16 years" and inserting "10 years".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(2) TECHNICAL AMENDMENT.—The amendments made by subsection (b) shall take effect as if included in section 306 of the Energy Improvement and Extension Act of 2008.

Beginning on page 467, strike line 21 and all that follows through page 470, line 23, and insert the following:

SEC. 1161. MODIFICATION OF CREDIT FOR QUALIFIED PLUG-IN ELECTRIC MOTOR VEHICLES.

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

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

"(1) MOTOR VEHICLE.—The term 'motor vehicle' means a motor vehicle (as defined in section 30(c)(2)), which is treated as a motor vehicle for purposes of title II of the Clean Air Act.".

(c) CREDIT FOR CERTAIN OTHER VEHICLES.—Section 30D is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and

(2) by inserting after subsection (e) the following new subsection:

"(f) CREDIT FOR CERTAIN OTHER VEHICLES.—For purposes of this section—

"(1) IN GENERAL.—In the case of a specified vehicle, this section shall be applied with the following modifications:

"(A) For purposes of subsection (a)(1), in lieu of the applicable amount determined under subsection (a)(2), the applicable amount shall be 10 percent of so much of the cost of the specified vehicle as does not exceed $40,000.

"(B) Subsection (b) shall not apply and no specified vehicle shall be taken into account under subsection (b)(2).

"(C) In the case of a specified vehicle which is a 2-or 3-wheeled motor vehicle, subsection (c)(1) shall be applied by substituting '2.5 kilowatt hours' for '4 kilowatt hours'.

"(D) In the case of a specified vehicle which is a low-speed motor vehicle, subsection (c)(3) shall not apply.

"(2) SPECIFIED VEHICLE.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'specified vehicle' means—

"(i) any 2- or 3- wheeled motor vehicle, or

"(ii) any low-speed motor vehicle,

which is placed in service after December 31, 2009, and before January 1, 2012.

"(B) 2- OR 3-WHEELED MOTOR VEHICLE.—The term '2- or 3-wheeled motor vehicle' means any vehicle—

"(i) which would be described in section 30(c)(2) except that it has 2 or 3 wheels,

"(ii) with motive power having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground,

"(iii) which has an electric motor that produces in excess of 5-brake horsepower,

"(iv) which draws propulsion from 1 or more traction batteries, and

"(v) which has been certified to the Department of Transportation pursuant to section 567 of title 49, Code of Federal Regulations, as conforming to all applicable Federal motor vehicle safety standards in effect on the date of the manufacture of the vehicle.

"(C) LOW-SPEED MOTOR VEHICLE.—The term 'low-speed motor vehicle' means a motor vehicle (as defined in section 30(c)(2)) which—

"(i) is placed in service after December 31, 2009, and

"(ii) meets the requirements of section 571.500 of title 49, Code of Federal Regulations.".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsections (a) and (c) shall take effect on the date of the enactment of this Act.

(2) OTHER MODIFICATIONS.—The amendments made by subsection (b) shall apply to property placed in service after December 31, 2009, in taxable years beginning after such date.

SEC. 1162. CONVERSION KITS.

(a) IN GENERAL.—Section 30B (relating to alternative motor vehicle credit) is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

"(i) PLUG-IN CONVERSION CREDIT.—

"(1) IN GENERAL.—For purposes of subsection (a), the plug-in conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified plug-in electric drive motor vehicle is 10 percent of so much of the cost of the converting such vehicle as does not exceed $40,000.

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

"(A) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—The term 'qualified plug-in

electric drive motor vehicle' means any new qualified plug-in electric drive motor vehicle (as defined in section 30D(c), determined without regard to paragraphs (4) and (6) thereof).

''(B) PLUG-IN TRACTION BATTERY MODULE.—The term 'plug-in traction battery module' means an electro-chemical energy storage device which—

''(i) which has a traction battery capacity of not less than 2.5 kilowatt hours,

''(ii) which is equipped with an electrical plug by means of which it can be energized and recharged when plugged into an external source of electric power,

''(iii) which consists of a standardized configuration and is mass produced,

''(iv) which has been tested and approved by the National Highway Transportation Safety Administration as compliant with applicable motor vehicle and motor vehicle equipment safety standards when installed by a mechanic with standardized training in protocols established by the battery manufacturer as part of a nationwide distribution program,

''(v) which complies with the requirements of section 32918 of title 49, United States Code, and

''(vi) which is certified by a battery manufacturer as meeting the requirements of clauses (i) through (v).

''(C) CREDIT ALLOWED TO LESSOR OF BATTERY MODULE.—In the case of a plug-in traction battery module which is leased to the taxpayer, the credit allowed under this subsection shall be allowed to the lessor of the plug-in traction battery module.

''(D) CREDIT ALLOWED IN ADDITION TO OTHER CREDITS.—The credit allowed under this subsection shall be allowed with respect to a motor vehicle notwithstanding whether a credit has been allowed with respect to such motor vehicle under this section (other than this subsection) in any preceding taxable year.

''(3) TERMINATION.—This subsection shall not apply to conversions made after December 31, 2012.''.

(b) CREDIT TREATED AS PART OF ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(a) is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) the plug-in conversion credit determined under subsection (i).''.

(c) NO RECAPTURE FOR VEHICLES CONVERTED TO QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.—Paragraph (8) of section 30B(h) is amended by adding at the end the following: '', except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2008, in taxable years beginning after such date.

On page 524, after line 3, insert the following:

SEC. _____. INCENTIVES FOR MANUFACTURING FACILITIES PRODUCING PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES AND COMPONENTS.

(a) DEDUCTION FOR MANUFACTURING FACILITIES.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 179E the following new section:

''SEC. 179F. ELECTION TO EXPENSE MANUFACTURING FACILITIES PRODUCING PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES AND COMPONENTS.

''(a) TREATMENT AS EXPENSES.—A taxpayer may elect to treat the applicable percentage of the cost of any qualified plug-in electric drive motor vehicle manufacturing facility property as an expense which is not chargeable to a capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the qualified manufacturing facility property is placed in service.

''(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is—

''(1) 100 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service before January 1, 2012, and

''(2) 50 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service after December 31, 2011, and before January 1, 2015.

''(c) ELECTION.—

''(1) IN GENERAL.—An election under this section for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

''(2) ELECTION IRREVOCABLE.—Any election made under this section may not be revoked except with the consent of the Secretary.

''(d) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE MANUFACTURING FACILITY PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified plug-in electric drive motor vehicle manufacturing facility property' means any qualified property—

''(A) the original use of which commences with the taxpayer,

''(B) which is placed in service by the taxpayer after the date of the enactment of this section and before January 1, 2015, and

''(C) no written binding contract for the construction of which was in effect on or before the date of the enactment of this section.

''(2) QUALIFIED PROPERTY.—

''(A) IN GENERAL.—The term 'qualified property' means any property which is a facility or a portion of a facility used for the production of—

''(i) any new qualified plug-in electric drive motor vehicle (as defined by section 30D(c)), or

''(ii) any eligible component.

''(B) ELIGIBLE COMPONENT.—The term 'eligible component' means any battery, any electric motor or generator, or any power control unit which is designed specifically for use with a new qualified plug-in electric drive motor vehicle (as so defined).

''(e) SPECIAL RULE FOR DUAL USE PROPERTY.—In the case of any qualified plug-in electric drive motor vehicle manufacturing facility property which is used to produce both qualified property and other property which is not qualified property, the amount of costs taken into account under subsection (a) shall be reduced by an amount equal to—

''(1) the total amount of such costs (determined before the application of this subsection), multiplied by

''(2) the percentage of property expected to be produced which is not qualified property.

''(f) ELECTION TO ACCELERATE THE AMT AND RESEARCH CREDIT IN LIEU OF DEDUCTION.—

''(1) IN GENERAL.—If a taxpayer elects to have this subsection apply for any taxable year—

''(A) subsection (a) shall not apply to any qualified plug-in electric drive motor vehicle manufacturing facility property placed in service by the taxpayer, and

''(B) each of the limitations described in paragraph (2) for any such taxable year shall be increased by the qualified plug-in electric drive motor vehicle manufacturing facility amount which is—

''(i) determined for such taxable year under paragraph (3), and

''(ii) allocated to such limitation under paragraph (4).

''(2) LIMITATIONS TO BE INCREASED.—The limitations described in this paragraph are—

''(A) the limitation imposed by section 38(c), and

''(B) the limitation imposed by section 53(c).

''(3) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE MANUFACTURING FACILITY AMOUNT.—For purposes of this paragraph—

''(A) IN GENERAL.—The qualified plug-in electric drive motor vehicle manufacturing facility amount is an amount equal to the applicable percentage of any qualified plug-in electric drive motor vehicle manufacturing facility which is placed in service during the taxable year.

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

''(i) 35 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service before January 1, 2012, and

''(ii) 17.5 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service after December 31, 2011, and before January 1, 2015.

''(C) SPECIAL RULE FOR DUAL USE PROPERTY.—In the case of any qualified plug-in electric drive motor vehicle manufacturing facility property which is used to produce both qualified property and other property which is not qualified property, the amount of costs taken into account under subparagraph (A) shall be reduced by an amount equal to—

''(i) the total amount of such costs (determined before the application of this subparagraph), multiplied by

''(ii) the percentage of property expected to be produced which is not qualified property.

''(4) ALLOCATION OF QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE MANUFACTURING FACILITY AMOUNT.—The taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the qualified plug-in electric drive motor vehicle manufacturing facility amount for the taxable year which is to be allocated to each of the limitations described in paragraph (2) for such taxable year.

''(5) ELECTION.—

''(A) IN GENERAL.—An election under this subsection for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

''(B) ELECTION IRREVOCABLE.—Any election made under this subsection may not be revoked except with the consent of the Secretary.

''(6) CREDIT REFUNDABLE.—For purposes of section 6401(b), the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C of such part (and not any other subpart).''.

(b) TECHNICAL AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''179F(f),'' after ''168(k)(4)(F),''.

(c) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 179F. Election to expense manufacturing facilities producing plug-in electric drive motor vehicle and components.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 275. Ms. STABENOW (for herself, Mr. ROCKEFELLER, Mr. KERRY, Mr. MENENDEZ, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 267, line 7, insert before the semicolon the following: '', including the use of electronic technology to collect and report patient demographic data, including, at a minimum, race, ethnicity, and gender data''.

On page 282, between lines 3 and 4, insert the following:

''(vi) The use of electronic systems to ensure the comprehensive collection of patient demographic data, including, at a minimum, race, ethnicity, and gender information.''.

On page 283, between lines 21 and 22, insert the following:

''(4) CONSISTENCY WITH EVALUATION CONDUCTED UNDER MIPPA.—

''(A) REQUIREMENT FOR CONSISTENCY.—The HIT Policy Committee shall ensure that recommendations made under paragraph (2)(B)(vi) are consistent with the evaluation conducted under section 1809(a) of the Social Security Act.

''(B) SCOPE.—Nothing in subparagraph (A) shall be construed to limit the recommendations under paragraph (2)(B)(vi) to the elements described in section 1809(a)(3) of the Social Security Act.

''(C) TIMING.—The requirement under subparagraph (A) shall be applicable to the extent that evaluations have been conducted under section 1809(a) of the Social Security Act, regardless of whether the report described in subsection (b) of such section has been submitted.''.

SA 276. Ms. CANTWELL (for herself, Mr. KERRY, Ms. SNOWE, Mr. SCHUMER, Ms. STABENOW, Mr. BINGAMAN, Mr. ENSIGN, Mr. CARPER, Mr. HATCH, Mr. WYDEN, Mr. CARDIN, Mr. NELSON of Florida, Mr. REED, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle J of title I of division B, add the following:

SEC. ____. ELECTION TO ACCELERATE THE LOW-INCOME HOUSING TAX CREDIT.

(a) IN GENERAL.—At the election of the taxpayer, the credit determined under section 42 of the Internal Revenue Code of 1986 for the taxpayer's first three taxable years beginning after December 31, 2008, in which credits are allowable for any low-income housing project with respect to initial investments made pursuant to a binding agreement by such taxpayer after December 31, 2008, and before January 1, 2011, shall be 200 percent of the amount which would (but for this subsection) be so allowable.

(b) ELIGIBILITY FOR ELECTION.—The election under subsection (a) shall take effect with respect to the first taxable year referred to in such subsection only when all rental requirements pursuant to section 42(g)(1) of the Internal Revenue Code of 1986 have been met with respect to the low-income housing project.

(c) REDUCTION IN AGGREGATE CREDIT TO REFLECT ACCELERATED CREDIT.—The aggregate credit allowable to any taxpayer under section 42 of the Internal Revenue Code of 1986 with respect to any investment for taxable years after the first three taxable years referred to in subsection (a) shall be reduced on a pro rata basis by the amount of the increased credit allowable by reason of subsection (a) with respect to such first three taxable years. The preceding sentence shall not be construed to affect whether any taxable year is part of the credit, compliance, or extended use periods under such section 42.

(d) ELECTION.—The election under subsection (a) shall be made at the time and in the manner prescribed by the Secretary of the Treasury or the Secretary's delegate, and, once made, shall be irrevocable. In the case of a partnership, such election shall be made by the partnership.

SA 277. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1001. REDUCTION IN 10-PERCENT RATE BRACKET FOR 2009 AND 2010.

(a) IN GENERAL.—Paragraph (1) of section 1(i) is amended by adding at the end the following new subparagraph:

''(D) REDUCED RATE FOR 2009 AND 2010.—In the case of any taxable year beginning in 2009 or 2010—

''(i) IN GENERAL.—Subparagraph (A)(i) shall be applied by substituting '5 percent' for '10 percent'.

''(ii) RULES FOR APPLYING CERTAIN OTHER PROVISIONS.—

''(I) Subsection (g)(7)(B)(ii)(II) shall be applied by substituting '5 percent' for '10 percent'.

''(II) Section 3402(p)(2) shall be applied by substituting '5 percent' for '10 percent'.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) WITHHOLDING PROVISIONS.—Subclause (II) of section 1(i)(1)(D)(ii) of the Internal Revenue Code of 1986, as added by subsection (a), shall apply to amounts paid after the 60th day after the date of the enactment of this Act.

SA 278. Mr. MCCAIN proposed an amendment to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; as follows:

On page 431, after line 8, insert the following:

SEC. ___. REDUCING SPENDING UPON ECONOMIC GROWTH TO RELIEVE FUTURE GENERATIONS' DEBT OBLIGATIONS.

(a) ENFORCEMENT.—Section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting at the end thereof the following:

''(d) REDUCING SPENDING UPON ECONOMIC GROWTH TO RELIEVE FUTURE GENERATIONS DEBT OBLIGATIONS.—

''(1) SEQUESTER.—Section 251 shall be implemented in accordance with this subsection in any fiscal year following a fiscal year in which there are 2 consecutive quarters of economic growth greater than 2% of inflation adjusted GDP.

''(2) AMOUNTS PROVIDED IN THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.—Appropriated amounts provided in the American Recovery and Reinvestment Act of 2009 for a fiscal year to which paragraph (1) applies that have not been otherwise obligated are rescinded.

''(3) REDUCTIONS.—The reduction of sequestered amounts required by paragraph (1) shall be 2% from the baseline for the first year, minus any discretionary spending provided in the American recovery and Reinvestment act of 2009, and each of the 4 fiscal years following the first year in order to balance the Federal budget.

''(e) DEFICIT REDUCTION THROUGH A SEQUESTER.—

''(1) SEQUESTER.—Section 253 shall be implemented in accordance with this subsection.

''(2) MAXIMUM DEFICIT AMOUNTS.—

''(A) IN GENERAL.—When the President submits the budget for the first fiscal year following a fiscal year in which there are 2 consecutive quarters of economic growth greater than 2% of inflation adjusted GDP, the President shall set and submit maximum deficit amounts for the budget year and each of the following 4 fiscal years. The President shall set each of the maximum deficit amounts in a manner to ensure a gradual and proportional decline that balances the federal budget in not later than 5 fiscal years.

''(B) MDA.—The maximum deficit amounts determined pursuant to subparagraph (A) shall be deemed the maximum deficit amounts for purposes of section 601 of the Congressional Budget Act of 1974, as in effect prior to the enactment of Public Law 105–33.

''(C) DEFICIT.—For purposes of this paragraph, the term 'deficit' shall have the meaning given such term in Public Law 99–177.''.

(b) PROCEDURES REESTABLISHED.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

''(b) PROCEDURES REESTABLISHED.—Subject to subsection (d), sections 251 and 252 of this Act and any procedure with respect to such sections in this Act shall be effective beginning on the date of enactment of this subsection.''.

(c) BASELINE.—The Congressional Budget Office shall not include any amounts, including discretionary, mandatory, and revenues, provided in this Act in the baseline for fiscal year 2010 and fiscal years thereafter.

SA 279. Mr. MCCAIN (for himself and Mr. SHELBY) proposed an amendment to amendment SA 98 proposed by Mr.

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

On page 429, strike line 6 and all that follows through page 430, line 12, and insert the following:

SEC. 1604. (a) INAPPLICABILITY OF BUY AMERICAN REQUIREMENTS.—Notwithstanding any other provision of this Act, the utilization of funds appropriated or otherwise made available by this Act shall not be subject to any Buy American requirement in a provision of this Act.

(b) BUY AMERICAN REQUIREMENT DEFINED.—In this section, the term ''Buy American requirement'' means a requirement in a provision of this Act that an item may be procured only if the item is grown, processed, reused, or produced in the United States.

SA 280. Mr. BAYH (for himself, Mr. BINGAMAN, Ms. STABENOW, Mr. ROCKEFELLER, and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, line 22, before the period, insert the following: '': *Provided further*, That $200,000,000 shall be available for waste energy recovery grants to owners or operators of waste energy recovery projects and utilities as authorized under section 373 of the Energy Policy and Conservation Act (42 U.S.C. 6343)''.

On page 90, between lines 14 and 15, insert the following:

SEC. 4___. WASTE ENERGY RECOVERY INCENTIVE GRANT PROGRAM.

Section 373 of the Energy Policy and Conservation Act (42 U.S.C. 6343) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''and'' after the semicolon at the end;

(B) in paragraph (2), by striking ''; and'' and inserting a period; and

(C) by striking paragraph (3);

(2) in subsection (b)—

(A) in paragraph (3)(A)—

(i) by inserting ''not more than'' after ''rate of''; and

(ii) by striking ''Energy Independence and Security Act of 2007'' and inserting ''American Recovery and Reinvestment Act of 2009''; and

(B) in paragraph (4), by inserting ''not more than'' after ''rate of'';

(3) by striking subsection (c);

(4) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively; and

(5) by striking subsection (e) (as so redesignated) and inserting the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $200,000,000 for each of fiscal years 2009 and 2010.''.

SA 281. Mr. BAYH (for himself, Ms. STABENOW, and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 16, after ''That'' insert the following: ''$200,000,000 shall be available for grants under section 131 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011) to plan, develop, and demonstrate electrical infrastructure projects that encourage the use of electric drive vehicles, including plug-in electric drive vehicles, and for near-term, large-scale electrification projects aimed at the transportation section: *Provided further*, That $590,000,000 shall be available under section 641 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231) to carry out a research, development, and demonstration program to support the ability of the United States to remain globally competitive in energy storage systems for electric drive vehicles, stationary application, and electricity transmission and distribution: *Provided further*, That''.

SA 282. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

SEC. 1607. PROGRAM OF STATE GRANTS TO ATTRACT AND RETAIN JOBS IN INFORMATION TECHNOLOGY AND MANUFACTURING SECTORS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity that—

(A) employs not fewer than 20 full-time equivalent employees in eligible jobs; and

(B) such jobs are located—

(i) in a foreign country; or

(ii) in the United States but would be relocated by such entity to a foreign country without the assistance of a grant awarded under the Program.

(2) ELIGIBLE JOB.—The term ''eligible job'' means, with respect to an entity, a job in the information technology sector or manufacturing sector in which the entity employs a full-time equivalent employee.

(3) ELIGIBLE STATE.—The term ''eligible State'' means a State that—

(A) submits an application in accordance with subsection (d)(1);

(B) includes in such application a certification as required by subsection (d)(2);

(C) agrees to make contributions pursuant to subsection (d)(3); and

(D) any part of which is located within a labor surplus area.

(4) LABOR SURPLUS AREA.—The term ''labor surplus area'' means an area in the United States included in the most recent classification of labor surplus areas by the Secretary of Labor.

(5) PROGRAM.—The term ''Program'' means the program established under subsection (b).

(6) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Commerce.

(b) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall, acting through the Assistant Secretary of Commerce for Economic Development, establish a program to provide funds to States to award grants to eligible entities for the purposes described in paragraph (2).

(2) PURPOSES.—A grant awarded under the Program shall be used by an eligible entity—

(A) to relocate an eligible job located in a foreign country to a labor surplus area; or

(B) to retain an eligible job located in a labor surplus area that the eligible entity would otherwise relocate to a foreign country without the assistance of such grant.

(c) ALLOTMENT TO STATES.—

(1) IN GENERAL.—During the 2-year period beginning on the date that is 90 days after the date of the enactment of this Act, the Secretary shall provide $2,000,000,000 to eligible States to enable such States to award grants under the Program.

(2) ALLOTMENT AMONG STATES.—From the amount provided pursuant to paragraph (1), the Secretary shall allot to each eligible State an amount which bears the same relationship to the amount provided under paragraph (1) as the total number of individuals in the State bears to the total number of individuals in all eligible States.

(d) REQUIREMENTS OF STATES.—

(1) APPLICATION.—A State seeking funds under the Program shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) CERTIFICATION.—An application submitted under paragraph (1) shall include a certification made by the appropriate official of an eligible State that the State will use any amount provided to the State under the Program in accordance with the requirements of subsection (e).

(3) STATE MATCHING REQUIREMENT.—A State seeking funds under the Program shall agree to make available non-Federal funds to carry out the purposes of the Program in an amount equal to not less than 30 percent of the amount allotted to such State under subsection (c)(2).

(e) GRANTS TO ELIGIBLE ENTITIES.—

(1) IN GENERAL.—Subject to subsection (g), not later than 1 year after the date that a State receives an amount under subsection (c), the State shall use such amount to award grants to eligible entities in that State to enable such entities to relocate or retain eligible jobs as described in subparagraph (A) or (B) of subsection (b)(2). A State may not award a grant to any entity under the Program for the purpose of relocating a job from one State to another State.

(2) APPLICATION.—

(A) IN GENERAL.—An eligible entity seeking a grant from a State under the program shall submit an application to the Governor of that State at such time, in such manner, and containing such information as the Governor may require.

(B) CERTIFICATION.—An application submitted under subparagraph (A) by an eligible entity shall include a certification made by the entity that the entity will relocate or retain eligible jobs as described in subparagraph (A) or (B) of subsection (b)(2).

(3) AMOUNTS.—A grant awarded by a State to an eligible entity under the Program shall be disbursed by the State to the entity in 2 installments as follows:

(A) INITIAL INSTALLMENT.—The initial installment of the grant shall be disbursed to the entity as soon as practicable after the grant is awarded in an amount equal to $5,000 per eligible job that the entity—

(i) relocates from a foreign country to a labor surplus area; or

(ii) retains in a labor surplus area that the entity would otherwise relocate to a foreign country without the assistance of such grant.

(B) SECOND INSTALLMENT.—Subject to paragraph (4), the second installment of the grant shall be disbursed to the entity as soon as practicable after the 366th day after the grant is awarded in an amount equal to $4,000 per eligible job that the entity—

(i) relocates as described in subparagraph (A)(i); or

(ii) retains as described in subparagraph (A)(ii).

(4) CERTIFICATION OF INCREASE IN EMPLOYMENT.—

(A) IN GENERAL.—To be eligible for the second installment of a grant under paragraph (3)(B), an eligible entity awarded a grant under the Program shall certify to the satisfaction of the Governor of the State that awarded the grant that the entity increased during the first year of the grant the number of full-time equivalent employees employed by the entity in an eligible job in a labor surplus area.

(B) FAILURE TO CERTIFY.—If an eligible entity awarded a grant under the Program fails to make the certification required by subparagraph (A)—

(i) the entity shall not receive the second installment of the grant under paragraph (3)(B); and

(ii) the grant awarded to such recipient shall be terminated.

(f) PUBLICATION OF GRANT AWARDS.—

(1) NOTICE TO SECRETARY.—Not later than 30 days after the date on which a State awards a grant under the Program, the State shall submit to the Secretary such information regarding the grant as the Secretary may require, including the following:

(A) The name of the grant recipient.

(B) The number of eligible jobs to be relocated or retained, as described in clause (i) or (ii) of subsection (e)(3)(A), by the grant recipient.

(C) The labor surplus area concerned.

(2) IN GENERAL.—Not later than 30 days after the date on which the Secretary receives information under paragraph (1), the Secretary shall publish such information on the Internet web site of the Department of Commerce.

(g) STATE ADMINISTRATIVE COSTS.—Of the amount provided to a State by the Secretary under the Program, an amount not to exceed 5 percent may be used by such State for the costs of administering the Program.

(h) AUDITS.—A State shall audit each eligible entity awarded a grant under the Program to ensure that the entity relocates or retains eligible jobs as described in subparagraph (A) or (B) of subsection (b)(2).

(i) REPORT.—Not later than 410 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the Program.

(j) DIRECT SPENDING AUTHORITY AND OFFSET.—

(1) DIRECT SPENDING AUTHORITY.—There is authorized to be appropriated and is appropriated to the Secretary $2,000,000,000 to carry out the Program.

(2) AVAILABILITY.—The amounts appropriated under paragraph (1) shall remain available for the purpose described in such paragraph until September 30, 2010.

(3) OFFSET.—The amount appropriated or otherwise made available by title XIV of this division under the heading ''STATE FISCAL STABILIZATION FUND'' and the amount described in section 1401(c) of such title are each reduced by $2,000,000,000.

SA 283. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 451, between lines 13 and 14, insert the following:

SEC. _____. TEMPORARY INCREASE IN PERSONAL CAPITAL LOSS DEDUCTION LIMITATION.

(a) IN GENERAL.—Section 1211 is amended by adding at the end the following new subsection:

''(c) SPECIAL RULE FOR TAXABLE YEARS BEGINNING IN 2009.—In the case of a taxable year beginning after December 31, 2008, and before January 1, 2010, subsection (b)(1) shall be applied—

''(1) by substituting '$15,000' for '$3,000', and

''(2) by substituting '$7,500' for '$1,500'.''.

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

(c) OFFSET.—Notwithstanding any other provision of division A, the amounts appropriated or made available in division A (other than any such amount under the heading ''Department of Veterans Affairs'' in title X of division A) shall be reduced by a percentage necessary to offset the aggregate reduction in revenues resulting from the enactment of the amendment made by subsection (a).

SA 284. Mr. VITTER (for himself, Mr. COCHRAN, Mr. SHELBY, Mrs. HUTCHISON, Mr. WICKER, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

SEC. ____. COASTAL RESTORATION AND GULF STATE RECOVERY.

(a) SEAWARD BOUNDARIES OF STATES.—

(1) IN GENERAL.—Section 4 of the Submerged Lands Act (43 U.S.C. 1312) is amended by striking ''three geographical miles'' each place it appears and inserting ''12 nautical miles''.

(2) CONFORMING AMENDMENTS.—Section 2 of the Submerged Lands Act (43 U.S.C. 1301) is amended by striking ''three geographical miles'' each place it appears in subsections (a)(2) and (b) and inserting ''12 nautical miles''.

(3) EFFECT OF AMENDMENTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) through (D), the amendments made by this subsection shall not effect Federal oil and gas mineral rights.

(B) SUBMERGED LAND.—Submerged land within the seaward boundaries of States shall be—

(i) subject to Federal oil and gas mineral rights to the extent provided by law;

(ii) considered to be part of the Federal outer Continental Shelf for purposes of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(iii) subject to leasing under the authority of that Act and to laws applicable to the leasing of the oil and gas resources of the Federal outer Continental Shelf.

(C) EXISTING LEASES.—The amendments made by this subsection shall not affect any Federal oil and gas lease in effect on the date of enactment of this Act.

(D) TAXATION.—A State may exercise all of the sovereign powers of taxation of the State within the entire extent of the seaward boundaries of the State (as extended by the amendments made by this subsection).

(b) COASTAL IMPACT ASSISTANCE PROGRAM AMENDMENTS.—

(1) IN GENERAL.—Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended—

(A) in subsection (c), by adding at the end the following:

''(5) APPLICATION REQUIREMENTS; AVAILABILITY OF FUNDING.—On approval of a plan by the Secretary under this section, the producing State shall—

''(A) not be subject to any additional application or other requirements (other than notifying the Secretary of which projects are being carried out under the plan) to receive the payments; and

''(B) be immediately eligible to receive payments under this section.''; and

(B) by adding at the end the following:

''(e) FUNDING.—

''(1) STREAMLINING.—

''(A) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Secretary of the Interior (acting through the Director of the Minerals Management Service) (referred to in this subsection as the 'Secretary') shall develop a plan that addresses streamlining the process by which payments are made under this section, including recommendations for—

''(i) decreasing the time required to approve plans submitted under subsection (c)(1);

''(ii) ensuring that allocations to producing States under subsection (b) are adequately funded; and

''(iii) any modifications to the authorized uses for payments under subsection (d).

''(B) CLEAN WATER.—Not later than 180 days after the date of enactment of this subsection, the Secretary and the Administrator of the Environmental Protection Agency shall jointly develop procedures for streamlining the permit process required under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and State laws for restoration projects that are included in an approved plan under subsection (c).

''(C) ENVIRONMENTAL REQUIREMENTS.—In the case of any project covered by this subsection that is not carried out on wetland (as defined in section 1201 of the Food Security Act of 1985 (16 U.S.C. 3801)), there shall be no requirement for a review, statement, or analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) DREDGED MATERIALS.—Not later than 180 days after the date of enactment of this subsection, the Secretary of the Army shall develop and implement guidelines requiring the use of dredged material, at full Federal expense, for ecological restoration, or port or other coastal infrastructure, in producing States.

''(3) COST-SHARING REQUIREMENTS.—Any amounts made available to producing States under this section may be used to meet the cost-sharing requirements of other Federal grant programs, including grant programs

that support coastal protection and restoration.

''(4) EXPEDITED FUNDING.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall develop a procedure to provide expedited funding to projects under this section based on estimated revenues to ensure that the projects may—

''(A) secure additional funds from other sources; and

''(B) use the amounts made available under this section on receipt.''.

(2) APPLICATION.—The amendments made by paragraph (1) apply to an application for payments under section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) that is pending on, or filed on or after, the date of enactment of this Act.

SA 285. Mr. BAUCUS (for himself, Mr. LEAHY, and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, 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 159, between lines 11 and 12, insert the following:

(2) MINIMUM AMOUNT.—Notwithstanding paragraph (1), no State higher education agency shall receive less than 0.5 percent of the amount allocated under paragraph (1).

SA 286. Ms. LANDRIEU (for herself, Mr. KOHL, and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 179, between lines 3 and 4, insert the following:

(D) CHARTER SCHOOLS.—

(i) IN GENERAL.—An eligible local educational agency receiving funds under this paragraph shall use an equitable portion of the funds, as determined under clause (ii), to carry out school renovation, repair, and construction (consistent with subsection (c)) for charter schools that are served by the eligible local educational agency.

(ii) EQUITABLE PORTION.—An eligible local educational agency receiving funds under this paragraph shall determine the amount of the equitable portion described in clause (i) on the basis of—

(I) the percentage of poor children who are enrolled in the charter schools served by the eligible local educational agency; and

(II) the needs of the charter schools as determined by the eligible local educational agency.

SA 287. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE VI—TAXPAYER PROTECTION PROSECUTION TASK FORCE

SEC. 6001. CREATION OF A TAXPAYER PROTECTION PROSECUTION TASK FORCE.

The Attorney General of the United States shall immediately establish a Taxpayer Protection Prosecution Task Force (referred to in this title as the ''Task Force'') .

SEC. 6002. DUTIES OF THE TASK FORCE.

The Task Force shall—

(1) investigate and prosecute financial fraud cases or any other violation of law that contributed to the collapse of our financial markets; and

(2) seek to claw back any ill-gotten gains, particularly by those who received billions of dollars in compensation creating the real estate and financial bubble.

SEC. 6003. MEMBERSHIP.

The membership of the Task Force shall include—

(1) Department of Justice attorneys acting as a team of Federal prosecutors;

(2) special agents from the Federal Bureau of Investigation, the Internal Revenue Service, and United States Postal Service; and

(3) additional assistance from the Board of Governors of the Federal Reserve System, the Securities and Exchange Commission, and other Federal banking regulators or investigators.

SEC. 6004. STAFFING.

The Task Force shall be staffed by Department of Justice career attorneys, enforcement attorneys, and other private and public sector legal professionals and experts in the violations of law under investigation.

SEC. 6005. DIRECTOR.

The Director of the Task Force shall be appointed by the President, subject to the advice and consent of the Senate.

SEC. 6006. OUTSIDE EMPLOYMENT.

The Director of the Task Force and all professional members of the staff shall for a period of 2 years after their employment with the Task Force be prohibited from directly or indirectly representing any client in or in connection with any investigation relating to any of the work of the Task Force.

SEC. 6007. REPORTS TO CONGRESS.

The Task Force shall file—

(1) a public report directly with Congress every 6 months on its activities; and

(2) if necessary, a classified annex to protect the confidentiality of ongoing investigations or attorney-client privilege or other non-public information.

SEC. 6008. STATUTE OF LIMITATIONS RECOMMENDATION.

The Task Force shall make recommendations to Congress not later than 60 days after the date of the establishment of the Task Force regarding extension of the statute of limitation for complex financial fraud and other similar cases.

SA 288. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, 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 478, between lines 15 and 16, insert the following:

SEC. _____. TEMPORARY REINSTATEMENT OF REGULAR INVESTMENT TAX CREDIT.

The current year business credit under section 38 of Internal Revenue Code of 1986 shall include the amount that would be determined under section 46(a) of such Code (without regard to paragraphs (2) and (3) of such subsection) (as such Code was in effect before the amendments made by the Revenue Reconciliation Act of 1990 (Public Law 101–508)) with respect to property placed in service after 2008 and before July 1, 2010, if the regular percentage were 15 percent.

SA 289. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, between lines 6 and 7, insert the following:

(E) PROHIBITION.—Notwithstanding any other provision of this section, a State higher education agency shall not award a subgrant under this section to an institution of higher education that—

(i) has an endowment exempt from taxation under subtitle A of the Internal Revenue Code of 1986 that is more than $15,000,000,000; or

(ii) has paid more than $1,000,000 for lobbying activities, as such term is defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602), in the preceding fiscal year.

SA 290. Mr. BROWNBACK (for himself, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 320, between lines 3 and 4, insert the following:

''(10) establishing and supporting health record banking models to further consumer-based consent models that promote lifetime access to qualified health records, if such activities are included in the plan described in subsection (e), and may contain smart card functionality; and''.

SA 291. Mr. BROWNBACK (for himself, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and

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

On page 320, between lines 3 and 4, insert the following:

''(10) establishing and supporting health record banking models to further consumer-based consent models that promote lifetime access to qualified health records, if such activities are included in the plan described in subsection (e), and may contain smart card functionality; and''.

SA 292. Mr. BROWNBACK (for himself, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 320, between lines 3 and 4, insert the following:

''(10) establishing and supporting health record banking models to further consumer-based consent models that promote lifetime access to qualified health records, if such activities are included in the plan described in subsection (e), and may contain smart card functionality; and''.

SA 293. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 270, strike lines 1 through 11, and insert the following:

''(1) STANDARDS.—The National Coordinator shall—

''(A) review and determine whether to endorse each standard, implementation specification, and certification criterion for the electronic exchange and use of health information that is recommended by the HIT Standards Committee under section 3003 for purposes of adoption under section 3004;

''(B) make such determinations under subparagraph (A), and report to the Secretary such determinations, not later than 45 days after the date the recommendation is received by the Coordinator;

''(C) review Federal health information technology investments to ensure that Federal health information technology programs are meeting the objectives of the strategic plan published under paragraph (3); and

''(D) provide comments and advice regarding specific Federal health information technology programs, at the request of Office of Management and Budget.''.

Beginning on page 273, strike line 21, and all that follows through line 8 on page 274, and insert the following:

''(5) HARMONIZATION.—The Secretary may recognize an entity or entities for the purpose of harmonizing or updating standards and implementation specifications in order to achieve uniform and consistent implementation of the standards and implementation specifications.

''(6) CERTIFICATION.—

''(A) IN GENERAL.—The National Coordinator, in consultation with the Director of the National Institute of Standards and Technology, shall recognize a program or programs for the voluntary certification of health information technology as being in compliance with applicable certification criteria adopted under this subtitle. Such program shall include, as appropriate, testing of the technology in accordance with section 14201(b) of the Health Information Technology for Economic and Clinical Health Act.''.

On page 277, strike lines 8 through 11, and insert the following:

''(8) GOVERNANCE FOR NATIONWIDE HEALTH INFORMATION NETWORK.—The National Coordinator shall implement the recommendations made by the HIT Policy Committee regarding the governance of the nationwide health information network.''.

On page 283, between lines 12 and 13, insert the following:

''(ix) Methods to facilitate secure access by an individual to such individual's protected health information.

''(x) Methods, guidelines, and safeguards to facilitate secure access to patient information by a family member, caregiver, or guardian acting on behalf of a patient due to age-related and other disability, cognitive impairment, or dementia that prevents a patient from accessing the patient's individually identifiable health information.''.

On page 284, strike lines 1 through 13, and insert the following:

''(2) MEMBERSHIP.—The HIT Policy Committee shall be composed of members to be appointed as follows:

''(A) One member shall be appointed by the Secretary.

''(B) One member shall be appointed by the Secretary of Veterans Affairs who shall represent the Department of Veterans Affairs.

''(C) One member shall be appointed by the Secretary of Defense who shall represent the Department of Defense.

''(D) One member shall be appointed by the Majority Leader of the Senate.

''(E) One member shall be appointed by the Minority Leader of the Senate.

''(F) One member shall be appointed by the Speaker of the House of Representatives.

''(G) One member shall be appointed by the Minority Leader of the House of Representatives.

''(H) Eleven members shall be appointed by the Comptroller General of the United States, of whom—

''(i) three members shall represent patients or consumers;

''(ii) one member shall represent health care providers;

''(iii) one member shall be from a labor organization representing health care workers;

''(iv) one member shall have expertise in privacy and security;

''(v) one member shall have expertise in improving the health of vulnerable populations;

''(vi) one member shall represent health plans or other third party payers;

''(vii) one member shall represent information technology vendors;

''(viii) one member shall represent purchasers or employers; and

''(ix) one member shall have expertise in health care quality measurement and reporting.

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

''(4) NATIONAL COORDINATOR.—The National Coordinator shall serve as a member of the HIT Policy Committee and act as a liaison among the HIT Policy Committee, the HIT Standards Committee, and the Federal Government.

''(5) PARTICIPATION.—The members of the HIT Policy Committee appointed under paragraph (2) shall represent a balance among various sectors of the health care system so that no single sector unduly influences the recommendations of the Policy Committee.

''(6) TERMS.—

''(A) IN GENERAL.—The terms of the members of the HIT Policy Committee shall be for 3 years, except that the Comptroller General shall designate staggered terms for the members first appointed.

''(B) VACANCIES.—Any member appointed to fill a vacancy in the membership of the HIT Policy Committee that occurs prior to the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has been appointed. A vacancy in the HIT Policy Committee shall be filled in the manner in which the original appointment was made.

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

''(A) health information privacy and security;

''(B) improving the health of vulnerable populations;

''(C) health care quality and patient safety, including individuals with expertise in the measurement and use of health information technology to capture data to improve health care quality and patient safety;

''(D) long-term care and aging services;

''(E) medical and clinical research; and

''(F) data exchange and developing health information technology standards and new health information technology.

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

''(9) FAILURE OF INITIAL APPOINTMENT.—If, on the date that is 120 days after the date of enactment of this title, an official authorized under paragraph (2) to appoint one or more members of the HIT Policy Committee has not appointed the full number of members that such paragraph authorizes such official to appoint—

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

''(B) the number prescribed in paragraph (8) as the quorum shall be reduced to the smallest whole number that is greater than one-half of the total number of members who have been appointed as of that date.

''(10) CONSIDERATION.—The National Coordinator shall ensure that the relevant recommendations and comments from the National Committee on Vital and Health Statistics are considered in the development of policies.''.

On page 287, between lines 16 and 17, insert the following:

''(5) CONSIDERATION.—The National Coordinator shall ensure that the relevant recommendations and comments from the National Committee on Vital and Health Statistics are considered in the development of standards.''.

On page 288, strike lines 4 through 19 and insert the following:

''(3) BROAD PARTICIPATION.—There is broad participation in the HIT Standards Committee by a variety of public and private stakeholders, either through membership in the Committee or through another means.

''(4) CHAIRPERSON; VICE CHAIRPERSON.—The HIT Standards Committee may designate one member to serve as the chairperson and one member to serve as the vice chairperson.

''(5) DEPARTMENT MEMBERSHIP.—The Secretary shall be a member of the HIT Standards Committee. The National Coordinator shall act as a liaison among the HIT Standards Committee, the HIT Policy Committee, and the Federal Government.

''(6) BALANCE AMONG SECTORS.—In developing the procedures for conducting the activities of the HIT Standards Committee, the HIT Standards Committee shall act to ensure a balance among various sectors of the health care system so that no single sector unduly influences the actions of the HIT Standards Committee.

''(7) ASSISTANCE.—For the purposes of carrying out this section, the Secretary may provide or ensure that financial assistance is provided by the HIT Standards Committee to defray in whole or in part any membership fees or dues charged by such Committee to those consumer advocacy groups and not for profit entities that work in the public interest as a part of their mission.

''(d) OPEN AND PUBLIC PROCESS.—In providing for the establishment of the HIT Standards Committee pursuant to subsection (a), the Secretary shall ensure the following:

''(1) CONSENSUS APPROACH; OPEN PROCESS.—The HIT Standards Committee shall use a consensus approach and a fair and open process to support the development, harmonization, and recognition of standards described in subsection (a)(1).

''(2) PARTICIPATION OF OUTSIDE ADVISERS.—The HIT Standards Committee shall ensure an adequate opportunity for the participation of outside advisors, including individuals with expertise in—

''(A) health information privacy;

''(B) health information security;

''(C) health care quality and patient safety, including individuals with expertise in utilizing health information technology to improve healthcare quality and patient safety;

''(D) long-term care and aging services; and

''(E) data exchange and developing health information technology standards and new health information technology.

''(3) OPEN MEETINGS.—Plenary and other regularly scheduled formal meetings of the HIT Standards Committee (or established subgroups thereof) shall be open to the public.

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

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

''(e) VOLUNTARY CONSENSUS STANDARD BODY.—The provisions of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) and Office of Management and Budget circular 119 shall apply to the HIT Standards Committee.''.

On page 290, line 14, strike ''INITIAL SET OF''.

On page 291, between lines 6 and 7, insert the following:

''(3) SUBSEQUENT STANDARDS ACTIVITY.—The Secretary shall adopt additional standards, implementation specifications, and certification criteria as necessary and consistent with the schedule published under section 3003(b)(2).''.

Beginning on page 293, strike line 7 and all that follows through line 2 on page 295, and insert the following:

SEC. 3008. TRANSITIONS.

''(a) ONCHIT.—Nothing in section 3001 shall be construed as requiring the creation of a new entity to the extent that the Office of the National Coordinator for Health Information Technology established pursuant to Executive Order 13335 is consistent with the provisions of section 3001.

''(b) NATIONAL EHEALTH COLLABORATIVE.—Nothing in sections 3002 or 3003 or this subsection shall be construed as prohibiting the National eHealth Collaborative from modifying its charter, duties, membership, and any other structure or function required to be consistent with the requirements of a voluntary consensus standards body so as to allow the Secretary to recognize the National eHealth Collaborative as the HIT Standards Committee.

''(c) CONSISTENCY OF RECOMMENDATIONS.—In carrying out section 3003(b)(1)(A), until recommendations are made by the HIT Policy Committee, recommendations of the HIT Standards Committee shall be consistent with the most recent recommendations made by such AHIC Successor, Inc.''.

On page 294, strike lines 10 through 16.

305, line 5, strike ''shall coordinate'' and insert ''may review''.

SA 294. Mr. GRASSLEY (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 678, line 24, strike ''0.'' and insert ''0. In implementing this subparagraph with respect to charity care, the Secretary shall coordinate with the Secretary of the Treasury and the Medicare Payment Advisory Commission to ensure uniform definitions of charity care and uncompensated care.''

SA 295. Mr. GRASSLEY (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC.—. STUDY OF TAX-EXEMPT AND NON-TAX-EXEMPT HOSPITALS.

(a) STUDY.—The Secretary of the Treasury shall undertake a study of the differences in operation between hospitals that are described in section 501(c)(3) of the Internal Revenue Code of 1986 and are exempt from tax under section 501(a) of such Code, and hospitals that are not so exempt. The study conducted under this section shall include, in addition to any other information deemed relevant by the Secretary of the Treasury, a comprehensive review of the amount of uncompensated care, non-patient services and other benefits, and executive compensation provided by each type of hospital.

(b) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report containing the results of the study conducted under this section.

SA 296. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 720, strike line 18 and all that follows through page 723, line 11, and insert the following:

(f) STATE INELIGIBILITY.—

(1) MAINTENANCE OF EFFORT REQUIREMENTS.—No State shall be eligible for an increased FMAP rate under this section for any fiscal year quarter during the recession adjustment period if the Secretary determines, with respect to the State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) and any fiscal year quarter during such period, any of the following:

(A) ELIGIBILITY.—Any reduction in eligibility standards, methodologies, or procedures under such State plan or waiver.

(B) BENEFITS.—Any reduction in the type, amount, duration, or scope of benefits provided under such State plan or waiver.

(C) PROVIDER PAYMENTS.—Any reduction in provider payments under such State plan or waiver, including the aggregate or per service amount paid to any provider and the amount and extent of beneficiary cost-sharing imposed.

(2) EXCEPTION FOR REDUCTION MADE FOR PURPOSES OF PREVENTING FRAUD.—A State shall not be ineligible under paragraph (1) if the Secretary determines, with respect to the State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) and any fiscal year quarter during such period, that any reductions described in paragraph (1) that are made by the State for any such quarter are for purposes of preventing fraud under the State plan or waiver.

SA 297. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 714, strike line 1 and all that follows through page 725, line 14, and insert the following:

SEC. 5001. TEMPORARY INCREASE OF MEDICAID FMAP.

(a) PERMITTING MAINTENANCE OF FMAP.—Subject to subsections (d), (e), (f), and (g) if the FMAP determined without regard to this section for a State for—

(1) fiscal year 2009 is less than the FMAP as so determined for fiscal year 2008, the FMAP for the State for fiscal year 2008 shall be substituted for the State's FMAP for fiscal year 2009, before the application of this section;

(2) fiscal year 2010 is less than the FMAP as so determined for fiscal year 2008 or fiscal year 2009 (after the application of paragraph (1)), the greater of such FMAP for the State for fiscal year 2008 or fiscal year 2009 shall be substituted for the State's FMAP for fiscal year 2010, before the application of this section; and

(3) fiscal year 2011 is less than the FMAP as so determined for fiscal year 2008, fiscal year 2009 (after the application of paragraph (1)), or fiscal year 2010 (after the application of paragraph (2)), the greatest of such FMAP for the State for fiscal year 2008, fiscal year 2009, or fiscal year 2010 shall be substituted for the State's FMAP for fiscal year 2011, before the application of this section, but only for the first, second, and third calendar quarters in fiscal year 2011.

(b) GENERAL 9.5 PERCENTAGE POINT INCREASE.—Subject to subsections (d), (e), (f), and (g), for each State for calendar quarters during the recession adjustment period (as defined in subsection (h)(2)), the FMAP (after the application of subsection (a)) shall be increased (without regard to any limitation otherwise specified in section 1905(b) of the Social Security Act) by 9.5 percentage points.

(c) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Subject to subsections (e), (f), and (g), with respect to entire fiscal years occurring during the recession adjustment period and with respect to fiscal years only a portion of which occurs during such period (and in proportion to the portion of the fiscal year that occurs during such period), the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 6 U.S.C. 1308) shall each be increased by 9.5 percent.

(d) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this section shall apply for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4);

(2) payments under title IV of such Act (42 U.S.C. 601 et seq.) (except that the increases under subsections (a) and (b) shall apply to payments under part E of title IV of such Act (42 U.S.C. 670 et seq.));

(3) payments under title XXI of such Act (42 U.S.C. 1397aa et seq.);

(4) any payments under title XIX of such Act that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b)); or

(5) any payments under title XIX of such Act that are attributable to expenditures for medical assistance provided to individuals made eligible under a State plan under title XIX of the Social Security Act (including under any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) because of income standards (expressed as a percentage of the poverty line) for eligibility for medical assistance that are higher than the income standards (as so expressed) for such eligibility as in effect on July 1, 2008.

(e) STATE INELIGIBILITY.—

(1) MAINTENANCE OF ELIGIBILITY REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a State is not eligible for an increase in its FMAP under subsection (a) or (b), or an increase in a cap amount under subsection (c), if eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008.

(B) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—Subject to subparagraph (C), a State that has restricted eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after July 1, 2008, is no longer ineligible under subparagraph (A) beginning with the first calendar quarter in which the State has reinstated eligibility standards, methodologies, or procedures that are no more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008.

(C) SPECIAL RULES.—A State shall not be ineligible under subparagraph (A)—

(i) for the calendar quarters before July 1, 2009, on the basis of a restriction that was applied after July 1, 2008, and before the date of the enactment of this Act, if the State prior to July 1, 2009, has reinstated eligibility standards, methodologies, or procedures that are no more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008; or

(ii) on the basis of a restriction that was directed to be made under State law as of July 1, 2008, and would have been in effect as of such date, but for a delay in the request for, and approval of, a waiver under section 1115 of such Act with respect to such restriction.

(2) COMPLIANCE WITH PROMPT PAY REQUIREMENTS.—No State shall be eligible for an increased FMAP rate as provided under this section for any claim submitted by a provider subject to the terms of section 1902(a)(37)(A) of the Social Security Act (42 U.S.C. 1396a(a)(37)(A)) during any period in which that State has failed to pay claims in accordance with section 1902(a)(37)(A) of such Act. Each State shall report to the Secretary, no later than 30 days following the 1st day of the month, its compliance with the requirements of section 1902(a)(37)(A) of the Social Security Act as they pertain to claims made for covered services during the preceding month.

(3) NO WAIVER AUTHORITY.—The Secretary may not waive the application of this subsection or subsection (f) under section 1115 of the Social Security Act or otherwise.

(f) REQUIREMENTS.—

(1) IN GENERAL.—A State may not deposit or credit the additional Federal funds paid to the State as a result of this section to any reserve or rainy day fund maintained by the State.

(2) STATE REPORTS.—Each State that is paid additional Federal funds as a result of this section shall, not later than September 30, 2011, submit a report to the Secretary, in such form and such manner as the Secretary shall determine, regarding how the additional Federal funds were expended.

(3) ADDITIONAL REQUIREMENT FOR CERTAIN STATES.—In the case of a State that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures under the State Medicaid plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the State is not eligible for an increase in its FMAP under subsection (b), or an increase in a cap amount under subsection (c), if it requires that such political subdivisions pay for quarters during the recession adjustment period a greater percentage of the non-Federal share of such expenditures, or a greater percentage of the non-Federal share of payments under section 1923, than the respective percentage that would have been required by the State under such plan on September 30, 2008, prior to application of this section.

(g) STATE SELECTION OF RECESSION ADJUSTMENT RELIEF PERIOD.—The increase in a State's FMAP under subsection (a) or (b), or an increase in a State's cap amount under subsection (c), shall only apply to the State for 9 consecutive calendar quarters during the recession adjustment period. Each State shall notify the Secretary of the 9-calendar quarter period for which the State elects to receive such increase.

(h) DEFINITIONS.—In this section, except as otherwise provided:

(1) FMAP.—The term ''FMAP'' means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), as determined without regard to this section except as otherwise specified.

(2) POVERTY LINE.—The term ''poverty line'' has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

(3) RECESSION ADJUSTMENT PERIOD.—The term ''recession adjustment period'' means the period beginning on October 1, 2008, and ending on June 20, 2011.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) STATE.—The term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(i) SUNSET.—This section shall not apply to items and services furnished after the end of the recession adjustment period.

SA 298. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 723, between lines 7 and 8, insert the following:

(3) QUARTERLY CERTIFICATION OF NO NEW TAXES.—

(A) IN GENERAL.—For each fiscal year quarter during the recession adjustment period, a State eligible for an increased FMAP under this section shall certify to the Secretary, as a condition of receiving the additional Federal funds resulting from the application of this section to the State for the quarter, that the State will not take any action to raise State income, property, or sales taxes during the quarter. Any State that fails to make such a certification shall not be eligible for such additional Federal funds and any State that makes such a certification and is determined by the Secretary to have taken an action that results in an increase in the State income, property, or sales taxes during

the quarter shall pay the Secretary an amount equal to the additional Federal funds paid to the State under this section during the period of noncompliance and shall cease to be eligible for an increased FMAP under this section for the remainder of the recession adjustment period.

(B) NONAPPLICATION TO STATE ACTION TAKEN PRIOR TO DATE OF ENACTMENT.—In the case of a State that enacted a law or took other action before the date of enactment of this Act that will result in an increase in State income, property, or sales taxes during any quarter of the recession adjustment period, the State shall not be ineligible for an increased FMAP under this section for any such quarter if the State certifies that it will not enact any new such law or take any new such action after the date of enactment of this Act and for the remainder of the recession adjustment period and the State submits the quarterly certifications required under subparagraph (A).

SA 299. Mr. REID (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 540, line 1, strike all through page 541, line 11, and insert the following:

SEC. 1503. TEMPORARY MODIFICATION OF ALTERNATIVE MINIMUM TAX LIMITATIONS ON TAX-EXEMPT BONDS.

(a) INTEREST ON PRIVATE ACTIVITY BONDS ISSUED DURING 2009 AND 2010 NOT TREATED AS TAX PREFERENCE ITEM.—Subparagraph (C) of section 57(a)(5) is amended by adding at the end a new clause:

''(vi) EXCEPTION FOR BONDS ISSUED IN 2009 AND 2010.—For purposes of clause (i), the term 'private activity bond' shall not include—

''(I) any bond issued after December 31, 2008, and before January 1, 2011, or

''(II) any interim financing refunding bond issued after December 31, 2008, and before January 1, 2011.

For purposes of clause (I), a refunding bond (whether a current or advance refunding), other than an interim financing refunding bond, shall be treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond). For purposes of this clause, the term 'interim financing refunding bond' means any refunding bond which is issued to refund another bond which had a maturity date that was less than 5 years after the date such other bond was issued.''.

(b) NO ADJUSTMENT TO ADJUSTED CURRENT EARNINGS FOR INTEREST ON TAX-EXEMPT BONDS ISSUED DURING 2009 AND 2010.—Subparagraph (B) of section 56(g)(4) is amended by adding at the end the following new clause:

''(iv) TAX EXEMPT INTEREST ON BONDS ISSUED IN 2009 AND 2010.—Clause (i) shall not apply in the case of any interest on—

''(I) a bond issued after December 31, 2008, and before January 1, 2011, or

''(II) an interim financing refunding bond issued after December 31, 2008, and before January 1, 2011.

For purposes of clause (I), a refunding bond (whether a current or advance refunding), other than an interim financing refunding bond, shall be treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond). For purposes of this clause, the term 'interim financing refunding bond' means any refunding bond which is issued to refund another bond which had a maturity date that was less than 5 years after the date such other bond was issued.''.

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

SA 300. Mr. DORGAN (for himself, Mr. BAUCUS, Mr. BROWN, Mr. INOUYE, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; as follows:

On page 430, strike lines 7 through 12 and insert the following:

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

SA 301. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, line 15, after ''transition'' insert the following: '', including the potential need for indoor or outdoor, or both, antenna to facilitate the reception and display of signals of channels broadcast in digital television service and the potential for the loss of channels due to the transition to digital television service''.

SA 302. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, line 8, strike ''2005,'' and all that follows through ''*Provided*, That'' on line 9, and insert the following: ''2005, as well as to assist consumers with the purchase or installation, or both, of an indoor or outdoor antenna to facilitate the reception and display of signals of channels broadcast in digital television service, to remain available until September 30, 2010: *Provided*, That the Assistant Secretary for Communications and Information of the Department of Commerce may only use amounts provided under this heading to assist consumers with the purchase or installation, or both, of an indoor or outdoor antenna, if upon the determination of the Assistant Secretary, in consultation with the Federal Communications Commission and the Secretary of Commerce, such funds are no longer necessary to provide additional coupons under section 3005 of the Digital Television Transition and Public Safety Act of 2005: *Provided further,* That''.

SA 303. Mrs. LINCOLN (for herself and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. MODIFICATIONS TO REHABILITATION CREDIT.

(a) RECAPTURE EXEMPTION FOR FORECLOSURE TRANSACTIONS WITH RESPECT TO INVESTMENT CREDIT PROPERTY PLACED IN SERVICE WITHIN 24 MONTHS OF ENACTMENT.—Subsection (a) of section 50 is amended by adding at the end the following new paragraph:

''(6) TEMPORARY SPECIAL RULE FOR CERTAIN FORECLOSURE TRANSACTIONS.—Paragraphs (1) and (2) shall not apply to any transfer or deemed sale of any investment credit property that arises from a foreclosure or instrument in lieu of foreclosure or any similar transaction if—

''(A) such property is placed in service during the 24-month period beginning on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009, and

''(B) the transferee in such transfer or deemed sale is not a related person (within the meaning of section 267(b)) of the taxpayer.''.

(b) USE FOR LODGING NOT TO DISQUALIFY CERTAIN BUILDINGS FOR REHABILITATION CREDIT.—Paragraph (2) of section 50(b) is amended—

(1) by striking ''and'' at the end of subparagraph (C),

(2) by redesignating subparagraph (D) as subparagraph (E), and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) a building other than a certified historic structure which is—

''(i) located within a qualified census tract (within the meaning of section 42(d)(5)(B)(ii)) or a difficult development area (within the meaning of section 42(d)(5)(B)(iii)); and

''(ii) placed in service during the 24-month period beginning on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009; and''.

(c) DATE BY WHICH BUILDINGS MUST BE FIRST PLACED IN SERVICE.—Paragraph (1) of section 47(c) is amended by adding at the end the following new subparagraph:

''(E) SPECIAL RULE FOR CERTAIN BUILDINGS PLACED IN SERVICE IN 2009 AND 2010.—In the case of a building other than a certified historic structure which is—

''(i) located within a qualified census tract (within the meaning of section 42(d)(5)(B)(ii)) or a difficult development area (within the meaning of section 42(d)(5)(B)(iii)), and

''(ii) placed in service during the 24-month period beginning on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009,

subparagraph (B) shall be applied by substituting 'not less than 50 years before the year in which qualified rehabilitation expenditures are first taken into account under subsection (b)(1)' for 'before 1936'.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SA 304. Mr. WYDEN (for himself, Mr. REED, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 590, between lines 8 and 9, insert the following:

SEC. 2105. EXTENSION OF TEMPORARY FEDERAL MATCHING FOR THE FIRST WEEK OF EXTENDED BENEFITS FOR STATES WITH NO WAITING WEEK.

(a) IN GENERAL.—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449) is amended by striking ''December 8, 2009'' and inserting ''September 30, 2010''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449).

SA 305. Mr. COBURN (for himself, Mr. BURR, Mr. DEMINT, Mr. CHAMBLISS, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, after line 8, insert the following:

SEC. _____. SENATE COMMITTEE OVERSIGHT OF WASTE, FRAUD, AND ABUSE.

Rule XXVI of the Standing Rules of the Senate is amended by adding at the end the following:

''14. (a)(1) Each standing committee, or a subcommittee thereof, shall hold at least one hearing during each 120-day period following the beginning of a Congress on the topic of waste, fraud, abuse, or mismanagement in Government programs which that committee may authorize.

''(2) A hearing described in clause (1) shall include a focus on the most egregious instances of waste, fraud, abuse, or mismanagement as documented by any report the committee has received from a Federal Office of the Inspector General or the Comptroller General of the United States.

''(b) Each committee, or a subcommittee thereof, shall hold at least one hearing in any session in which the committee has received disclaimers of agency financial statements from auditors of any Federal agency that the committee may authorize to hear testimony on such disclaimers from representatives of any such agency.

''(c) Each standing committee, or a subcommittee thereof, shall hold at least one hearing on issues raised by reports issued by the Comptroller General of the United States indicating that Federal programs or operations that the committee may authorize are at high risk for waste, fraud, and mismanagement, known as the 'high-risk list' or the 'high-risk series'.''.

SA 306. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. HIRING AMERICAN WORKERS IN COMPANIES RECEIVING TARP FUNDING.

(a) SHORT TITLE.—This section may be cited as the ''Employ American Workers Act''.

(b) PROHIBITION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, it shall be unlawful for any recipient of funding under title I of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343) or section 13 of the Federal Reserve Act (12 U.S.C. 342 et seq.) to hire any nonimmigrant described in section 101(a)(15)(h)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(h)(i)(b)).

(2) DEFINED TERM.—In this subsection, the term ''hire'' means to permit a new employee to commence a period of employment.

(c) SUNSET PROVISION.—This section shall be effective during the 1-year period beginning on the date of the enactment of this Act.

SA 307. Mr. BURR submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

FIX AMERICA FIRST: PROHIBITION ON FUNDING OF FOREIGN GOVERNMENTS AND PERSONS

SEC. 1607. Notwithstanding any other provision of this Act, none of the amounts authorized or appropriated by this Act may be made available to foreign governments or citizens or nationals of a foreign country residing outside the United States or its territories.

SA 308. Mr. BOND (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. NUTRITION ENHANCEMENT FOR SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

Not later than 18 months after the date of enactment of this Act, of the funds made available by this Act for the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the Secretary of Agriculture shall use not more than $5,000,000 to develop, after notice and opportunity for public comment, guidelines to ensure, to the maximum extent practicable, that Federal expenditures under the program are used to purchase food that is nutritious consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), by establishing an approved list of Universal Product Codes for products that can be purchased under the program.

SA 309. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LIMIT ON FUNDS.

None of the amounts appropriated or otherwise made available by this Act may be used for any casino or other gambling establishment, aquarium, zoo, golf course, swimming pool, stadium, community park, museum, theater, art center, and highway beautification project.

SA 310. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, strike lines 1 through 5.

On page 59, between lines 9 and 10, insert the following:

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $2,000,000,000, to remain available for obligation until September 30, 2010: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the date of the enactment of this Act, individually submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives the modernization priority assessment for their respective Reserve and National Guard components.

On page 93, line 7, strike ''$9,048,000,000'' and insert ''$8,648,000,000''.

On page 93, line 12, strike ''$6,000,000,000'' and insert ''$5,600,000,000''.

On page 95, strike lines 1 through 8.

SA 311. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 96, on lines 10 and 11, strike ''funds provided under the heading 'Small Business Administration' in this Act.'' and insert the following: ''the $84,000,000 amount appropriated under this heading, and for an additional amount, to remain available until expended, $19,500,000, of which $12,000,000 is for the Administrator of the Small Business Administration to make grants under the Small Business Development Center program established by section 21 of the Small Business Act (15 U.S.C. 648), $3,000,000 is for the Administrator of the Small Business Administration to make grants under the Women's Business Center program established by section 29 of the Small Business Act (15 U.S.C. 656), $2,000,000 is for the Administrator of the Small Business Administration to make grants under the Service Corps of Retired Executives program established by section 8(b)(1)(B) of the Small Business Act, $1,000,000 is for PRIME, the program for investment in microentreprenuers, $1,000,000 is for technical and management assistance under section 7(j) of the Small Business Act (15 U.S.C. 636), and $500,000 is for Veteran Business Outreach Centers under section 32 of the Small Business Act (15 U.S.C. 657b): *Provided*, That the $19,500,000 amount appropriated under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009: *Provided further*, That, notwithstanding section 21(a)(4) or section 29(c) of the Small Business Act (15 U.S.C. 648(a)(4) and 656(c)), no non-Federal contribution shall be required as a condition of participation in the Small Business Development Center program or the Women's Business Center program using funds provided under this heading: *Provided further*, That the $19,500,000 amount appropriated under this heading shall be used only for programs of the Small Business Administration in existence on the date of enactment of this Act: *Provided further*, That, to the extent practicable, not later than 30 days after the Administrator receives the $19,500,000 amount appropriated under this heading, the Administrator shall expend all such funds, and if such funds are not expended within 30 days, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the proposed use of such funds.''.

SA 312. Mr. UDALL of Colorado (for himself, Mr. BENNET of Colorado, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE) for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 4, before the period, insert the following: '': *Provided further*, That no State matching funds are required: *Provided further*, That funding shall be distributed to areas demonstrating highest priority needs, as determined by the Chief of the Forest Service''.

SA 313. Mr. LEAHY (for himself, Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE) for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. WAIVER OF MATCHING REQUIREMENT UNDER COPS PROGRAM.

Section 1701(g) of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3796dd(g)) shall not apply with respect to funds appropriated in this Act for Community Oriented Policing Services authorized under part Q of such Act of 1968.

SA 314. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, line 2, strike ''70'' and insert ''55''.

On page 24, line 20, strike ''may'' and insert ''shall''.

On page 27, line 3, strike ''70'' and insert ''55''.

On page 29, line 22, strike ''may'' and insert ''shall''.

SA 315. Mr. LEAHY (for himself Mr. CARPER, Mr. SANDERS, Mrs. LINCOLN, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 250, line 11, strike ''2011: *Provided*, That'' and insert the following: ''2011: *Provided*, That each State shall receive not less than 0.5 percent of funds made available under this heading: *Provided further*, That notwithstanding the previous proviso''.

SA 316. Mr. LEAHY (for himself, Mr. KERRY, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 394, line 17, strike ''education and'' and insert ''education, adult education and literacy, and''.

SA 317. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 437, between lines 10 and 11, insert the following:

''(3) SPECIAL RULE FOR CERTAIN ELIGIBLE INDIVIDUALS.—In the case of any taxable year beginning in 2009, if an eligible individual receives any amount as a pension or annuity for service performed in the employ of the United States or any State, or any instrumentality thereof, which is not considered employment for purposes of chapter 21, the amount of the credit allowed under subsection (a) (determined without regard to subsection (c)) with respect to such eligible individual shall be equal to the greater of—

''(A) the amount of the credit determined without regard to this paragraph or subsection (c), or

''(B) $300 ($600 in the case of a joint return where both spouses are eligible individuals described in this paragraph).

If the amount of the credit is determined under subparagraph (B) with respect to any eligible individual, the modified adjusted gross income limitation under subsection (b) shall not apply to such credit.

SA 318. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 453, beginning on line 12, strike through line 16 and insert the following:

(c) CREDIT ALLOWED FOR ENERGY STORAGE.—

(1) IN GENERAL.—Subparagraph (B) of section 45(a)(1) is amended by inserting '', or delivered by the taxpayer to an unrelated person from a qualified renewable energy bulk storage facility,'' before ''during the taxable year''.

(2) STORAGE FACILITY.—Subsection (e) of section 45 is amended by adding at the end the following new paragraph:

''(12) QUALIFIED RENEWABLE ENERGY BULK STORAGE FACILITY.—For purposes of subsection (a), the term 'qualified renewable energy bulk storage facility' means a facility owned by the taxpayer which is designed to store energy produced from qualified energy resources and to convert such energy to electricity and deliver such electricity for sale.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to property placed in service after the date of the enactment of this Act.

(2) ENERGY STORAGE.—The amendment made by subsection (c) shall apply to electricity produced and stored after the date of the enactment of this Act.

(3) TECHNICAL AMENDMENT.—The amendment * * *

SA 319. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

SEC. 1607. WORKER EMPLOYMENT PLAN.

Not later than 6 months after the date of enactment of this Act, the Secretary of Labor shall implement a plan to encourage employers that carry out projects funded under this Act (or an amendment made by this Act) to employ individuals from low-income and high unemployment areas to carry out activities under such projects.

SA 320. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 456, after line 24, add the following:

SEC. _____. QUALIFIED ENERGY EFFICIENCY PROPERTY TREATED AS ENERGY PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3) is amended by striking ''or'' at the end of clause (vi), by inserting ''or'' at the end of clause (vii), and by inserting after clause (vii) the following new clause:

''(viii) qualified energy efficiency property,''.

(b) QUALIFIED ENERGY EFFICIENCY PROPERTY.—Section 48(c) is amended by adding at the end the following new paragraph:

''(5) QUALIFIED ENERGY EFFICIENCY PROPERTY.—

''(A) IN GENERAL.—The term 'qualified energy efficiency property' means any property which—

''(i) is residential rental property or nonresidential real property,

''(ii) is a qualified building, and

''(iii) achieves a minimum energy savings of 50 percent or more in comparison to a reference building which meets the minimum requirements of Standard 90.1-2001 (as defined by section 179D(c)(2)), determined under rules similar to the rules of section 179D(d)(2).

''(B) QUALIFIED BUILDING.—The term 'qualified building' means any building—

''(i) which is more than 250,000 square feet,

''(ii) which is located not more than one-half mile from a location in which there is direct access to public bus, rail, light rail, street car, or ferry system,

''(iii) which meets the requirements of subchapter IV of chapter 31 of title 40, United States Code, and

''(iv) for which the site work and construction is commenced not later than 120 days after the date of the enactment of this paragraph.

''(C) SPECIAL RULE FOR RESIDENTIAL RENTAL PROPERTY.—In the case of a qualified building in which the majority of the building is devoted to residential use—

''(i) subparagraph (A)(iii) shall be applied by substituting '25percent' for '50 percent', and

''(ii) any mechanical systems which meet the requirements of Standard 90.1-2001 may be used in lieu of appendix G to such Standard in modeling energy use of a reference building.''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SA 321. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 477, strike line 18 and insert the following:

(d) INCLUSION OF SATELLITE PROPERTY AT 6-YEAR EXTENSION.—Clause (iv) of section 168(k)(2)(A) is amended by inserting '', or, in the case of property described in subparagraph (H) or (L) of subsection (g)(4), before January 1, 2015'' before the period.

(e) EFFECTIVE DATES.—

SA 322. Mr. MENENDEZ (for himself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, between lines 14 and 15, insert the following:

(D) shall, when making grants under the program, consider whether the entity seeking such grant is a socially and economically disadvantaged small business concern as defined under section 8(a) of the Small Business Act (15 U.S.C. 637);

On page 54, line 15, strike ''(D)'' and insert ''(E)''.

On page 54, line 23, strike ''(E)'' and insert ''(F)''.

SA 323. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

SEC. 1607. MINORITY OWNED ENTERPRISES.

(a) IN GENERAL.—In awarding contracts or subcontracts for construction projects funded using amounts made available under this Act (or an amendment made by this Act), additional consideration shall be given to entities that voluntarily include in their bids for such contracts or subcontracts minority business enterprise participation that exceeds the minimum participation required under the Federal guidelines utilized for purposes of section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(b) MONITORING BY DOL.—The Secretary of Labor shall monitor the construction projects carried out with amounts made available under this Act (or an amendment made by this Act) to ensure that the contracting practices with respect to such projects are carried out without entry barriers, and that minority business enterprise and disadvantaged business enterprise participation targets are achieved with integrity and accountability.

SA 324. Mr. KOHL (for himself, Ms. STABENOW, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. 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 168, strike lines 4 through 7, and insert the following:

(5) STATE HIGHER EDUCATION AGENCY.—The term ''State higher education agency''—

(A) has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003), except that if the application of this subparagraph to a State would result in the State legislature being designated the State higher education agency, then the term shall mean the Governor of the State; or

(B) means a State entity designated by a State higher education agency (as defined in such section 103) to carry out the State higher education agency's functions under this section.

SA 325. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. RESTORATION OF DEDUCTION FOR TRAVEL EXPENSES OF SPOUSE, ETC. ACCOMPANYING TAXPAYER ON BUSINESS TRAVEL.

(a) IN GENERAL.—Subsection (m) of section 274 is amended by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SA 326. Mr. BARRASSO (for himself, Mr. CRAPO, Mr. ROBERTS, Mr. VITTER, Mr. ENZI, Mr. RISCH, and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

SEC. 16___. (a)(1) Notwithstanding any other provision of law, all reviews carried out pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any actions taken under this Act or for which funds are made available under this Act shall be completed by the date that is 270 days after the date of enactment of this Act.

(2) If a review described in paragraph (1) has not been completed for an action subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by the date specified in paragraph (1)—

(A) the action shall be considered to have no significant impact to the human environment for the purpose of that Act; and

(B) that classification shall be considered to be a final agency action.

(b) The lead agency for a review of an action carried out pursuant to this section shall be the Federal agency to which funds are made available for the action.

(c)(1) There shall be a single administrative appeal for all reviews carried out pursuant to this section.

(2) Upon resolution of the administrative appeal, judicial review of the final agency decision after exhaustion of administrative remedies shall lie with the United States Court of Appeals for the District of Columbia Circuit.

(3) An appeal to the court described in paragraph (2) shall be based only on the administrative record.

(4) After an agency has made a final decision with respect to a review carried out under this section, that decision shall be effective during the course of any subsequent appeal to a court described in paragraph (2).

(5) All civil actions arising under this section shall be considered to arise under the laws of the United States.

SA 327. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 380, strike line 22 and insert the following: ''State, provided that an attorney general of a State may not enter into a contingency fee agreement for legal or expert witness services relating to a civil action under this section. For purposes of this paragraph, the term 'contingency fee agreement' means a contract or other agreement to provide services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained.''.

SA 328. Mr. VITTER (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

SEC. _____. PUBLIC, PRIVATE, AND AGRICULTURAL PROJECTS AND ACTIVITIES.

(a) EXEMPTION FROM REVIEW.—During the 3-year period beginning on the date of enactment of this Act, no public or private development project that is to be carried out during that period (other than such a project for which a permit is required under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) or that is to be carried out on wetland (as that term is defined in section 1201 of the Food Security Act of 1985 (16 U.S.C. 3801)) shall be subject to any requirement for a review, statement, or analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) EMERGENCIES.—Section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539) is amended by adding at the end the following:

''(k) EMERGENCIES.—On the declaration of an emergency by the Governor of a State, the Secretary shall, for the duration of the emergency, temporarily exempt from the prohibition against taking, and the prohibition against the adverse modification of critical habitat, under this Act any action that is reasonably necessary to avoid or ameliorate the impact of the emergency, including the operation of any water supply or flood control project by a Federal agency.''.

(c) JURISDICTION OVER COVERED ENERGY PROJECTS.—

(1) DEFINITION OF COVERED ENERGY PROJECT.—In this subsection, the term ''covered energy project'' means any action or decision by a Federal official regarding—

(A) the leasing of Federal land (including submerged land) for the exploration, development, production, processing, or transmission of oil, natural gas, or any other source or form of energy, including actions and decisions regarding the selection or offering of Federal land for such leasing; or

(B) any action under such a lease.

(2) EXCLUSIVE JURISDICTION OVER CAUSES AND CLAIMS RELATING TO COVERED ENERGY PROJECTS.—Notwithstanding any other provision of law, the United States District Court for the District of Columbia shall have exclusive jurisdiction to hear all causes and claims under this subsection or any other Act that arise from any covered energy project.

(3) TIME FOR FILING COMPLAINT.—

(A) IN GENERAL.—Each case or claim described in paragraph (2) shall be filed not later than the end of the 60-day period beginning on the date of the action or decision by a Federal official that constitutes the covered energy project concerned.

(B) PROHIBITION.—Any cause or claim described in paragraph (2) that is not filed within the time period described in subparagraph (A) shall be barred.

(4) DISTRICT COURT FOR THE DISTRICT OF COLUMBIA DEADLINE.—

(A) IN GENERAL.—Each proceeding that is subject to paragraph (2)—

(i) shall be resolved as expeditiously as practicable and in any event not more than 180 days after the cause or claim is filed; and

(ii) shall take precedence over all other pending matters before the district court.

(B) FAILURE TO COMPLY WITH DEADLINE.—If an interlocutory or final judgment, decree, or order has not been issued by the district court by the deadline required under this subsection, the cause or claim shall be dismissed with prejudice and all rights relating to the cause or claim shall be terminated.

(5) ABILITY TO SEEK APPELLATE REVIEW.—An interlocutory or final judgment, decree, or order of the district court under this subsection may be reviewed by no other court except the Supreme Court.

(6) DEADLINE FOR APPEAL TO THE SUPREME COURT.—If a writ of certiorari has been granted by the Supreme Court pursuant to paragraph (5)—

(A) the interlocutory or final judgment, decree, or order of the district court shall be resolved as expeditiously as practicable and in any event not more than 180 days after the interlocutory or final judgment, decree, order of the district court is issued; and

(B) all such proceedings shall take precedence over all other matters then before the Supreme Court.

SA 329. Mr. REED (for himself, Mr. BROWN, Mr. LEAHY, Mr. KERRY, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. MERKLEY, Mr. ROCKEFELLER, Mr. SANDERS, Ms. STABENOW, Mr. WYDEN, Mr. KENNEDY, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, lines 14 through 16, strike ''$14,398,000,000, for necessary expenses, to remain available until September 30, 2010: *Provided,*'' and insert ''$20,598,000,000, for necessary expenses, to remain available until September 30, 2010: *Provided,* That $6,200,000,000 shall be available to carry out the Weatherization Assistance Program for Low-Income Persons established under part

A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.): *Provided further,* That $3,400,000,000 shall be for the State Energy Program authorized under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.): *Provided further*,''.

On page 133, between lines 18 and 19, insert the following:

LOW-INCOME HOME ENERGY ASSISTANCE

For an additional amount for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $1,000,000,000, which shall become available on the date of enactment of this Act, and shall be distributed to States not later than September 30, 2009.

SA 330. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 194, line 22, strike ''$637,875,000'' and all that follows through ''equipment): *Provided*'' on page 195, line 2, 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: *Provided*, That the amount made available under this heading for a pilot program to use the private sector for the acquisition or construction of military unaccompanied housing is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009: *Provided further*''.

SA 331. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVII—IMMIGRATION MATTERS

SEC. 1701. EXTENSION OF EB-5 REGIONAL CENTER PILOT PROGRAM.

Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (Public Law 102–395; 8 U.S.C. 1153 note) is amended by striking ''annually for 15 years'' and inserting ''for each fiscal year through fiscal year 2016''.

SEC. 1702. DEFINITIONS.

In this title:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Social Security.

(2) COMPTROLLER GENERAL.—The term ''Comptroller General'' means the Comptroller General of the United States.

(3) PILOT PROGRAM.—The term ''pilot program'' means the pilot program carried out under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

SEC. 1703. EXTENSION OF PILOT PROGRAMS.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) is amended by striking ''at the end of the 11-year period beginning on the first day the pilot program is in effect.'' and inserting ''on September 30, 2016.''.

SEC. 1704. PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS RELATED TO THE EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Appropriations, the Committee on Finance, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Appropriations, the Committee on the Judiciary, and the Committee on Ways and Means of the House of Representatives.

(b) REQUIREMENT FOR AGREEMENT.—For each fiscal year after fiscal year 2008, the Commissioner and the Secretary shall enter into an agreement that—

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

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

(B) responding to individuals who contest tentative nonconfirmations provided by the confirmation system established pursuant to the pilot program;

(2) provides such funds to the Commissioner quarterly, in advance of the applicable quarter, based on estimating methodology agreed to by the Commissioner and the Secretary, unless the delayed enactment of an annual appropriation Act prevents funds from being available to make such a quarterly payment; and

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

(c) CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.—

(1) CONTINUATION OF PREVIOUS AGREEMENT.—

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

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

(i) inflation; and

(ii) any increase or decrease in the estimated number of individuals who will require services from the Commissioner under the pilot program during such fiscal year.

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

(A) not later than the first day of such fiscal year, submit to the appropriate committees of Congress a notification of the failure to reach the agreement required under subsection (b) for such fiscal year; and

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

SEC. 1705. STUDY AND REPORT OF ERRONEOUS RESPONSES SENT UNDER THE PILOT PROGRAM FOR EMPLOYMENT ELIGIBILITY CONFIRMATION.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Finance and the Committee on the Judiciary of the Senate; and

(2) the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives.

(b) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General shall conduct a study of the erroneous tentative nonconfirmations sent to individuals seeking confirmation of employment eligibility under the pilot program.

(c) MATTERS TO BE STUDIED.—The study required by subsection (b) shall include an analysis of—

(1) the causes of erroneous tentative nonconfirmations sent to individuals under the pilot program;

(2) the processes by which such erroneous tentative nonconfirmations are remedied; and

(3) the effect of such erroneous tentative nonconfirmations on individuals, employers, and agencies and departments of the United States.

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

SEC. 1706. STUDY AND REPORT OF THE EFFECTS OF THE PILOT PROGRAM FOR EMPLOYMENT ELIGIBILITY CONFIRMATION ON SMALL ENTITIES.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on the Judiciary of the Senate; and

(B) the Committee on the Judiciary of the House of Representatives.

(2) SMALL ENTITY.—The term ''small entity'' has the meaning given that term in section 601 of title 5, United States Code.

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

(c) MATTERS TO BE STUDIED.—

(1) IN GENERAL.—The study required by subsection (b) shall include an analysis of—

(A) the costs of complying with the pilot program incurred by small entities;

(B)(i) the description and estimated number of small entities enrolled in and participating in the pilot program; or

(ii) why no such estimated number is available;

(C) the projected reporting, recordkeeping, and other compliance requirements of the pilot program that apply to small entities;

(D) the factors that impact enrollment and participation of small entities in the pilot program, including access to appropriate technology, geography, and entity size and class; and

(E) the actions, if any, carried out by the Secretary to minimize the economic impact of participation in the pilot program on small entities.

(2) DIRECT AND INDIRECT EFFECTS.—The study required by subsection (b) shall analyze, and treat separately, with respect to small entities—

(A) any direct effects of compliance with the pilot program, including effects on wages and time used and fees spent on such compliance; and

(B) any indirect effects of such compliance, including effects on cash flow, sales, and competitiveness of such compliance.

(3) DISAGGREGATION BY ENTITY SIZE.—The study required by subsection (b) shall analyze separately data with respect to—

(A) small entities with fewer than 50 employees; and

(B) small entities that operate in States that require small entities to participate in the pilot program.

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

SA 332. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, line 23, after ''expended:'' insert the following: ''*Provided further*, that not less than $100,000,000 of the funds made available under this heading shall be available to cover the cost of loan guarantees pursuant to section 201(4) of this Act: *Provided further*, That the principal amount of loan guarantees made pursuant to such section 201(4) shall not exceed $2,000,000,000:''.

On page 50, after line 25, insert the following:

(4) The Assistant Secretary—

(A) shall establish and administer a broadband telecommunications loan guarantee program as expeditiously as practicable;

(B) shall provide broadband telecommunications loan guarantees for any project which meets the following criteria:

(i) The total amount financed by the loan guarantee does not exceed $100,000,000.

(ii) The loan guarantee does not exceed 80 percent of the principal losses of the project, provided that the maximum amount of any loan guarantee does not exceed 60 percent of the total amount financed for the project.

(iii) The project raises its financing not later than 120 days after the date that the project receives approval for the loan guarantee from the Assistant Secretary.

(iv) The project design provides broadband connectivity to every business location and every residence within the project territory not later than the date that 2 years after the date that the project received its financing.

(v) The service territory covered by the project—

(I) is, in the discretion of the Assistant Secretary, reasonably coherent; and

(II) does not include unoccupied areas for the sole purpose of artificially adjusting the average density of the covered connectivity area of the project;

(C) shall, not later than 90 days after the date of enactment of this Act, and quarterly thereafter until all funds reserved for broadband telecommunications loan guarantees under this paragraph are obligated, submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Energy and Commerce of the House, and the Committee on Commerce, Science and Transportation of the Senate, on the planned spending and actual obligations of such reserved funds; and

(D) may use not more than 3 percent of the funds reserved for broadband telecommunications loan guarantees under this paragraph for administrative costs to carry out the broadband telecommunications loan guarantee program established under this paragraph.

On page 51, line 1, strike ''(4)'' and insert ''(5)''.

On page 52, line 8, strike ''(5)'' and insert ''(6)''.

On page 52, line 18, strike ''(5)'' and insert ''(6)''.

On page 53, line 1, strike ''(6)'' and insert ''(7)''.

On page 53, line 23, strike ''(7)'' and insert ''(8)''.

On page 55, line 9, strike ''(8)'' and insert ''(9)''.

On page 55, line 16, strike ''(9)'' and insert ''(10)''.

On page 56, line 12, strike ''(10)'' and insert ''(11)''.

SA 333. Mr. COCHRAN (for himself, and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 14 and 15, insert the following:

SEC. 4___. TENNESSEE VALLEY AUTHORITY BORROWING AUTHORITY.

(a) BORROWING AUTHORITY.—For the purposes of providing funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Tennessee Valley Authority, an additional $3,250,000,000 in borrowing authority is made available under section 15d of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n–4), to remain outstanding at any time.

(b) OFFSET.—The aggregate amount appropriated or otherwise made available to carry out title XXX of the Public Health Service Act (as added by section 13101) is reduced by $3,250,000,000.

SA 334. Mr. SCHUMER (for himself, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SPECTER, Mr. HARKIN, Mr. WYDEN, Ms. STABENOW, and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 698, after line 25, insert the following:

SEC. 4204A. DELAY IN THE PHASE OUT OF THE MEDICARE HOSPICE BUDGET NEUTRALITY ADJUSTMENT FACTOR DURING FISCAL YEAR 2009.

Notwithstanding any other provision of law, including the final rule published on August 8, 2008, 73 Federal Register 46464 et seq., relating to Medicare Program; Hospice Wage Index for Fiscal Year 2009, the Secretary of Health and Human Services shall not phase out or eliminate the budget neutrality adjustment factor in the Medicare hospice wage index before October 1, 2009, and the Secretary shall recompute and apply the final Medicare hospice wage index for fiscal year 2009 as if there had been no reduction in the budget neutrality adjustment factor.

SA 335. Mr. SCHUMER (for himself, Mrs. LINCOLN, Ms. STABENOW, Mr. KERRY, Mr. BINGAMAN, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 735, after line 7, add the following:

SEC. 5006. SENSE OF THE SENATE REGARDING RESCISSION OF CERTAIN MEDICAID REGULATIONS.

It is the sense of the Senate that the following regulations relating to Medicaid should be rescinded:

(1) COST LIMITS FOR PUBLIC PROVIDERS.—The final regulation published on May 29, 2007 (72 Federal Register 29748) and determined by the United States District Court for the District of Columbia to have been ''improperly promulgated'', *Alameda County Medical Center, et al., v. Leavitt, et al.*, Civil Action No. 08-0422, Mem. at 4 (D.D.C. May 23, 2008) .

(2) PAYMENTS FOR GRADUATE MEDICAL EDUCATION.—The proposed regulation published on May 23, 2007 (72 Federal Register 28930).

(3) MEDICAID ALLOWABLE PROVIDER TAXES.—The final regulation published on February 22, 2008 (73 Federal Register 9685).

(4) REHABILITATIVE SERVICES.—The proposed regulation published on August 13, 2007 (72 Federal Register 45201).

(5) PAYMENTS FOR COSTS OF SCHOOL ADMINISTRATION, TRANSPORTATION.—The final regulation published on December 28, 2007 (72 Federal Register 73635).

(6) CASE MANAGEMENT SERVICES.—The interim final regulation published on December 4, 2007 (Federal Register 68077).

(7) OUTPATIENT HOSPITAL SERVICES.—The final regulation published on November 7, 2008 (73 Federal Register 66187).

SA 336. Mr. CARDIN (for himself, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 118, line 13, strike ''104(k)(3)'' and insert ''104(k)''.

SA 337. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, line 14, strike ''*Provided*'' and all that follows through ''project:'' on line 25.

SA 338. Mr. HARKIN (for himself, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

SEC. 1607. AUTOMOBILE TRADE-IN PROGRAM.

(a) DEFINITIONS.—In this section:

(1) AUTOMOBILE, FUEL, MANUFACTURER, MODEL YEAR.—The terms ''automobile'', ''fuel'', ''manufacturer'', and ''model year'' have the meaning given such terms in section 32901 of title 49, United States Code.

(2) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means an individual—

(A) who does not have more than 3 automobiles registered under his or her name;

(B) who filed a return of Federal income tax for a taxable year beginning in 2007 or in 2008, and, if married for the taxable year concerned (as determined under section 7703 of the Internal Revenue Code of 1986), filed a joint return;

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

(D) whose adjusted gross income reported in the most recent return described in subparagraph (B) was not more than $50,000 ($75,000 in the case of a joint tax return or a return filed by a head of household (as defined in section 2(b) of the Internal Revenue Code of 1986));

(E) who has not acquired an automobile under the Program; and

(F) who did not file such return jointly with another individual who has acquired an automobile under the Program.

(3) ELIGIBLE NEW AUTOMOBILE.—The term ''eligible new automobile'', with respect to a trade of an eligible old automobile by an eligible individual under the Program, means an automobile that—

(A) has never been registered in any jurisdiction;

(B) was assembled in the United States; and

(C) has a fuel economy that—

(i) is not less than 25 miles per gallon (20 miles per gallon in the case of a pick up truck), as determined by the Administrator of the Environmental Protection Agency using the 5-cycle fuel economy measurement methodology of such Agency; and

(ii) has a fuel economy that is more than 4.9 miles per gallon greater than the fuel economy of such eligible old automobile, as determined by the Administrator using the 2-cycle fuel economy measurement methodology of such Agency for both automobiles.

(4) ELIGIBLE OLD AUTOMOBILE.—The term ''eligible old automobile'', with respect to a trade for an eligible new automobile by an eligible individual under the Program, means an automobile that—

(A) is operable;

(B) was first registered in any jurisdiction by any person not less than 10 years before the date on which such trade is initiated;

(C) is registered under such eligible individual's name on the date on which such trade is initiated; and

(D) was registered under such eligible individual's name before January 16, 2009.

(5) PICK UP TRUCK.—The term ''pick up truck'' means an automobile with an open bed as determined by the Secretary in consultation with the Secretary of Transportation.

(6) PROGRAM.—The term ''Program'' means the Automobile Trade-In Program established under subsection (b).

(7) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of the Treasury, or the Secretary's designee.

(b) PROGRAM ESTABLISHED.—The Secretary shall establish the Automobile Trade-In Program to provide eligible individuals with subsidies to purchase eligible new automobiles in exchange for eligible old automobiles.

(c) DURATION OF PROGRAM.—The Program shall commence on the date on which the Secretary prescribes regulations under subsection (h) and shall terminate on the earlier of—

(1) September 30, 2010; and

(2) the date on which all of the funds appropriated or otherwise made available under subsection (j) have been expended.

(d) TRADES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, if an eligible individual and a seller of an eligible new automobile initiate a trade as described in subsection (e) for such new automobile with an eligible old automobile of the eligible individual before the termination of the Program under subsection (c), the Secretary shall provide to the seller of such new automobile $10,000.

(2) LIMITATION ON PURCHASE PRICE OF ELIGIBLE NEW AUTOMOBILES.—The Secretary may not make any payment under this subsection for a trade for an eligible new automobile under the Program if—

(A) the purchase price of such new automobile exceeds the manufacturer's suggested retail price for such new automobile; or

(B) the price of the non-safety related accessories, as determined by the Secretary in consultation with the Administrator of the National Highway Traffic Safety Administration, of such new automobile exceeds—

(i) the average price of the non-safety related accessories for the prior model year of such new automobile; or

(ii) in the case that there is no prior model year for such new automobile, the average price of non-safety related accessories for similar new automobiles (as determined by the Secretary), with consideration of the types of non-safety related accessories that are typically provided with such automobiles.

(3) COMPENSATION FOR DELAYED PAYMENTS.—In the case that a payment under this subsection to a seller for a trade under the Program is delayed, the Secretary shall provide to such seller the amount otherwise determined under this subsection plus interest at the overpayment rate established under section 6621 of the Internal Revenue Code of 1986.

(e) INITIATION OF TRADE.—An eligible individual and the seller of an eligible new automobile initiate a trade under the Program for such eligible new automobile with an eligible old automobile of such individual if—

(1) the eligible individual, or the eligible individual's designee, drives such old automobile to the location of such seller;

(2) the eligible individual provides to the seller—

(A) such old automobile; and

(B) an amount (if any) equal to the difference between—

(i) the purchase price of such new automobile; and

(ii) the amount the Secretary is required to provide to the seller under subsection (d); and

(3) the eligible individual and the seller notify the Secretary of such trade at such time and in such manner as the Secretary considers appropriate.

(f) LIMITATION ON RESALE.—

(1) IN GENERAL.—Except as provided in paragraph (2), an individual who purchases an automobile under the Program may not sell or lease the automobile before the date that is 1 year after the date on which the individual purchased the automobile under the Program.

(2) EXCEPTION FOR HARDSHIP.—The limitation in paragraph (1) shall not apply to an individual if compliance with such limitation would constitute a hardship, as determined by the Secretary.

(g) DISPOSAL OF ELIGIBLE OLD AUTOMOBILES.—

(1) IN GENERAL.—A seller who receives an eligible old automobile in exchange for an eligible new automobile under the Program shall deliver such old automobile to an appropriate location for proper destruction and disposal as determined by the Secretary in accordance with paragraph (2).

(2) DISPOSAL AND SALVAGE.—The Secretary may permit a seller under paragraph (1) to salvage portions of an automobile to be destroyed and disposed of under such paragraph, except that the Secretary shall require the destruction of the engine block and the frame of the automobile.

(3) COMPENSATION.—The Secretary shall compensate a seller described in paragraph (1) for costs incurred by such seller under such paragraph in such amounts or at such rates as the Secretary considers appropriate.

(h) REGULATIONS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act,

the Secretary shall prescribe rules to carry out the Program.

(2) EXPEDITED PROCEDURES FOR RULEMAKING.—The provisions of chapter 5 of title 5, United States Code, shall not apply to regulations prescribed under paragraph (1).

(i) MONITORING.—The Secretary shall establish a mechanism to monitor the expenditure of funds appropriated under subsection (j).

(j) DIRECT SPENDING AUTHORITY.—

(1) IN GENERAL.—There is authorized to be appropriated and is appropriated to the Secretary $16,000,000,000, including administrative expenses, to carry out the Program.

(2) AVAILABILITY.—The amount appropriated under paragraph (1) shall be available for the purpose described in such paragraph until September 30, 2010.

(3) EMERGENCY DESIGNATION.—Amounts appropriated pursuant to paragraph (1) are designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

SA 339. Mr. HARKIN (for himself, Mr. THUNE, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal 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. ___. ENERGY PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law and in addition to any other funds made available, not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture (referred to in this section as the ''Secretary'')—

(1) to carry out section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102), $10,000,000 for the period of fiscal years 2009 and 2010;

(2) for the costs of grants and loan guarantees to carry out section 9003 of that Act (7 U.S.C. 8103), $300,000,000 for the period of fiscal years 2009 and 2010;

(3) to carry out section 9004 of that Act (7 U.S.C. 8104), $200,000,000 for the period of fiscal years 2009 and 2010;

(4) to carry out section 9005 of that Act (7 U.S.C. 8105), $100,000,000 for the period of fiscal years 2009 and 2010;

(5) for the costs of grants and loan guarantees to carry out section 9007 of that Act (7 U.S.C. 8107), $300,000,000 for the period of fiscal years 2009 and 2010;

(6) to carry out section 9008 of that Act (7 U.S.C. 8108), $100,000,000 for the period of fiscal years 2009 and 2010;

(7) to carry out section 9009 of that Act (7 U.S.C. 8109), $40,000,000 for the period of fiscal years 2009 and 2010;

(8) to carry out section 9011 of that Act (7 U.S.C. 8111), $50,000,000 for the period of fiscal years 2009 and 2010; and

(9) to carry out section 9013 of that Act (7 U.S.C. 8113), $40,000,000 for the period of fiscal years 2009 and 2010.

(b) CONDITION ON FUNDS.—Funds made available under subsection (a)(3) may be used to provide assistance under section 9004 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8104) to power plants and manufacturing facilities in rural areas.

(c) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to provide those loans the funds transferred under subsection (a), without further appropriation.

(d) AVAILABILITY OF FUNDS.—Funds made available under subsection (a) shall remain available until September 30, 2010.

(e) OFFSET.—Notwithstanding any other provision of this Act, each amount provided to the Secretary of Energy under title IV is reduced by the pro rata percentage required to reduce the total amount provided to the Secretary of Energy under title IV by $1,140,000,000.

SA 340. Mr. ROCKEFELLER (for himself and Mrs. HAGAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 629, between lines 6 and 7, insert the following:

SEC. 3102. CHIP ALLOTMENT ADJUSTMENTS.

Effective as if included in the enactment of the Children's Health Insurance Program Reauthorization Act of 2009,section 2104(m) of the Social Security Act, as added by section 102 of the Children's Health Insurance Program Reauthorization Act of 2009, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6), the following:

''(7) ADJUSTMENT OF FISCAL YEARS 2009 AND 2010 ALLOTMENTS TO ACCOUNT FOR CHANGES IN PROJECTED SPENDING FOR CERTAIN PREVIOUSLY APPROVED EXPANSION PROGRAMS.—In the case of one of the 50 States or the District of Columbia that has an approved State plan amendment effective January 1, 2006, to provide child health assistance through the provision of benefits under the State plan under title XIX for children from birth through age 5 whose family income does not exceed 200 percent of the poverty line, the Secretary shall increase the allotments otherwise determined for the State for fiscal years 2009 and 2010 under paragraphs (1) and (2)(A)(i) in order to take into account changes in the projected total Federal payments to the State under this title for such fiscal years that are attributable to the provision of such assistance to such children.''.

SA 341. Mr. ROCKEFELLER (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 277, between lines 11 and 12, insert the following:

''(9) CHILD-SPECIFIC PROVISIONS.—

''(A) CHILD-SPECIFIC ELECTRONIC HEALTH RECORDS.—Not later than 9 months after the date on which standards are initially adopted under section 3004, the National Coordinator shall coordinate the development of, and make available for use, a child-specific electronic health record. Such child-specific electronic health record shall be interoperable with any qualified electronic health record system for adult records.

''(B) PEDIATRIC CARE AND BEST PRACTICES.—The National Coordinator, the HIT Policy Committee, and the HIT Standard Committee shall each consider pediatric care and best practice for children's health in making recommendations under this title.''.

SA 342. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 735, after line 7, add the following:

SEC. 5006. AUTOMATIC INCREASE IN THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE DURING PERIODS OF NATIONAL ECONOMIC DOWNTURN.

(a) NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—

(1) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (b), in the first sentence—

(i) by striking ''and (4)'' and inserting ''(4)''; and

(ii) by inserting ''and (5) with respect to each fiscal year quarter other than the first quarter of a national economic downturn assistance period described in subsection (y)(1), the Federal medical assistance percentage for any State described in subsection (y)(2) shall be equal to the national economic downturn assistance FMAP determined for the State for the quarter under subsection (y)(3)'' before the period; and

(B) by adding at the end the following:

''(y) NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—For purposes of clause (5) of the first sentence of subsection (b):

''(1) NATIONAL ECONOMIC DOWNTURN ASSISTANCE PERIOD.—A national economic downturn assistance period described in this paragraph—

''(A) begins with the first fiscal year quarter for which the Secretary determines that for at least 23 States, the rolling average unemployment rate for that quarter has increased by at least 10 percent over the corresponding quarter for the most recent preceding 12-month period for which data are available (in this subsection referred to as the 'trigger quarter'); and

''(B) ends with the first succeeding fiscal year quarter for which the Secretary determines that less than 23 States have a rolling average unemployment rate for that quarter with an increase of at least 10 percent over the corresponding quarter for the most recent preceding 12-month period for which data are available.

''(2) ELIGIBLE STATE.—A State described in this paragraph is a State for which the Secretary determines that the rolling average unemployment rate for the State for any quarter occurring during a national economic downturn assistance period described

in paragraph (1) has increased over the corresponding quarter for the most recent preceding 12-month period for which data are available.

''(3) DETERMINATION OF NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—

''(A) IN GENERAL.—The national economic downturn assistance FMAP for a fiscal year quarter determined with respect to a State under this paragraph is equal to the Federal medical assistance percentage for the State for that quarter increased by the number of percentage points determined by—

''(i) dividing—

''(I) the Medicaid additional unemployed increased cost amount determined under subparagraph (B) for the quarter; by

''(II) the State's total Medicaid quarterly spending amount determined under subparagraph (C) for the quarter; and

''(ii) multiplying the quotient determined under clause (i) by 100.

''(B) MEDICAID ADDITIONAL UNEMPLOYED INCREASED COST AMOUNT.—For purposes of subparagraph (A)(i)(I), the Medicaid additional unemployed increased cost amount determined under this subparagraph with respect to a State and a quarter is the product of the following:

''(i) STATE INCREASE IN ROLLING AVERAGE NUMBER OF UNEMPLOYED INDIVIDUALS FROM THE BASE QUARTER OF UNEMPLOYMENT.—

''(I) IN GENERAL.—The amount determined by subtracting the rolling average number of unemployed individuals in the State for the base unemployment quarter for the State determined under subclause (II) from the rolling average number of unemployed individuals in the State for the quarter.

''(II) BASE UNEMPLOYMENT QUARTER DEFINED.—

''(aa) IN GENERAL.—For purposes of subclause (I), except as provided in item (bb), the base quarter for a State is the quarter with the lowest rolling average number of unemployed individuals in the State in the 12-month period preceding the trigger quarter for a national economic downturn assistance period described in paragraph (1).

''(bb) EXCEPTION.—If the rolling average number of unemployed individuals in a State for a quarter occurring during a national economic downturn assistance period described in paragraph (1) is less than the rolling average number of unemployed individuals in the State for the base quarter determined under item (aa), that quarter shall be treated as the base quarter for the State for such national economic downturn assistance period.

''(ii) NATIONAL AVERAGE AMOUNT OF ADDITIONAL FEDERAL MEDICAID SPENDING PER ADDITIONAL UNEMPLOYED INDIVIDUAL.—In the case of—

''(I) a calendar quarter occurring in fiscal year 2012, $350; and

''(II) a calendar quarter occurring in any succeeding fiscal year, the amount applicable under this clause for calendar quarters occurring during the preceding fiscal year, increased by the annual percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average), as rounded up in an appropriate manner.

''(iii) STATE NONDISABLED, NONELDERLY ADULTS AND CHILDREN MEDICAID SPENDING INDEX.—

''(I) IN GENERAL.—With respect to a State, the quotient (not to exceed 1.00) of—

''(aa) the State expenditure per person in poverty amount determined under subclause (II); divided by—

''(bb) the National expenditure per person in poverty amount determined under subclause (III).

''(II) STATE EXPENDITURE PER PERSON IN POVERTY AMOUNT.—For purposes of subclause (I)(aa), the State expenditure per person in poverty amount is the quotient of—

''(aa) the total amount of annual expenditures by the State for providing medical assistance under the State plan to nondisabled, nonelderly adults and children; divided by

''(bb) the total number of nonelderly adults and children in poverty who reside in the State, as determined under paragraph (4)(A).

''(III) NATIONAL EXPENDITURE PER PERSON IN POVERTY AMOUNT.—For purposes of subclause (I)(bb), the National expenditure per person in poverty amount is the quotient of—

''(aa) the sum of the total amounts determined under subclause (II)(aa) for all States; divided by

''(bb) the sum of the total amounts determined under subclause (II)(bb) for all States.

''(C) STATE'S TOTAL MEDICAID QUARTERLY SPENDING AMOUNT.—For purposes of subparagraph (A)(i)(II), the State's total Medicaid quarterly spending amount determined under this subparagraph with respect to a State and a quarter is the amount equal to—

''(i) the total amount of expenditures by the State for providing medical assistance under the State plan to all individuals enrolled in the plan for the most recent fiscal year for which data is available; divided by

''(ii) 4.

''(4) DATA.—In making the determinations required under this subsection, the Secretary shall use, in addition to the most recent available data from the Bureau of Labor Statistics Local Area Unemployment Statistics for each State referred to in paragraph (5), the most recently available—

''(A) data from the Bureau of the Census with respect to the number of nonelderly adults and children who reside in a State described in paragraph (2) with family income below the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved, (or, if the Secretary determines it appropriate, a multiyear average of such data);

''(B) data reported to the Secretary by a State described in paragraph (2) with respect to expenditures for medical assistance under the State plan under this title for nondisabled, nonelderly adults and children; and

''(C) econometric studies of the responsiveness of Medicaid enrollments and spending to changes in rolling average unemployment rates and other factors, including State spending on certain Medicaid populations.

''(5) DEFINITION OF 'ROLLING AVERAGE NUMBER OF UNEMPLOYED INDIVIDUALS', 'ROLLING AVERAGE UNEMPLOYMENT RATE'.—In this subsection, the term—

''(A) 'rolling average number of unemployed individuals' means, with respect to a calendar quarter and a State, the average of the 12 most recent months of seasonally adjusted unemployment data for each State;

''(B) 'rolling average unemployment rate' means, with respect to a calendar quarter and a State, the average of the 12 most recent monthly unemployment rates for the State; and

''(C) 'monthly unemployment rate' means, with respect to a State, the quotient of—

''(i) the monthly seasonally adjusted number of unemployed individuals for the State; divided by

''(ii) the monthly seasonally adjusted number of the labor force for the State,

using the most recent data available from the Bureau of Labor Statistics Local Area Unemployment Statistics for each State.

''(6) INCREASE IN CAP ON PAYMENTS TO TERRITORIES.—With respect to any fiscal year quarter for which the national economic downturn assistance Federal medical assistance percentage applies to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa, the amounts otherwise determined for such commonwealth or territory under subsections (f) and (g) of section 1108 shall be increased by such percentage of such amounts as the Secretary determines is equal to twice the average increase in the national economic downturn assistance FMAP determined for all States described in paragraph (2) for the quarter.

''(7) SCOPE OF APPLICATION.—The national economic downturn assistance FMAP shall only apply for purposes of payments under section 1903 for a quarter and shall not apply with respect to—

''(A) disproportionate share hospital payments described in section 1923;

''(B) payments under title IV or XXI; or

''(C) any payments under this title that are based on the enhanced FMAP described in section 2105(b).''.

(2) EFFECTIVE DATE; NO RETROACTIVE APPLICATION.—The amendments made by paragraph (1) take effect on January 1, 2012. In no event may a State receive a payment on the basis of the national economic downturn assistance Federal medical assistance percentage determined for the State under section 1905(y)(3) of the Social Security Act for amounts expended by the State prior to January 1, 2012.

(b) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall analyze the previous periods of national economic downturn, including the most recent such period in effect as of the date of enactment of this Act, and the past and projected effects of temporary increases in the Federal medical assistance percentage under the Medicaid program with respect to such periods.

(2) REPORT.—Not later than April 1, 2011, the Comptroller General of the United States shall submit a report to Congress on the results of the analysis conducted under paragraph (1). Such report shall include such recommendations as the Comptroller General determines appropriate for modifying the national economic downturn assistance FMAP established under section 1905(y) of the Social Security Act (as added by subsection (a)) to improve the effectiveness of the application of such percentage in addressing the needs of States during periods of national economic downturn, including recommendations for—

(A) improvements to the factors that begin and end the application of such percentage;

(B) how the determination of such percentage could be adjusted to address State and regional economic variations during such periods; and

(C) how the determination of such percentage could be adjusted to be more responsive to actual Medicaid costs incurred by States during such periods, as well as to the effects of any other specific economic indicators that the Comptroller General determines appropriate.

SA 343. Mr. REED (for himself, Mr. DODD, Mr. KERRY, Mr. SCHUMER, Ms. STABENOW, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, between lines 8 and 9, insert the following:

PART ____—HOUSING PROVISIONS

SEC. _____1. SPECIAL RULES FOR MODIFICATION OR DISPOSITION OF QUALIFIED MORTGAGES OR FORECLOSURE PROPERTY BY REAL ESTATE MORTGAGE INVESTMENT CONDUITS.

(a) IN GENERAL.—If a REMIC (as defined in section 860D(a) of the Internal Revenue Code of 1986) modifies or disposes of a troubled asset under the Troubled Asset Relief Program established by the Secretary of the Treasury under section 101(a) of the Emergency Economic Stabilization Act of 2008 or under rules established by the Secretary under section _____2 of this Act—

(1) such modification or disposition shall not be treated as a prohibited transaction under section 860F(a)(2) of such Code, and

(2) for purposes of part IV of subchapter M of chapter 1 of such Code—

(A) an interest in the REMIC shall not fail to be treated as a regular interest (as defined in section 860G(a)(1) of such Code) solely because of such modification or disposition, and

(B) any proceeds resulting from such modification or disposition shall be treated as amounts received under qualified mortgages.

(b) TERMINATION OF REMIC.—For purposes of the Internal Revenue Code of 1986, an entity which is a REMIC (as defined in section 860D(a) of the Internal Revenue Code of 1986) shall cease to be a REMIC if the instruments governing the conduct of servicers or trustees with respect to qualified mortgages (as defined in section 860G(a)(3) of such Code) or foreclosure property (as defined in section 860G(a)(8) of such Code)—

(1) prohibit or restrict (including restrictions on the type, number, percentage, or frequency of modifications or dispositions) such servicers or trustees from reasonably modifying or disposing of such qualified mortgages or such foreclosure property in order to participate in the Troubled Asset Relief Program established by the Secretary of the Treasury under section 101(a) of the Emergency Economic Stabilization Act of 2008 or under rules established by the Secretary under section _____2 of this Act,

(2) commit to a person other than the servicer or trustee the authority to prevent the reasonable modification or disposition of any such qualified mortgage or foreclosure property,

(3) require a servicer or trustee to purchase qualified mortgages which are in default or as to which default is reasonably foreseeable for the purposes of reasonably modifying such mortgages or as a consequence of such reasonable modification, or

(4) fail to provide that any duty a servicer or trustee owes when modifying or disposing of qualified mortgages or foreclosure property shall be to the trust in the aggregate and not to any individual or class of investors.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—Subsection (a) shall apply to modification and dispositions after the date of the enactment of this Act, in taxable years ending on or after such date.

(2) SUBSECTION (b).—

(A) IN GENERAL.—Except as provided in subparagraph (B), subsection (b) shall take effect on the date that is 3 months after the date of the enactment of this Act.

(B) EXCEPTION.—The Secretary of the Treasury may waive the application of subsection (b) in whole or in part for any period of time with respect to any entity if—

(i) the Secretary determines that such entity is unable to comply with the requirements of such subsection in a timely manner, or

(ii) the Secretary determines that such waiver would further the purposes of this Act.

SEC. _____2. ESTABLISHMENT OF A HOME MORTGAGE LOAN RELIEF PROGRAM UNDER THE TROUBLED ASSET RELIEF PROGRAM AND RELATED AUTHORITIES.

(a) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury shall establish and implement a program under the Troubled Asset Relief Program and related authorities established under section 101(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a))—

(1) to achieve appropriate broad-scale modifications or dispositions of troubled home mortgage loans; and

(2) to achieve appropriate broad-scale dispositions of foreclosure property.

(b) RULES.—The Secretary of the Treasury shall promulgate rules governing the—

(1) reasonable modification of any home mortgage loan pursuant to the requirements of this Act; and

(2) disposition of any such home mortgage loan or foreclosed property pursuant to the requirements of this Act.

(c) CONSIDERATIONS.—In developing the rules required under subsection (b), the Secretary of the Treasury shall take into consideration—

(1) the debt-to-income ratio, loan-to-value ratio, or payment history of the mortgagors of such home mortgage loans; and

(2) any other factors consistent with the intent to streamline modifications of trouble home mortgage loans into sustainable home mortgage loans.

(d) USE OF BROAD AUTHORITY.—The Secretary of the Treasury shall use all available authorities to implement the home mortgage loan relief program established under this section, including, as appropriate—

(1) home mortgage loan purchases;

(2) home mortgage loan guarantees;

(3) making and funding commitments to purchase home mortgage loans or mortgage-backed securities;

(4) buying down interest rates and principal on home mortgage loans;

(5) principal forbearance; and

(6) developing standard home mortgage loan modification and disposition protocols, which shall include ratifying that servicer action taken in anticipation of any necessary changes to the instruments governing the conduct of servicers or trustees with respect to qualified mortgages or foreclosure property are consistent with the Secretary of the Treasury's standard home mortgage loan modification and disposition protocols.

(e) PAYMENTS AUTHORIZED.—The Secretary of the Treasury is authorized to pay servicers for home mortgage loan modifications or other dispositions consistent with any rules established under subsection (b).

(f) RULE OF CONSTRUCTION.—Any standard home mortgage loan modification and disposition protocols developed by the Secretary of the Treasury under this section shall be construed to constitute standard industry practice.

SA 344. Mr. KERRY (for himself and Mr. KENNEDY) 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. _____. FUNDING PRIORITIES.

It is the sense of the Senate that—

(1)(A) local and State agencies or authorities responsible for selecting projects to be funded under this Act or disseminating funds under this Act should, to the extent possible, select projects that utilize local populations; and

(B) preference should be given to projects that employ or subcontract with—

(i) veterans, or members of the reserve components of the Armed Forces;

(ii) low income people;

(iii) at risk youth;

(iv) individuals that are participating in reentry or career training programs; and

(v) individuals for whom construction work constitutes nontraditional employment;

(2) to the extent possible local and State agencies should maximize the utilization of individuals registered in apprenticeship programs, and expand participation in these programs by individuals in the populations described in paragraph (1)(B);

(3) to the extent possible State and Local agencies should maximize the utilization of contractors that provide health care and retirement benefits to their employees and maintain strong worker safety;

(4) to the extent possible the local or State agency receiving funds under this Act should coordinate with local community organizations, hiring centers, faith based organizations, labor organizations, and non-profits; and

(5) local and State agencies should make available on their State run websites information on how funds received under this Act are being implemented and disbursed to encourage participation and transparency.

SA 345. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 338, strike line 19 and all that follows through line 9 on page 339, and insert the following:

''(1) BREACH.—The term 'breach' means the unauthorized acquisition, access, use, or disclosure of protected health information which compromises the security, privacy, or integrity of protected health information maintained by or on behalf of a person. Such term does not include any unintentional acquisition, access, or use of such information by an employee or agent of the covered entity or business associate involved if such acquisition, access, or use, respectively, was made in good faith and within the course and scope of the employment or other contractual relationship of such employee or agent, respectively, with the covered entity or business associate and if such information is not further acquired, accessed, used, or disclosed by such employee or agent.''.

SA 346. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for

other purposes; which was ordered to lie on the table; as follows:

On page 70, line 16, insert ''Indian energy education planning and management assistance program established under section 2602(b) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)) and for'' after ''available for''.

On page 70, line 22, strike ''That the remaining $2,100,000,000'' and insert ''That, of the remaining $2,100,000,000, $100,000,000 shall be available for the Indian energy education planning and management assistance program established under section 2602(b) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)) with eligibility for grants under the program determined in accordance with section 2601 of that Act (25 U.S.C. 3501) and $2,000,000,000''.

SA 347. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, line 18, insert ''transmission plans, including'' after ''of''.

On page 74, line 2, insert ''transmission plans, including'' after ''of''.

SA 348. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 232, line 14, insert ''; *Provided further,* That of the funds provided under this heading, $25,000,000 shall be available to reimburse expenditures for the relocation and digitization of omni directional range navigation devices (DVOR) to enable or facilitate the construction of wind power development projects'' before the period at the end.

SA 349. Ms. SNOWE (for herself, Mrs. FEINSTEIN, Mr. BINGAMAN, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 457, line 18, strike all through page 458, line 16, and insert the following:

SEC. 1121. EXTENSION AND MODIFICATION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C is amended by striking subsections (a) and (b) and inserting the following new subsections:

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the sum of—

''(1) the amount paid or incurred by the taxpayer during such taxable year for qualified energy efficiency improvements, and

''(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.

''(b) LIMITATION.—The aggregate amount of the credits allowed under this section for taxable years beginning in 2009 and 2010 with respect to any taxpayer shall not exceed $1,500.''.

(b) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—

(1) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:

''(A) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2009.''.

(2) CENTRAL AIR CONDITIONERS.—Section 25C(d)(3)(D) is amended by striking ''2006'' and inserting ''2009''.

(3) WATER HEATERS.—Subparagraph (E) of section 25C(d) is amended to read as follows:

''(E) a natural gas, propane, or oil water heater which has either an energy factor of at least 0.82 or a thermal efficiency of at least 90 percent.''.

(c) MODIFICATIONS OF STANDARDS FOR OIL FURNACES AND HOT WATER BOILERS.—

(1) IN GENERAL.—Paragraph (4) of section 25C(d) is amended to read as follows:

''(4) QUALIFIED NATURAL GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—

''(A) QUALIFIED NATURAL GAS FURNACE.—The term 'qualified natural gas furnace' means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

''(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term 'qualified natural gas hot water boiler' means any natural gas hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

''(C) QUALIFIED PROPANE FURNACE.—The term 'qualified propane furnace' means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

''(D) QUALIFIED PROPANE HOT WATER BOILER.—The term 'qualified propane hot water boiler' means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

''(E) QUALIFIED OIL FURNACES.—The term 'qualified oil furnace' means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.

''(F) QUALIFIED OIL HOT WATER BOILER.—The term 'qualified oil hot water boiler' means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.''.

(2) CONFORMING AMENDMENT.—Clause (ii) of section 25C(d)(2)(A) is amended to read as follows:

''(ii) any qualified natural gas furnace, qualified propane furnace, qualified oil furnace, qualified natural gas hot water boiler, qualified propane hot water boiler, or qualified oil hot water boiler, or''.

(d) MODIFICATIONS OF STANDARDS FOR QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) QUALIFICATIONS FOR EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—Subsection (c) of section 25C is amended by adding at the end the following new paragraph:

''(4) QUALIFICATIONS FOR EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—Such term shall not include any component described in subparagraph (B) or (C) of paragraph (2) unless such component is equal to or below a U factor of 0.30 and SHGC of 0.30.''.

(2) ADDITIONAL QUALIFICATION FOR INSULATION.—Subparagraph (A) of section 25C(c)(2) is amended by inserting ''and meets the prescriptive criteria for such material or system established by the 2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009'' after ''such dwelling unit''.

(e) EXTENSION.—Section 25C(g)(2) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) EFFICIENCY STANDARDS.—The amendments made by subsections (b), (c), and (d) shall apply to property placed in service after December 31, 2009.

SA 350. Ms. SNOWE (for herself, Mrs. FEINSTEIN, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 461, between lines 10 and 11, insert the following:

SEC. _____. EXTENSION OF AND INCREASE IN NEW ENERGY EFFICIENT HOME CREDIT.

(a) EXTENSION.—Subsection (g) of section 45L (relating to termination) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) INCREASE.—Paragraph (2) of section 45L(a) (relating to allowance of credit) is amended—

(1) by striking ''$2,000'' in subparagraph (A) and inserting ''$5,000'', and

(2) by striking ''$1,000'' in subparagraph (B) and inserting ''$2,500''.

(c) MODIFICATION OF ENERGY SAVINGS REQUIREMENTS.—So much of subparagraph (A) of section 45L(c)(1) as precedes cause (i) is amended to read as follows:

''(A) to have a level of annual total energy consumption which is at least 50 percent below the annual level of total energy consumption of a comparable dwelling unit—''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to homes constructed and acquired after December 31, 2008.

SEC. _____. MODIFICATION OF DEDUCTION FOR ENERGY EFFICIENT COMMERCIAL BUILDINGS.

(a) INCREASE IN MAXIMUM AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Subparagraph (A) of section 179D(b)(1) is amended by striking ''$1.80'' and inserting ''$3.00''.

(2) PARTIAL ALLOWANCE.—Paragraph (1) of section 179D(d) is amended—

(A) by striking ''$.60'' and inserting ''$1.00'', and

(B) by striking ''$1.80'' and inserting ''$3.00''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years beginning after the date of the enactment of this Act.

SEC. _____. ENERGY RATINGS OF NON-BUSINESS PROPERTY.

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

''SEC. 25E. ENERGY RATINGS OF NON-BUSINESS PROPERTY.

''(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the amount paid or incurred by the taxpayer for a qualified home energy rating conducted during such taxable year.

''(b) LIMITATION.—The amount allowed as a credit under subsection (a) with respect to any taxpayer for any taxable year shall not exceed $200.

''(c) QUALIFIED HOME ENERGY RATING.—For purposes of this section, the term 'qualified home energy rating' means a home energy rating conducted with respect to any residence of the taxpayer by a home performance auditor certified by a provider accredited by the Building Performance Institute (BPI), the Residential Energy Services Network (RESNET), or equivalent rating system.

''(d) TERMINATION.—This section shall not apply with respect to any rating conducted after December 31, 2011.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A chapter 1 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Energy ratings of non-business property.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. _____. CREDIT FOR HOME PERFORMANCE AUDITOR CERTIFICATIONS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 45R. HOME PERFORMANCE AUDITOR CERTIFICATION CREDIT.

''(a) IN GENERAL.—For purposes of section 38, the home performance auditor certification credit determined under this section for any taxable year is an amount equal to the qualified training and certification costs paid or incurred by the taxpayer which may be taken into account for such taxable year.

''(b) QUALIFIED TRAINING AND CERTIFICATION COSTS.—

''(1) IN GENERAL.—The term 'qualified training and certification costs' means costs paid or incurred for training which is required for the taxpayer or employees of the taxpayer to be certified as home performance auditors for purposes of providing qualified home energy ratings under section 25E(c).

''(2) LIMITATION.—The qualified training and certification costs taken into account under subsection (a)(1) for the taxable year with respect to any individual shall not exceed $500 reduced by the amount of the credit allowed under subsection (a)(1) to the taxpayer (or any predecessor) with respect to such individual for all prior taxable years.

''(3) YEAR COSTS TAKEN INTO ACCOUNT.—Qualified training and certifications costs with respect to any individual shall not be taken into account under subsection (a)(1) before the taxable year in which the individual with respect to whom such costs are paid or incurred has performed 25 qualified home energy ratings under section 25E(c).

''(c) SPECIAL RULES.—

''(1) AGGREGATION RULES.—For purposes of this section, all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.

''(2) DENIAL OF DOUBLE BENEFIT.—

''(A) IN GENERAL.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for the taxable year which is equal to the amount taken into account under subsection (a) for such taxable year.

''(B) AMOUNT PREVIOUSLY DEDUCTED.—No credit shall be allowed under subsection (a) with respect to any amount for which a deduction has been allowed in any preceding taxable year.''.

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking ''plus'' at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting ''plus'', and by adding at the end the following new paragraph:

''(36) the home performance auditor certification credit determined under section 45R(a).''.

(c) CONFORMING AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45Q the following new item:

''Sec. 45R. Home performance auditor certification credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SA 351. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 461, between lines 10 and 11, insert the following:

SEC. _____. ENERGY RATINGS OF NON-BUSINESS PROPERTY.

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

''SEC. 25E. ENERGY RATINGS OF NON-BUSINESS PROPERTY.

''(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the amount paid or incurred by the taxpayer for a qualified home energy rating conducted during such taxable year.

''(b) LIMITATION.—The amount allowed as a credit under subsection (a) with respect to any taxpayer for any taxable year shall not exceed $200.

''(c) QUALIFIED HOME ENERGY RATING.—For purposes of this section, the term 'qualified home energy rating' means a home energy rating conducted with respect to any residence of the taxpayer by a home performance auditor certified by a provider accredited by the Building Performance Institute (BPI), the Residential Energy Services Network (RESNET), or equivalent rating system.

''(d) TERMINATION.—This section shall not apply with respect to any rating conducted after December 31, 2011.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A chapter 1 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Energy ratings of non-business property.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.

SA 352. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and 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 410, line 3, strike the period and insert ''; and''.

On page 410, after line 3, insert the following:

''(G) reviewing the specific number of jobs created by each title of each division of this Act.''.

On page 410, line 10, after ''agencies.'' insert ''The Board shall include a complete assessment of the number of jobs created by each title of each division of this Act and shall recommend to the appropriate committees of Congress for rescission unobligated balances of any program in this Act that is not creating or cannot be reasonably expected to create jobs or help those displaced by the current recession.''.

On page 431, after line 8, insert the following:

SEC. _____. POINT OF ORDER AGAINST CONTINUING SPENDING LEVELS.

(a) BASELINE.—The Congressional Budget Office shall not include any discretionary amounts provided in this Act in the baseline for fiscal year 2011 and fiscal years thereafter.

(b) POINT OF ORDER.—In the Senate, it shall not be in order to consider any bill, resolution, or amendment that continues the discretionary appropriations levels under this Act beyond fiscal year 2010.

SA 353. Mr. ENSIGN (for himself, Mr. MCCONNELL, and Mr. ALEXANDER) proposed an amendment to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the''Fix Housing First Act''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—FIX HOUSING FIRST

Subtitle A—Homeowner Security Program

SEC. 1001. HOMEOWNER SECURITY PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of the Treasury (in this subtitle referred to as the ''Secretary'') shall, not later than 1 month after the date of enactment of this Act, in consultation with the Board of Governors of the Federal Reserve System, develop and implement a comprehensive homeowner security program in accordance with this subtitle, but only after making a finding that implementing such a program shall not disrupt the ability of the Federal Government to fund regular operations of the Government or not adversely affect the credit rating of debt instruments issued by the Government.

(b) CRITERIA.—The homeowner security program developed under this subtitle (in this subtitle referred to as the ''program'') shall—

(1) require the Federal Government to take action to restore mortgage interest rates for 30-year fixed mortgages to amounts that are comparable to the return on obligations of the Treasury having 10-year periods of maturity, based on the average of the spreads of such rates over the 20-year period preceding the date of enactment of this Act;

(2) include specific measures to minimize cost and risk to the taxpayer and minimize market distortions;

(3) be limited to—

(A) providing funds to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation from the fund established under section 1006 for the purpose of purchasing newly issued mortgages, bonds, or mortgage-backed securities under this subtitle; and

(B) the payment of applicable prepayment or other fees or penalties associated with underlying mortgage loans;

(4) limit such action to conforming loans, as determined by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, using conforming loan limits in effect for 2008;

(5) apply such action only—

(A) to creditworthy borrowers, as determined after an evaluation of debt to income ratio, credit rating, income, employment history, and other relevant information, who are current in payments on outstanding mortgage obligations;

(B) subject to a new, independent appraisal of the property securing the obligation; and

(C) with respect to mortgage loans that are—

(i) secured by the single-family, primary residence of the borrower; and

(ii) held or backed by—

(I) the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation; or

(II) any another person, only if the loan-to-value ratio on the property securing the loan is not more than 95 percent;

(6) ensure availability of such mortgage loans for home purchase regardless of the type or size of financial institution that acts as a loan originator or a portfolio lender, taking into account the differences in the cost of funds and other factors when executing the program;

(7) allow new purchases and refinanced loans to qualify for such action; and

(8) result in the redemption of the vast majority of residential mortgage backed securities that are currently held in the marketplace.

(c) AUTHORITY TO PAY CERTAIN FEES.—Funds made available to carry out this subtitle may be used to pay loan origination fees, if the Secretary determines that such payments are necessary to maximize the economic benefit of the program.

(d) ADDITIONAL CONSIDERATIONS.—In developing the program under this subtitle, the Secretary shall consider whether refinancings under the program should be in the form of recourse or nonrecourse loans.

SEC. 1002. TERMINATION.

The program developed under section 1001, and the authority of the Secretary under this subtitle, shall terminate on December 31, 2010, or such earlier date, if the Secretary determines that no further economic benefit can be achieved or can't be achieved by the private market.

SEC. 1003. OTHER LIMITATIONS.

(a) RESALE.—If the Secretary, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation repackages and sells mortgages funded under the program developed under this subtitle, such mortgages shall be segregated from other mortgages not so funded, and shall be identified as such.

(b) INFORMATION AVAILABLE TO BORROWERS.—The rules of the Secretary under this subtitle shall assure the ability of the homeowner with respect to a mortgage loan refinanced under the homeowner security program to ascertain the identity of the owner or holder of the mortgage, including upon resale of the mortgage loan.

(c) AUTHORITY OF THE SECRETARY.—The Secretary is authorized to issue such rules to carry out this subtitle as the Secretary determines are appropriate, including measures designed to address problems that have contributed to the mortgage crisis, and to prevent such future crises.

SEC. 1004. STUDY ON INTEREST RATES.

In carrying out this subtitle, the Secretary shall—

(1) conduct an economic study of reducing mortgage interest rates, estimating the impact on the mortgage delinquencies and foreclosures, housing prices, and credit markets; and

(2) develop clear metrics for the homeowner security program.

SEC. 1005. REPORTS TO CONGRESS.

The Secretary shall submit a report to Congress once every 3 months on the development and implementation of the program required by this subtitle, together with any necessary legislative recommendations.

SEC. 1006. FUNDING.

(a) ESTABLISHMENT OF TREASURY FUND.—The Secretary shall establish, within the Treasury of the United States, a fund comprised of the proceeds to the United States from the sale of Treasury bills having 30-year periods of maturity.

(b) APPROPRIATION.—There is appropriated to the Secretary from the fund created under subsection (a) to carry out this subtitle, $300,000,000,000, to remain available until expended.

(c) TERMINATION OF FUND.—The fund established under this section shall remain in effect for such period as any obligation under this subtitle remains outstanding, and shall be terminated when all such obligations are repaid.

SEC. 1007. OTHER MORTGAGE PURCHASES.

Nothing in this subtitle shall preclude the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation from using funds not appropriated under this subtitle for the purpose of purchasing mortgage loans.

Subtitle B—Foreclosure Mitigation

SEC. 1011. DEFINITIONS.

For purposes of this subtitle—

(1) the term ''securitized mortgages'' means residential mortgages that have been pooled by a securitization vehicle;

(2) the term ''securitization vehicle'' means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(A) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans;

(B) holds all of the mortgage loans which are the basis for any vehicle described in subparagraph (A); and

(C) has not issued securities that are guaranteed by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Government National Mortgage Association;

(3) the term ''servicer'' means a servicer of securitized mortgages;

(4) the term ''eligible servicer'' means a servicer of pooled and securitized residential mortgages, all of which are eligible mortgages;

(5) the term ''eligible mortgage'' means a residential mortgage, the principal amount of which did not exceed the conforming loan size limit that was in existence at the time of origination for a comparable dwelling, as established by the Federal National Mortgage Association;

(6) the term ''Secretary'' means the Secretary of the Treasury;

(7) the term ''effective term of the subtitle'' means the period beginning on the effective date of this subtitle and ending on December 31, 2011;

(8) the term ''incentive fee'' means the monthly payment to eligible servicers, as determined under section 1012(a);

(9) the term ''Office'' means the Office of Aggrieved Investor Claims established under section 1013(a); and

(10) the term ''prepayment fee'' means the payment to eligible servicers, as determined under section 1012(b).

SEC. 1012. PAYMENTS TO ELIGIBLE SERVICERS AUTHORIZED.

(a) AUTHORITY.—The Secretary is authorized during the effective term of the subtitle, to make payments to eligible servicers in an amount not to exceed an aggregate of $10,000,000,000, subject to the terms and conditions established under this subtitle.

(b) FEES PAID TO ELIGIBLE SERVICERS.—

(1) IN GENERAL.—During the effective term of the subtitle, eligible servicers may collect monthly fee payments, consistent with the limitation in paragraph (2).

(2) CONDITIONS.—For every mortgage that was—

(A) not prepaid during a month, an eligible servicer may collect an incentive fee equal to 10 percent of mortgage payments received during that month, not to exceed $60 per loan; and

(B) prepaid during a month, an eligible servicer may collect a one-time prepayment fee equal to 12 times the amount of the incentive fee for the preceding month.

For purposes of subparagraph (A), total fees which may be collected for any mortgage may not exceed $1,000.

(c) SAFE HARBOR.—Notwithstanding any other provision of law, and notwithstanding any investment contract between a servicer and a securitization vehicle, a servicer—

(1) owes any duty to maximize the net present value of the pooled mortgages in the securitization vehicle to all investors and parties having a direct or indirect interest in such vehicle, and not to any individual party or group of parties; and

(2) shall be deemed to act in the best interests of all such investors and parties if the servicer agrees to or implements a modification, workout, or other loss mitigation plan for a residential mortgage or a class of residential mortgages that constitutes a part or all of the pooled mortgages in such securitization vehicle, if—

(A) default on the payment of such mortgage has occurred or is reasonably foreseeable;

(B) the property securing such mortgage is occupied by the mortgagor of such mortgage; and

(C) the servicer reasonably and in good faith believes that the anticipated recovery on the principal outstanding obligation of the mortgage under the modification or workout plan exceeds, on a net present value basis, the anticipated recovery on the principal outstanding obligation of the mortgage through foreclosure;

(3) shall not be obligated to repurchase loans from, or otherwise make payments to, the securitization vehicle on account of a modification, workout, or other loss mitigation plan that satisfies the conditions of paragraph (2); and

(4) if it acts in a manner consistent with the duties set forth in paragraphs (1) and (2), shall not be liable for entering into a modification or workout plan to any person—

(A) based on ownership by that person of a residential mortgage loan or any interest in a pool of residential mortgage loans, or in securities that distribute payments out of the principal, interest, and other payments in loans in the pool;

(B) who is obligated to make payments determined in reference to any loan or any interest referred to in subparagraph (A); or

(C) that insures any loan or any interest referred to in subparagraph (A) under any provision of law or regulation of the United States or any State or political subdivision thereof.

(d) LEGAL COSTS.—If an unsuccessful suit is brought by a person described in subsection (d)(4), that person shall bear the actual legal costs of the servicer, including reasonable attorney fees and expert witness fees, incurred in good faith.

(e) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Each servicer shall report regularly, not less frequently than monthly, to the Secretary on the extent and scope of the loss mitigation activities of the mortgage owner.

(2) CONTENT.—Each report required by this subsection shall include—

(A) the number of residential mortgage loans receiving loss mitigation that have become performing loans;

(B) the number of residential mortgage loans receiving loss mitigation that have proceeded to foreclosure;

(C) the total number of foreclosures initiated during the reporting period;

(D) data on loss mitigation activities, disaggregated to reflect whether the loss mitigation was in the form of—

(i) a waiver of any late payment charge, penalty interest, or any other fees or charges, or any combination thereof;

(ii) the establishment of a repayment plan under which the homeowner resumes regularly scheduled payments and pays additional amounts at scheduled intervals to cure the delinquency;

(iii) forbearance under the loan that provides for a temporary reduction in or cessation of monthly payments, followed by a reamortization of the amounts due under the loan, including arrearage, and a new schedule of repayment amounts;

(iv) waiver, modification, or variation of any material term of the loan, including short-term, long-term, or life-of-loan modifications that change the interest rate, forgive the payment of principal or interest, or extend the final maturity date of the loan;

(v) short refinancing of the loan consisting of acceptance of payment from or on behalf of the homeowner of an amount less than the amount alleged to be due and owing under the loan, including principal, interest, and fees, in full satisfaction of the obligation under such loan and as part of a refinance transaction in which the property is intended to remain the principal residence of the homeowner;

(vi) acquisition of the property by the owner or servicer by deed in lieu of foreclosure;

(vii) short sale of the principal residence that is subject to the lien securing the loan;

(viii) assumption of the obligation of the homeowner under the loan by a third party;

(ix) cancellation or postponement of a foreclosure sale to allow the homeowner additional time to sell the property; or

(x) any other loss mitigation activity not covered; and

(E) such other information as the Secretary determines to be relevant.

(3) PUBLIC AVAILABILITY OF REPORTS.—After removing information that would compromise the privacy interests of mortgagors, the Secretary shall make public the reports required by this subsection.

SEC. 1013. COMPENSATION FOR AGGRIEVED INVESTORS.

(a) IN GENERAL.—

(1) COMPENSATION.—Each injured person shall be entitled to receive from the United States—

(A) compensation for injury suffered by the injured person as a result of loan modifications made pursuant to this subtitle; and

(B) damages described in subsection (d)(4), as determined by the Secretary of the Treasury.

(2) OFFICE OF AGGRIEVED INVESTOR CLAIMS.—

(A) IN GENERAL.—There is established within the Department of the Treasury an Office of Aggrieved Investor Claims.

(B) PURPOSE.—The Office shall receive, process, and pay claims in accordance with this section.

(C) FUNDING.—The Office—

(i) shall be funded from funds made available to the Secretary under this section;

(ii) may reimburse other Federal agencies for claims processing support and assistance;

(iii) may appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in competitive service; and

(iv) upon the request of the Secretary, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Department of Treasury to assist it in carrying out its duties under this section.

(3) OPTION TO APPOINT INDEPENDENT CLAIMS MANAGER.—The Secretary may appoint an Independent Claims Manager—

(A) to head the Office; and

(B) to assume the duties of the Secretary under this section.

(b) SUBMISSION OF CLAIMS.—Not later than 2 years after the date on which regulations are first promulgated under subsection (f), an injured person may submit to the Secretary a written claim for one or more injuries suffered by the injured person in accordance with such requirements as the Secretary determines to be appropriate.

(c) INVESTIGATION OF CLAIMS.—

(1) IN GENERAL.—The Secretary shall, on behalf of the United States, investigate, consider, ascertain, adjust, determine, grant, deny, or settle any claim for money damages asserted under subsection (b).

(2) EXTENT OF DAMAGES.—Any payment under this section—

(A) shall be limited to actual compensatory damages measured by injuries suffered; and

(B) shall not include—

(i) interest before settlement or payment of a claim; or

(ii) punitive damages.

(d) PAYMENT OF CLAIMS.—

(1) DETERMINATION AND PAYMENT OF AMOUNT.—

(A) IN GENERAL.—Not later than 180 days after the date on which a claim is submitted under this section, the Secretary shall determine and fix the amount, if any, to be paid for the claim.

(B) PARAMETERS OF DETERMINATION.—In determining and settling a claim under this section, the Secretary shall determine only—

(i) whether the claimant is an injured person;

(ii) whether the injury that is the subject of the claim resulted from a loan modification made pursuant to this subtitle;

(iii) the amount, if any, to be allowed and paid under this section; and

(iv) the person or persons entitled to receive the amount.

(2) PARTIAL PAYMENT.—

(A) IN GENERAL.—At the request of a claimant, the Secretary may make one or more advance or partial payments before the final settlement of a claim, including final settlement on any portion or aspect of a claim that is determined to be severable.

(B) JUDICIAL DECISION.—If a claimant receives a partial payment on a claim under this section, but further payment on the claim is subsequently denied by the Secretary, the claimant may—

(i) seek judicial review under subsection (i); and

(ii) keep any partial payment that the claimant received, unless the Secretary determines that the claimant—

(I) was not eligible to receive the compensation; or

(II) fraudulently procured the compensation.

(3) ALLOWABLE DAMAGES FOR FINANCIAL LOSS.—A claim that is paid for injury under this section may include damages resulting from a loan modification pursuant to this subtitle for the following types of otherwise uncompensated financial loss:

(A) Lost personal income.

(B) Any other loss that the Secretary determines to be appropriate for inclusion as financial loss.

(e) ACCEPTANCE OF AWARD.—The acceptance by a claimant of any payment under this section, except an advance or partial payment made under subsection (d)(2), shall—

(1) be final and conclusive on the claimant with respect to all claims arising out of or relating to the same subject matter;

(2) constitute a complete release of all claims against the United States (including any agency or employee of the United States) under chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act''), or any other Federal or State law, arising out of or relating to the same subject matter;

(3) constitute a complete release of all claims against the eligible servicer of the securitization in which the injured person was an investor under any Federal or State law, arising out of or relating to the same subject matter; and

(4) shall include a certification by the claimant, made under penalty of perjury and subject to the provisions of section 1001 of title 18, United States Code, that such claim is true and correct.

(f) REGULATIONS.—Notwithstanding any other provision of law, not later than 45 days after the date of enactment of this Act, the Secretary shall promulgate and publish in the Federal Register interim final regulations for the processing and payment of claims under this section.

(g) CONSULTATION.—In administering this section, the Secretary shall consult with other Federal agencies, as determined to be necessary by the Secretary, to ensure the efficient administration of the claims process.

(h) ELECTION OF REMEDY.—

(1) IN GENERAL.—An injured person may elect to seek compensation from the United States for one or more injuries resulting from a loan modification made pursuant to this subtitle by—

(A) submitting a claim under this section;

(B) filing a claim or bringing a civil action under chapter 171 of title 28, United States Code; or

(C) bringing an authorized civil action under any other provision of law.

(2) EFFECT OF ELECTION.—An election by an injured person to seek compensation in any manner described in paragraph (1) shall be final and conclusive on the claimant with respect to all injuries resulting from a loan modification made pursuant to this subtitle that are suffered by the claimant.

(3) ARBITRATION.—

(A) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall establish by regulation procedures under which a dispute regarding a claim submitted under this section may be settled by arbitration.

(B) ARBITRATION AS REMEDY.—On establishment of arbitration procedures under subparagraph (A), an injured person that submits a disputed claim under this section may elect to settle the claim through arbitration.

(C) BINDING EFFECT.—An election by an injured person to settle a claim through arbitration under this paragraph shall—

(i) be binding; and

(ii) preclude any exercise by the injured person of the right to judicial review of a claim described in subsection (i).

(i) JUDICIAL REVIEW.—

(1) IN GENERAL.—Any claimant aggrieved by a final decision of the Secretary under this section may, not later than 60 days after the date on which the decision is issued, bring a civil action in the United States District Court for the District of Columbia, to modify or set aside the decision, in whole or in part.

(2) RECORD.—The court shall hear a civil action under paragraph (1) on the record made before the Secretary.

(3) STANDARD.—The decision of the Secretary incorporating the findings of the Secretary shall be upheld if the decision is supported by substantial evidence on the record considered as a whole.

(j) ATTORNEY'S AND AGENT'S FEES.—

(1) IN GENERAL.—No attorney or agent, acting alone or in combination with any other attorney or agent, shall charge, demand, receive, or collect, for services rendered in connection with a claim submitted under this section, fees in excess of 10 percent of the amount of any payment on the claim.

(2) VIOLATION.—An attorney or agent who violates paragraph (1) shall be fined not more than $10,000.

(k) APPLICABILITY OF DEBT COLLECTION REQUIREMENTS.—Section 3716 of title 31, United States Code, shall not apply to any payment under this section.

(l) REPORT.—Not later than 1 year after the date of promulgation of regulations under subsection (f), and annually thereafter, the Secretary shall submit to Congress a report that describes the claims submitted under this section during the year preceding the date of submission of the report, including, for each claim—

(1) the amount claimed;

(2) a brief description of the nature of the claim; and

(3) the status or disposition of the claim, including the amount of any payment under this section.

(m) GAO AUDIT.—The Comptroller General of the United States shall conduct an annual audit on the payment of all claims made under this section and shall report to the Congress on the results of this audit beginning not later than the expiration of the 1-year period beginning on the date of the enactment of this Act.

(n) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the payment of claims in accordance with this section up to $1,700,000,000, to remain available until expended.

SEC. 1014. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary, such sums as may be necessary to carry out this subtitle.

SEC. 1015. SUNSET OF AUTHORITY.

The authority of the Secretary to provide assistance under this title shall terminate on December 31, 2011.

Subtitle C—Credit for Certain Home Purchases

SEC. 1021. CREDIT FOR CERTAIN HOME PURCHASES.

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

''SEC. 25E. CREDIT FOR CERTAIN HOME PURCHASES.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—In the case of an individual who is a purchaser of a qualified principal residence during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to 10 percent of the purchase price of the residence.

''(2) DOLLAR LIMITATION.—The amount of the credit allowed under paragraph (1) shall not exceed $15,000.

''(3) ALLOCATION OF CREDIT AMOUNT.—At the election of the taxpayer, the amount of the credit allowed under paragraph (1) (after application of paragraph (2)) may be equally divided among the 2 taxable years beginning with the taxable year in which the purchase of the qualified principal residence is made.

''(b) LIMITATIONS.—

''(1) DATE OF PURCHASE.—The credit allowed under subsection (a) shall be allowed only with respect to purchases made—

''(A) after December 31, 2008, and

''(B) before January 1, 2010.

''(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) for the taxable year.

''(3) ONE-TIME ONLY.—

''(A) IN GENERAL.—If a credit is allowed under this section in the case of any individual (and such individual's spouse, if married) with respect to the purchase of any qualified principal residence, no credit shall be allowed under this section in any taxable year with respect to the purchase of any other qualified principal residence by such individual or a spouse of such individual.

''(B) JOINT PURCHASE.—In the case of a purchase of a qualified principal residence by 2 or more unmarried individuals or by 2 married individuals filing separately, no credit shall be allowed under this section if a credit under this section has been allowed to any of such individuals in any taxable year with respect to the purchase of any other qualified principal residence.

''(c) QUALIFIED PRINCIPAL RESIDENCE.—For purposes of this section, the term 'qualified principal residence' means a single-family residence that is purchased to be the principal residence of the purchaser.

''(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any purchase for which a credit is allowed under section 36 or section 1400C.

''(e) SPECIAL RULES.—

''(1) JOINT PURCHASE.—

''(A) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of 2 married individuals filing separately, subsection (a) shall be applied to each such individual by substituting '$7,500' for '$15,000' in subsection (a)(1).

''(B) UNMARRIED INDIVIDUALS.—If 2 or more individuals who are not married purchase a qualified principal residence, the amount of

the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $15,000.

''(2) PURCHASE.—In defining the purchase of a qualified principal residence, rules similar to the rules of paragraphs (2) and (3) of section 1400C(e) (as in effect on the date of the enactment of this section) shall apply.

''(3) REPORTING REQUIREMENT.—Rules similar to the rules of section 1400C(f) (as so in effect) shall apply.

''(f) RECAPTURE OF CREDIT IN THE CASE OF CERTAIN DISPOSITIONS.—

''(1) IN GENERAL.—In the event that a taxpayer—

''(A) disposes of the principal residence with respect to which a credit was allowed under subsection (a), or

''(B) fails to occupy such residence as the taxpayer's principal residence,

at any time within 24 months after the date on which the taxpayer purchased such residence, then the tax imposed by this chapter for the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence shall be increased by the amount of such credit.

''(2) EXCEPTIONS.—

''(A) DEATH OF TAXPAYER.—Paragraph (1) shall not apply to any taxable year ending after the date of the taxpayer's death.

''(B) INVOLUNTARY CONVERSION.—Paragraph (1) shall not apply in the case of a residence which is compulsorily or involuntarily converted (within the meaning of section 1033(a)) if the taxpayer acquires a new principal residence within the 2-year period beginning on the date of the disposition or cessation referred to in such paragraph. Paragraph (1) shall apply to such new principal residence during the remainder of the 24-month period described in such paragraph as if such new principal residence were the converted residence.

''(C) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of a transfer of a residence to which section 1041(a) applies—

''(i) paragraph (1) shall not apply to such transfer, and

''(ii) in the case of taxable years ending after such transfer, paragraph (1) shall apply to the transferee in the same manner as if such transferee were the transferor (and shall not apply to the transferor).

''(D) RELOCATION OF MEMBERS OF THE ARMED FORCES.—Paragraph (1) shall not apply in the case of a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and incident to a permanent change of station.

''(3) JOINT RETURNS.—In the case of a credit allowed under subsection (a) with respect to a joint return, half of such credit shall be treated as having been allowed to each individual filing such return for purposes of this subsection.

''(4) RETURN REQUIREMENT.—If the tax imposed by this chapter for the taxable year is increased under this subsection, the taxpayer shall, notwithstanding section 6012, be required to file a return with respect to the taxes imposed under this subtitle.

''(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.

''(h) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—In the case of a purchase of a principal residence during the period described in subsection (b)(1), a taxpayer may elect to treat such purchase as made on December 31, 2008, for purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Credit for certain home purchases.''.

(c) SUNSET OF CURRENT FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (h) of section 36 is amended by striking ''July 1, 2009'' and inserting ''the date of the enactment of the Fix Housing First Act''.

(2) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 is amended by striking ''July 1, 2009'' and inserting ''the date of the enactment of the Fix Housing First Act''.

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

TITLE II—MIDDLE CLASS TAX RELIEF

SEC. 2001. 10 PERCENT RATE BRACKET FOR INDIVIDUALS REDUCED TO 5 PERCENT FOR 2009 AND 2010.

(a) IN GENERAL.—Clause (i) of section 1(i)(1)(A) is amended by inserting ''(5 percent in the case of any taxable year beginning in 2009 or 2010)'' after ''10 percent''.

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

SEC. 2002. 15 PERCENT RATE BRACKET FOR INDIVIDUALS REDUCED TO 10 PERCENT FOR 2009 AND 2010.

(a) IN GENERAL.—Subsection (i) of section 1 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) REDUCTION IN 15 PERCENT RATE FOR 2009 AND 2010.—In the case of any taxable year beginning in 2009 or 2010, '10 percent' shall be substituted for '15 percent' in the tables under subsections (a), (b), (c), (d), and (e). The preceding sentence shall be applied after application of paragraph (1).''.

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

TITLE III—BUSINESS TAX RELIEF

Subtitle A—Temporary Investment Incentives

SEC. 3001. SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED DURING 2009.

(a) EXTENSION OF SPECIAL ALLOWANCE.—

(1) IN GENERAL.—Paragraph (2) of section 168(k) is amended—

(A) by striking ''January 1, 2010'' and inserting ''January 1, 2011'', and

(B) by striking ''January 1, 2009'' each place it appears and inserting ''January 1, 2010''.

(2) CONFORMING AMENDMENTS.—

(A) The heading for subsection (k) of section 168 is amended by striking ''JANUARY 1, 2009'' and inserting ''JANUARY 1, 2010''.

(B) The heading for clause (ii) of section 168(k)(2)(B) is amended by striking ''PRE-JANUARY 1, 2009'' and inserting ''PRE-JANUARY 1, 2010''.

(C) Subparagraph (B) of section 168(1)(5) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(D) Subparagraph (C) of section 168(n)(2) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(E) Subparagraph (B) of section 1400N(d)(3) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(3) TECHNICAL AMENDMENT.—Subparagraph (D) of section 168(k)(4) is amended—

(A) by striking ''and'' at the end of clause (i),

(B) by redesignating clause (ii) as clause (iii), and

(C) by inserting after clause (i) the following new clause:

''(ii) 'April 1, 2008' shall be substituted for 'January 1, 2008' in subparagraph (A)(iii)(I) thereof, and''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2008, in taxable years ending after such date.

(2) TECHNICAL AMENDMENT.—The amendments made by subsection (a)(3) shall apply to taxable years ending after March 31, 2008.

SEC. 3002. TEMPORARY INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Paragraph (7) of section 179(b) is amended—

(1) by striking ''2008'' and inserting ''2008, or 2009'', and

(2) by striking ''2008'' in the heading thereof and inserting ''2008, AND 2009''.

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

Subtitle B—5-Year Carryback of Operating Losses

SEC. 3101. 5-YEAR CARRYBACK OF OPERATING LOSSES.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) is amended to read as follows:

''(H) CARRYBACK FOR 2008 AND 2009 NET OPERATING LOSSES.—

''(i) IN GENERAL.—In the case of an applicable 2008 or 2009 net operating loss with respect to which the taxpayer has elected the application of this subparagraph—

''(I) subparagraph (A)(i) shall be applied by substituting any whole number elected by the taxpayer which is more than 2 and less than 6 for '2',

''(II) subparagraph (E)(ii) shall be applied by substituting the whole number which is one less than the whole number substituted under subclause (II) for '2', and

''(III) subparagraph (F) shall not apply.

''(ii) APPLICABLE 2008 OR 2009 NET OPERATING LOSS.—For purposes of this subparagraph, the term 'applicable 2008 or 2009 net operating loss' means—

''(I) the taxpayer's net operating loss for any taxable year ending in 2008 or 2009, or

''(II) if the taxpayer elects to have this subclause apply in lieu of subclause (I), the taxpayer's net operating loss for any taxable year beginning in 2008 or 2009.

''(iii) ELECTION.—Any election under this subparagraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the taxpayer's return for the taxable year of the net operating loss. Any such election, once made, shall be irrevocable.

''(iv) COORDINATION WITH ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—In the case of a taxpayer who elects to have clause (ii)(II) apply, section 56(d)(1)(A)(ii) shall be applied by substituting 'ending during 2001 or 2002 or beginning during 2008 or 2009' for 'ending during 2001, 2002, 2008, or 2009'.''.

(b) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—Subclause (I) of section 56(d)(1)(A)(ii) is amended to read as follows:

''(I) the amount of such deduction attributable to the sum of carrybacks of net operating losses from taxable years ending during 2001, 2002, 2008, or 2009 and carryovers of net operating losses to such taxable years, or''.

(c) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—Subsection (b) of section 810 is amended by adding at the end the following new paragraph:

''(4) CARRYBACK FOR 2008 AND 2009 LOSSES.—

''(A) IN GENERAL.—In the case of an applicable 2008 or 2009 loss from operations with respect to which the taxpayer has elected

the application of this paragraph, paragraph (1)(A) shall be applied, at the election of the taxpayer, by substituting '5' or '4' for '3'.

''(B) APPLICABLE 2008 OR 2009 LOSS FROM OPERATIONS.—For purposes of this paragraph, the term 'applicable 2008 or 2009 loss from operations' means—

''(i) the taxpayer's loss from operations for any taxable year ending in 2008 or 2009, or

''(ii) if the taxpayer elects to have this clause apply in lieu of clause (i), the taxpayer's loss from operations for any taxable year beginning in 2008 or 2009.

''(C) ELECTION.—Any election under this paragraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the taxpayer's return for the taxable year of the loss from operations. Any such election, once made, shall be irrevocable.

''(D) COORDINATION WITH ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—In the case of a taxpayer who elects to have subparagraph (B)(ii) apply, section 56(d)(1)(A)(ii) shall be applied by substituting 'ending during 2001 or 2002 or beginning during 2008 or 2009' for 'ending during 2001, 2002, 2008, or 2009'.''.

(d) CONFORMING AMENDMENT.—Section 172 is amended by striking subsection (k) and by redesignating subsection (l) as subsection (k).

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to net operating losses arising in taxable years ending after December 31, 2007.

(2) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—The amendment made by subsection (b) shall apply to taxable years ending after 1997.

(3) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—The amendment made by subsection (d) shall apply to losses from operations arising in taxable years ending after December 31, 2007.

(4) TRANSITIONAL RULE.—In the case of a net operating loss (or, in the case of a life insurance company, a loss from operations) for a taxable year ending before the date of the enactment of this Act—

(A) any election made under section 172(b)(3) or 810(b)(3) of the Internal Revenue Code of 1986 with respect to such loss may (notwithstanding such section) be revoked before the applicable date,

(B) any election made under section 172(k) or 810(b)(4) of such Code with respect to such loss shall (notwithstanding such section) be treated as timely made if made before the applicable date, and

(C) any application under section 6411(a) of such Code with respect to such loss shall be treated as timely filed if filed before the applicable date.

For purposes of this paragraph, the term ''applicable date'' means the date which is 60 days after the date of the enactment of this Act.

SEC. 3102. EXCEPTION FOR TARP RECIPIENTS.

The amendments made by this part shall not apply to—

(1) any taxpayer if—

(A) the Federal Government acquires, at any time, an equity interest in the taxpayer pursuant to the Emergency Economic Stabilization Act of 2008, or

(B) the Federal Government acquires, at any time, any warrant (or other right) to acquire any equity interest with respect to the taxpayer pursuant to such Act,

(2) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, and

(3) any taxpayer which at any time in 2008 or 2009 is a member of the same affiliated group (as defined in section 1504 of the Internal Revenue Code of 1986, determined without regard to subsection (b) thereof) as a taxpayer described in paragraph (1) or (2).

Subtitle C—Incentives for New Jobs

SEC. 3201. INCENTIVES TO HIRE UNEMPLOYED VETERANS.

(a) IN GENERAL.—Subsection (d) of section 51 is amended by adding at the end the following new paragraph:

''(14) CREDIT ALLOWED FOR UNEMPLOYED VETERANS HIRED IN 2009 OR 2010.—

''(A) IN GENERAL.—Any unemployed veteran who begins work for the employer during 2009 or 2010 shall be treated as a member of a targeted group for purposes of this subpart.

''(B) UNEMPLOYED VETERAN.—For purposes of this paragraph, the term 'unemployed veteran' means any veteran (as defined in paragraph (3)(B), determined without regard to clause (ii) thereof) who is certified by the designated local agency as—

''(i) having been discharged or released from active duty in the Armed Forces during 2008, 2009, or 2010, and

''(ii) being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks during the 1-year period ending on the hiring date.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after December 31, 2008.

Subtitle D—Cancellation of Indebtedness

SEC. 3301. DEFERRAL AND RATABLE INCLUSION OF INCOME ARISING FROM INDEBTEDNESS DISCHARGED BY THE REPURCHASE OF A DEBT INSTRUMENT.

(a) IN GENERAL.—Section 108 (relating to income from discharge of indebtedness) is amended by adding at the end the following new subsection:

''(i) DEFERRAL AND RATABLE INCLUSION OF INCOME ARISING FROM INDEBTEDNESS DISCHARGED BY THE REPURCHASE OF A DEBT INSTRUMENT.—

''(1) IN GENERAL.—At the election of the taxpayer, income from the discharge of indebtedness in connection with the repurchase of a debt instrument after December 31, 2008, and before January 1, 2011, shall be includible in gross income ratably over the 5-taxable-year period beginning with—

''(A) in the case of a repurchase occurring in 2009, the fifth taxable year following the taxable year in which the repurchase occurs, and

''(B) in the case of a repurchase occurring in 2010, the fourth taxable year following the taxable year in which the repurchase occurs.

''(2) DEFERRAL OF DEDUCTION FOR ORIGINAL ISSUE DISCOUNT IN DEBT FOR DEBT EXCHANGES.—

''(A) IN GENERAL.—If, as part of a repurchase to which paragraph (1) applies, any debt instrument is issued for the debt instrument being repurchased and there is any original issue discount determined under subpart A of part V of subchapter P of this chapter with respect to the debt instrument so issued—

''(i) except as provided in clause (ii), no deduction otherwise allowable under this chapter shall be allowed to the issuer of such debt instrument with respect to the portion of such original issue discount which—

''(I) accrues before the 1st taxable year in the 5-taxable-year period in which income from the discharge of indebtedness attributable to the repurchase of the debt instrument is includible under paragraph (1), and

''(II) does not exceed the income from the discharge of indebtedness with respect to the debt instrument being repurchased, and

''(ii) the aggregate amount of deductions disallowed under clause (i) shall be allowed as a deduction ratably over the 5-taxable-year period described in clause (i)(I).

If the amount of the original issue discount accruing before such 1st taxable year exceeds the income from the discharge of indebtedness with respect to the debt instrument being repurchased, the deductions shall be disallowed in the order in which the original issue discount is accrued.

''(B) DEEMED DEBT FOR DEBT EXCHANGES.—For purposes of subparagraph (A), if any debt instrument is issued by an issuer and the proceeds of such debt instrument are used directly or indirectly by the issuer to repurchase a debt instrument of the issuer, the debt instrument so issued shall be treated as issued for the debt instrument being repurchased. If only a portion of the proceeds from a debt instrument are so used, the rules of subparagraph (A) shall apply to the portion of any original issue discount on the newly issued debt instrument which is equal to the portion of the proceeds from such instrument used to repurchase the outstanding instrument.

''(3) DEBT INSTRUMENT.—For purposes of this subsection, the term 'debt instrument' means a bond, debenture, note, certificate, or any other instrument or contractual arrangement constituting indebtedness (within the meaning of section 1275(a)(1)).

''(4) REPURCHASE.—For purposes of this subsection, the term 'repurchase' means, with respect to any debt instrument, any acquisition of the debt instrument by—

''(A) the debtor which issued (or is otherwise the obligor under) the debt instrument, or

''(B) any person related to such debtor.

Such term shall also include the complete forgiveness of the indebtedness by the holder of the debt instrument. For purposes of subparagraph (B), the determination of whether a person is related to another person shall be made in the same manner as under subsection (e)(4). For purposes of this paragraph, the term 'acquisition' shall include any acquisition for cash, the exchange of a debt instrument for a debt instrument, the exchange of a debt instrument for corporate stock or partnership interest, as a contribution of the debt instrument to capital, and any significant modification of the debt instrument within the meaning of section 1001.

''(5) OTHER DEFINITIONS AND RULES.—For purposes of this subsection—

''(A) RELATED PERSON.—The determination of whether a person is related to another person shall be made in the same manner as under subsection (e)(4).

''(B) ELECTION.—

''(i) IN GENERAL.—An issuer of a debt instrument shall make the election under this subsection with respect to any debt instrument by clearly identifying such debt instrument on the issuer's records as an instrument to which the election applies before the close of the day on which the repurchase of the debt instrument occurs (or such other time as the Secretary may prescribe). Such election, once made, is irrevocable.

''(ii) PASS THROUGH ENTITIES.—In the case of a partnership, S corporation, or other pass through entity, the election under this subsection shall be made by the partnership, the S corporation, or other entity involved.

''(C) COORDINATION WITH EXCLUSIONS FOR TITLE 11 OR INSOLVENCY.—If a taxpayer elects to have this subsection apply to a debt instrument, subparagraph (A) or (B) of subsection (a)(1) shall not apply to the income from the discharge of such indebtedness for the taxable year of the election or any subsequent taxable year.

''(D) ACCELERATION OF DEFERRED ITEMS.—In the case of the death of the taxpayer, the liquidation or sale of substantially all the assets of the taxpayer (including in a title 11 or

similar case), the cessation of business by the taxpayer, or similar circumstances, any item of income or deduction which is deferred under this subsection (and has not previously been taken into account) shall be taken into account in the taxable year in which such event occurs (or in the case of a title 11 case, the day before the petition is filed).

''(6) AUTHORITY TO PRESCRIBE REGULATIONS.—The Secretary may prescribe such rules and regulations as may be necessary or appropriate for purposes of applying this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges in taxable years ending after December 31, 2008.

Subtitle E—Qualified Small Business Stock

SEC. 3401. MODIFICATIONS TO EXCLUSION FOR GAIN FROM CERTAIN SMALL BUSINESS STOCK.

(a) TEMPORARY INCREASE IN EXCLUSION.—Section 1202(a) (relating to exclusion) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR STOCK ACQUIRED BEFORE 2011.—In the case of qualified small business stock acquired after the date of the enactment of this paragraph and before January 1, 2011—

''(A) paragraph (1) shall be applied by substituting '100 percent' for '50 percent', and

''(B) paragraph (2) shall not apply.''.

(b) INCREASE IN LIMITATION.—

(1) IN GENERAL.—Subparagraph (A) of section 1202(b)(1) is amended by striking ''$10,000,000'' and inserting ''$15,000,000''.

(2) MARRIED INDIVIDUALS.—Subparagraph (A) of section 1202(b)(3) is amended by striking ''paragraph (1)(A) shall be applied by substituting '$5,000,000' for '$10,000,000''' and inserting ''the amount under paragraph (1)(A) shall be half of the amount otherwise in effect''.

(c) MODIFICATION OF DEFINITION OF QUALIFIED SMALL BUSINESS.—Section 1202(d)(1) is amended by striking ''$50,000,000'' each place it appears and inserting ''$75,000,000''.

(d) INFLATION ADJUSTMENTS.—Section 1202 is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

''(k) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any taxable year beginning after 2009, the $15,000,000 amount in subsection (b)(1)(A), the $75,000,000 amount in subsection (d)(1)(A), and the $75,000,000 amount in subsection (d)(1)(B) shall each be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $1,000,000 such amount shall be rounded to the next lowest multiple of $1,000,000.''.

(e) NONAPPLICATION OF MINIMUM TAX.—Section 57(a)(7) is amended by inserting ''(other than by reason of subsection (a)(3) thereof)'' after ''section 1202''.

(f) EFFECTIVE DATES.—

(1) EXCLUSION; QUALIFIED SMALL BUSINESS; MINIMUM TAX.—The amendments made by subsections (a), (c), and (d) shall apply to stock acquired after the date of the enactment of this Act.

(2) LIMITATION; INFLATION ADJUSTMENT.—The amendments made by subsections (b) and (d) shall apply to taxable years ending after the date of the enactment of this Act.

Subtitle F—S Corporations

SEC. 3501. TEMPORARY REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Paragraph (7) of section 1374(d) (relating to definitions and special rules) is amended to read as follows:

''(7) RECOGNITION PERIOD.—

''(A) IN GENERAL.—The term 'recognition period' means the 10-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation.

''(B) SPECIAL RULE FOR 2009 AND 2010.—In the case of any taxable year beginning in 2009 or 2010, no tax shall be imposed on the net unrecognized built-in gain of an S corporation if the 7th taxable year in the recognition period preceded such taxable year. The preceding sentence shall be applied separately with respect to any asset to which paragraph (8) applies.

''(C) SPECIAL RULE FOR DISTRIBUTIONS TO SHAREHOLDERS.—For purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 593(e)—

''(i) subparagraph (A) shall be applied without regard to the phrase '10-year', and

''(ii) subparagraph (B) shall not apply.''.

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

Subtitle G—Broadband Incentives

SEC. 3601. BROADBAND INTERNET ACCESS TAX CREDIT.

(a) IN GENERAL.—Subpart E of part IV of chapter 1 (relating to rules for computing investment credit) is amended by inserting after section 48C the following new section:

''SEC. 48C. BROADBAND INTERNET ACCESS CREDIT.

''(a) GENERAL RULE.—For purposes of section 46, the broadband credit for any taxable year is the sum of—

''(1) the current generation broadband credit, plus

''(2) the next generation broadband credit.

''(b) CURRENT GENERATION BROADBAND CREDIT; NEXT GENERATION BROADBAND CREDIT.—For purposes of this section—

''(1) CURRENT GENERATION BROADBAND CREDIT.—The current generation broadband credit for any taxable year is equal to 10 percent (20 percent in the case of qualified subscribers which are unserved subscribers) of the qualified broadband expenditures incurred with respect to qualified equipment providing current generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

''(2) NEXT GENERATION BROADBAND CREDIT.—The next generation broadband credit for any taxable year is equal to 20 percent of the qualified broadband expenditures incurred with respect to qualified equipment providing next generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

''(c) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—For purposes of this section—

''(1) IN GENERAL.—Qualified broadband expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which—

''(A) current generation broadband services are provided through such equipment to qualified subscribers, or

''(B) next generation broadband services are provided through such equipment to qualified subscribers.

''(2) LIMITATION.—

''(A) IN GENERAL.—Qualified broadband expenditures shall be taken into account under paragraph (1) only with respect to qualified equipment—

''(i) the original use of which commences with the taxpayer, and

''(ii) which is placed in service, after December 31, 2008, and before January 1, 2011.

''(B) SALE-LEASEBACKS.—For purposes of subparagraph (A), if property—

''(i) is originally placed in service after December 31, 2008, by any person, and

''(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in clause (ii).

''(d) SPECIAL ALLOCATION RULES FOR CURRENT GENERATION BROADBAND SERVICES.—For purposes of determining the current generation broadband credit under subsection (a)(1) with respect to qualified equipment through which current generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified broadband expenditures shall be multiplied by a fraction—

''(1) the numerator of which is the sum of the number of potential qualified subscribers within the rural areas and the underserved areas and the unserved areas which the equipment is capable of serving with current generation broadband services, and

''(2) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with current generation broadband services.

''(e) DEFINITIONS.—For purposes of this section—

''(1) ANTENNA.—The term 'antenna' means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

''(2) CABLE OPERATOR.—The term 'cable operator' has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

''(3) COMMERCIAL MOBILE SERVICE CARRIER.—The term 'commercial mobile service carrier' means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

''(4) CURRENT GENERATION BROADBAND SERVICE.—The term 'current generation broadband service' means the transmission of signals at a rate of at least 5,000,000 bits per second to the subscriber and at least 1,000,000 bits per second from the subscriber (at least 3,000,000 bits per second to the subscriber and at least 768,000 bits per second from the subscriber in the case of service through radio transmission of energy).

''(5) MULTIPLEXING OR DEMULTIPLEXING.—The term 'multiplexing' means the transmission of 2 or more signals over a single channel, and the term 'demultiplexing' means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

''(6) NEXT GENERATION BROADBAND SERVICE.—The term 'next generation broadband service' means the transmission of signals at a rate of at least 100,000,000 bits per second to the subscriber (or its equivalent when the data rate is measured before being compressed for transmission) and at least 20,000,000 bits per second from the subscriber (or its equivalent as so measured).

''(7) NONRESIDENTIAL SUBSCRIBER.—The term 'nonresidential subscriber' means any person who purchases broadband services which are delivered to the permanent place of business of such person.

''(8) OPEN VIDEO SYSTEM OPERATOR.—The term 'open video system operator' means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

''(9) OTHER WIRELESS CARRIER.—The term 'other wireless carrier' means any person

(other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the radio transmission of energy.

''(10) PACKET SWITCHING.—The term 'packet switching' means controlling or routing the path of a digitized transmission signal which is assembled into packets or cells.

''(11) PROVIDER.—The term 'provider' means, with respect to any qualified equipment any—

''(A) cable operator,

''(B) commercial mobile service carrier,

''(C) open video system operator,

''(D) satellite carrier,

''(E) telecommunications carrier, or

''(F) other wireless carrier,

providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

''(12) PROVISION OF SERVICES.—A provider shall be treated as providing services to 1 or more subscribers if—

''(A) such a subscriber has been passed by the provider's equipment and can be connected to such equipment for a standard connection fee,

''(B) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such a subscriber without making more than an insignificant investment with respect to such subscriber,

''(C) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

''(D) such services have been purchased by 1 or more such subscribers, and

''(E) such services are made available to such subscribers at average prices comparable to those at which the provider makes available similar services in any areas in which the provider makes available such services.

''(13) QUALIFIED EQUIPMENT.—

''(A) IN GENERAL.—The term 'qualified equipment' means property with respect to which depreciation (or amortization in lieu of depreciation) is allowable and which provides current generation broadband services or next generation broadband services—

''(i) at least a majority of the time during periods of maximum demand to each subscriber who is utilizing such services, and

''(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

''(B) ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C) or (D), equipment shall be taken into account under subparagraph (A) only to the extent it—

''(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier or broadband-over-powerline operator,

''(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) owned or leased by a subscriber in the case of a commercial mobile service carrier,

''(iii) extends from the customer side of the headend to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

''(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers, to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

''(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

''(D) MULTIPLEXING AND DEMULTIPLEXING EQUIPMENT.—Multiplexing and demultiplexing equipment shall be taken into account under subparagraph (A) only to the extent it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of multiplexing and demultiplexing packets or cells of data and making associated application adaptions, but only if such multiplexing or demultiplexing equipment is located between packet switching equipment described in subparagraph (C) and the subscriber's premises.

''(14) QUALIFIED BROADBAND EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified broadband expenditure' means any amount—

''(i) chargeable to capital account with respect to the purchase and installation of qualified equipment (including any upgrades thereto) for which depreciation is allowable under section 168, and

''(ii) incurred after December 31, 2008, and before January 1, 2011.

''(B) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any expenditure with respect to the launching of any satellite equipment.

''(C) LEASED EQUIPMENT.—Such term shall include so much of the purchase price paid by the lessor of equipment subject to a lease described in subsection (c)(2)(B) as is attributable to expenditures incurred by the lessee which would otherwise be described in subparagraph (A).

''(15) QUALIFIED SUBSCRIBER.—The term 'qualified subscriber' means—

''(A) with respect to the provision of current generation broadband services—

''(i) any nonresidential subscriber maintaining a permanent place of business in a rural area, an underserved area, or an unserved area, or

''(ii) any residential subscriber residing in a dwelling located in a rural area, an underserved area, or an unserved area which is not a saturated market, and

''(B) with respect to the provision of next generation broadband services—

''(i) any nonresidential subscriber maintaining a permanent place of business in a rural area, an underserved area, or an unserved area , or

''(ii) any residential subscriber.

''(16) RESIDENTIAL SUBSCRIBER.—The term 'residential subscriber' means any individual who purchases broadband services which are delivered to such individual's dwelling.

''(17) RURAL AREA.—The term 'rural area' means any census tract which—

''(A) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

''(B) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

''(18) RURAL SUBSCRIBER.—The term 'rural subscriber' means any residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

''(19) SATELLITE CARRIER.—The term 'satellite carrier' means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such point-to-multipoint distribution.

''(20) SATURATED MARKET.—The term 'saturated market' means any census tract in which, as of the date of the enactment of this section—

''(A) current generation broadband services have been provided by a single provider to 85 percent or more of the total number of potential residential subscribers residing in dwellings located within such census tract, and

''(B) such services can be utilized—

''(i) at least a majority of the time during periods of maximum demand by each such subscriber who is utilizing such services, and

''(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

''(21) SUBSCRIBER.—The term 'subscriber' means any person who purchases current generation broadband services or next generation broadband services.

''(22) TELECOMMUNICATIONS CARRIER.—The term 'telecommunications carrier' has the meaning given such term by section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)), but—

''(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

''(B) does not include any commercial mobile service carrier.

''(23) TOTAL POTENTIAL SUBSCRIBER POPULATION.—The term 'total potential subscriber population' means, with respect to any area and based on the most recent census data, the total number of potential residential subscribers residing in dwellings located in such area and potential nonresidential subscribers maintaining permanent places of business located in such area.

''(24) UNDERSERVED AREA.—The term 'underserved area' means any census tract which is located in—

''(A) an empowerment zone or enterprise community designated under section 1391,

''(B) the District of Columbia Enterprise Zone established under section 1400,

''(C) a renewal community designated under section 1400E, or

''(D) a low-income community designated under section 45D.

''(25) UNDERSERVED SUBSCRIBER.—The term 'underserved subscriber' means any residential subscriber residing in a dwelling located in an underserved area or nonresidential subscriber maintaining a permanent place of business located in an underserved area.

''(26) UNSERVED AREA.—The term 'unserved area' means any census tract in which no current generation broadband services are provided, as certified by the State in which such tract is located not later than September 30, 2009.

''(27) UNSERVED SUBSCRIBER.—The term 'unserved subscriber' means any residential subscriber residing in a dwelling located in

an unserved area or nonresidential subscriber maintaining a permanent place of business located in an unserved area.''.

(b) CREDIT TO BE PART OF INVESTMENT CREDIT.—Section 46 (relating to the amount of investment credit) is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following:

''(5) the broadband Internet access credit.''

(c) SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—Section 501(c)(12)(B) (relating to list of exempt organizations) is amended by striking ''or'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', or'', and by adding at the end the following new clause:

''(v) from the sale of property subject to a lease described in section 48C(c)(2)(B), but only to the extent such income does not in any year exceed an amount equal to the credit for qualified broadband expenditures which would be determined under section 48C for such year if the mutual or cooperative telephone company was not exempt from taxation and was treated as the owner of the property subject to such lease.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding after clause (iv) the following new clause:

''(v) the portion of the basis of any qualified equipment attributable to qualified broadband expenditures under section 48C.''.

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48B the following:

''Sec. 48C. Broadband internet access credit''.

(e) DESIGNATION OF CENSUS TRACTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall, not later than 90 days after the date of the enactment of this Act, designate and publish those census tracts meeting the criteria described in paragraphs (17), (23), (24), and (26) of section 48C(e) of the Internal Revenue Code of 1986 (as added by this section). In making such designations, the Secretary of the Treasury shall consult with such other departments and agencies as the Secretary determines appropriate.

(2) SATURATED MARKET.—

(A) IN GENERAL.—For purposes of designating and publishing those census tracts meeting the criteria described in subsection (e)(20) of such section 48C—

(i) the Secretary of the Treasury shall prescribe not later than 30 days after the date of the enactment of this Act the form upon which any provider which takes the position that it meets such criteria with respect to any census tract shall submit a list of such census tracts (and any other information required by the Secretary) not later than 60 days after the date of the publication of such form, and

(ii) the Secretary of the Treasury shall publish an aggregate list of such census tracts submitted and the applicable providers not later than 30 days after the last date such submissions are allowed under clause (i).

(B) NO SUBSEQUENT LISTS REQUIRED.—The Secretary of the Treasury shall not be required to publish any list of census tracts meeting such criteria subsequent to the list described in subparagraph (A)(ii).

(C) AUTHORITY TO DISREGARD FALSE SUBMISSIONS.—In addition to imposing any other applicable penalties, the Secretary of the Treasury shall have the discretion to disregard any form described in subparagraph (A)(i) on which a provider knowingly submitted false information.

(f) OTHER REGULATORY MATTERS.—

(1) PROHIBITION.—No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of eliminating or reducing any credit or portion thereof allowed under section 48C of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

(2) TREASURY REGULATORY AUTHORITY.—It is the intent of Congress in providing the broadband Internet access credit under section 48C of the Internal Revenue Code of 1986 (as added by this section) to provide incentives for the purchase, installation, and connection of equipment and facilities offering expanded broadband access to the Internet for users in certain low income and rural areas of the United States, as well as to residential users nationwide, in a manner that maintains competitive neutrality among the various classes of providers of broadband services. Accordingly, the Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 48C of such Code, including—

(A) regulations to determine how and when a taxpayer that incurs qualified broadband expenditures satisfies the requirements of section 48C of such Code to provide broadband services, and

(B) regulations describing the information, records, and data taxpayers are required to provide the Secretary to substantiate compliance with the requirements of section 48C of such Code.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred after December 31, 2008.

Subtitle H—Clarification of Regulations Related to Limitations on Certain Built-in Losses Following an Ownership Change

SEC. 3701. CLARIFICATION OF REGULATIONS RELATED TO LIMITATIONS ON CERTAIN BUILT-IN LOSSES FOLLOWING AN OWNERSHIP CHANGE.

(a) FINDINGS.—Congress finds as follows:

(1) The delegation of authority to the Secretary of the Treasury under section 382(m) of the Internal Revenue Code of 1986 does not authorize the Secretary to provide exemptions or special rules that are restricted to particular industries or classes of taxpayers.

SA 354. Mr. DODD proposed an amendment to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE VI—EXECUTIVE COMPENSATION OVERSIGHT

SEC. 6001. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) SENIOR EXECUTIVE OFFICER.—The term ''senior executive officer'' means an individual who is 1 of the top 5 most highly paid executives of a public company, whose compensation is required to be disclosed pursuant to the Securities Exchange Act of 1934, and any regulations issued thereunder, and non-public company counterparts.

(2) GOLDEN PARACHUTE PAYMENT.—The term ''golden parachute payment'' means any payment to a senior executive officer for departure from a company for any reason, except for payments for services performed or benefits accrued.

(3) TARP.—The term ''TARP'' means the Troubled Asset Relief Program established under the Emergency Economic Stabilization Act of 2008 (Public Law 110-343, 12 U.S.C. 5201 et seq.).

(4) TARP RECIPIENT.—The term ''TARP recipient'' means any entity that has received or will receive financial assistance under the financial assistance provided under the TARP.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(6) COMMISSION.—The term ''Commission'' means the Securities and Exchange Commission.

SEC. 6002. EXECUTIVE COMPENSATION AND CORPORATE GOVERNANCE.

(a) IN GENERAL.—During the period in which any obligation arising from financial assistance provided under the TARP remains outstanding, each TARP recipient shall be subject to—

(1) the standards established by the Secretary under this title; and

(2) the provisions of section 162(m)(5) of the Internal Revenue Code of 1986, as applicable.

(b) STANDARDS REQUIRED.—The Secretary shall require each TARP recipient to meet appropriate standards for executive compensation and corporate governance.

(c) SPECIFIC REQUIREMENTS.—The standards established under subsection (b) shall include—

(1) limits on compensation that exclude incentives for senior executive officers of the TARP recipient to take unnecessary and excessive risks that threaten the value of such recipient during the period that any obligation arising from TARP assistance is outstanding;

(2) a provision for the recovery by such TARP recipient of any bonus, retention award, or incentive compensation paid to a senior executive officer and any of the next 20 most highly-compensated employees of the TARP recipient based on statements of earnings, revenues, gains, or other criteria that are later found to be materially inaccurate;

(3) a prohibition on such TARP recipient making any golden parachute payment to a senior executive officer or any of the next 5 most highly-compensated employees of the TARP recipient during the period that any obligation arising from TARP assistance is outstanding;

(4) a prohibition on such TARP recipient paying or accruing any bonus, retention award, or incentive compensation during the period that the obligation is outstanding to at least the 25 most highly-compensated employees, or such higher number as the Secretary may determine is in the public interest with respect to any TARP recipient;

(5) a prohibition on any compensation plan that would encourage manipulation of the reported earnings of such TARP recipient to enhance the compensation of any of its employees; and

(6) a requirement for the establishment of a Board Compensation Committee that meets the requirements of section 6003.

(d) CERTIFICATION OF COMPLIANCE.—The chief executive officer and chief financial officer (or the equivalents thereof) of each TARP recipient shall provide a written certification of compliance by the TARP recipient with the requirements of this title—

(1) in the case of a TARP recipient, the securities of which are publicly traded, to the Securities and Exchange Commission, together with annual filings required under the securities laws; and

(2) in the case of a TARP recipient that is not a publicly traded company, to the Secretary.

SEC. 6003. BOARD COMPENSATION COMMITTEE.

(a) ESTABLISHMENT OF BOARD REQUIRED.—Each TARP recipient shall establish a Board Compensation Committee, comprised entirely of independent directors, for the purpose of reviewing employee compensation plans.

(b) MEETINGS.—The Board Compensation Committee of each TARP recipient shall meet at least semiannually to discuss and evaluate employee compensation plans in light of an assessment of any risk posed to the TARP recipient from such plans.

SEC. 6004. LIMITATION ON LUXURY EXPENDITURES.

(a) POLICY REQUIRED.—The board of directors of any TARP recipient shall have in place a company-wide policy regarding excessive or luxury expenditures, as identified by the Secretary, which may include excessive expenditures on—

(1) entertainment or events;

(2) office and facility renovations;

(3) aviation or other transportation services; or

(4) other activities or events that are not reasonable expenditures for conferences, staff development, reasonable performance incentives, or other similar measures conducted in the normal course of the business operations of the TARP recipient.

SEC. 6005. SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.

(a) ANNUAL SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.—Any proxy or consent or authorization for an annual or other meeting of the shareholders of any TARP recipient during the period in which any obligation arising from financial assistance provided under the TARP remains outstanding shall permit a separate shareholder vote to approve the compensation of executives, as disclosed pursuant to the compensation disclosure rules of the Commission (which disclosure shall include the compensation discussion and analysis, the compensation tables, and any related material).

(b) NONBINDING VOTE.—A shareholder vote described in subsection (a) shall not be binding on the board of directors of a TARP recipient, and may not be construed as overruling a decision by such board, nor to create or imply any additional fiduciary duty by such board, nor shall such vote be construed to restrict or limit the ability of shareholders to make proposals for inclusion in proxy materials related to executive compensation.

(c) DEADLINE FOR RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall issue any final rules and regulations required by this section.

SEC. 6006. REVIEW OF PRIOR PAYMENTS TO EXECUTIVES.

(a) IN GENERAL.—The Secretary shall review bonuses, retention awards, and other compensation paid to employees of each entity receiving TARP assistance before the date of enactment of this Act to determine whether any such payments were excessive, inconsistent with the purposes of this Act or the TARP, or otherwise contrary to the public interest.

(b) NEGOTIATIONS FOR REIMBURSEMENT.—If the Secretary makes a determination described in subsection (a), the Secretary shall seek to negotiate with the TARP recipient and the subject employee for appropriate reimbursements to the Federal Government with respect to compensation or bonuses.

SA 355. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 86, line 3, strike ''a new subparagraph (E)'' and insert ''the following''.

On page 86, line 23, strike the closing quotation marks and the following period.

On page 86, between lines 23 and 24, insert the following:

''(F) OPEN PROTOCOLS AND STANDARDS.—As a condition of receiving funding under this subsection, the Secretary shall require that demonstration projects use open protocols and standards, to the extent available and appropriate.''.

On page 87, between lines 18 and 19, insert the following:

''(2) require as a condition of receiving a grant under this section that grant recipients use open protocols and standards, to the extent available and appropriate;''.

On page 87, line 19, strike ''(2)'' and insert ''(3)''.

On page 88, line 1, strike ''(3)'' and insert ''(4)''.

On page 88, line 4, strike ''(4)'' and insert ''(5)''.

On page 88, line 7, strike ''(5)'' and insert ''(6)''.

SA 356. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 5, insert '', of which not less than 5 percent shall be used to provide those services to Indian tribes'' before the period at the end.

SA 357. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, strike lines 5 through 9 and insert the following:

Bay-Delta Restoration Act (Public Law 108–361; 118 Stat. 1681): *Provided further*, That not less than $300,000,000 of the funds provided under this heading shall be used for congressionally authorized tribal and nontribal rural water projects, of which not less than $60,000,000 shall be used primarily for water intake and treatment facilities for those projects: *Provided further*,

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SA 358. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 119, line 17, strike ''may'' and insert ''shall''.

SA 359. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 485, strike lines 23 through 26, and insert the following:

(I) having been discharged or released from active duty in the Armed Forces during the period beginning on September 1, 2001, and ending on December 31, 2010, and

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SA 360. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ———. AVIATION PROGRAMS.

(a) SHORT TITLE.—This section may be cited as the ''Federal Aviation Administration Extension Act of 2009''.

(b) EXTENSION OF AVIATION PROGRAMS FOR FY 2009.—

(1) EXTENSION OF AVIATION TAXES.—The Internal Revenue Code of 1986 is amended by striking ''March 31, 2009'' and inserting ''September 30, 2009'' each place it appears in each of the following sections:

(A) Section 4081(d)(2)(B).

(B) Section 4261(j)(1)(A)(ii).

(C) Section 4271(d)(1)(A)(ii).

(2) EXTENSION OF EXPENDITURE AUTHORITY.—

(A) Such Code is amended by striking ''April 1, 2009'' each place it appears in each of the following sections:

(i) Section 9502(d)(1).

(ii) Section 9502(e)(2).

(B) Paragraph (1) of section 9502(d) of such Code is amended by inserting ''or the Federal Aviation Administration Extension Act of 2009'' before the semicolon at the end of subparagraph (A).

(3) EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.—

(A) Paragraph (6) of section 48103 of such title is amended to read as follows:

''(6) $3,900,000,000 for fiscal year 2009.''.

(B) Section 47104(c) of such title is amended by striking ''March 31, 2009,'' and inserting ''September 30, 2009,''.

(4) EXTENSION OF EXPIRING AUTHORITIES.—

(A) Title 49, United States Code, is amended by striking the date specified in each of the following sections and inserting ''September 30, 2009'':

(i) Section 40117(l)(7).

(ii) Section 44303(b).

(iii) Section 47107(s)(3).

(iv) Section 47141(f).

(v) Section 49108.

(B) Section 44302(f)(1) of such title is amended—

(i) by striking ''March 31, 2009'' and inserting ''September 30, 2009''; and

(ii) by striking ''May 31, 2009'' and inserting ''December 31, 2009''.

(C) Section 47115(j) of such title is amended by striking ''2008, and the portion of fiscal year 2009 ending before April 1, 2009,'' and inserting ''2009,''.

(D) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking ''before April 1, 2009,''.

(E) Section 186(d) of such Act (117 Stat. 2518) is amended by striking ''2008, and for the portion of fiscal year 2009 ending before April 1, 2009,'' and inserting ''2009,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2009.

SA 361. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

FEDERAL AVIATION ADMINISTRATION

NEXTGEN ACCELERATION

For grants or other agreements to accelerate the transition to the Next Generation Air Transportation System by accelerating deployment of ground infrastructure for Automatic Dependent Surveillance–Broadcast, by accelerating development of procedures and routes that support performance-based air navigation, to incentivize aircraft equipage to use such infrastructure and procedures and routes, and for additional agency administrative costs associated with the certification and oversight of the deployment of these systems, $550,000,000, to remain available until September 30, 2010: *Provided*, That the Administrator of the Federal Aviation Administration shall use the authority under section 106(l)(6) of title 49, United States Code, to make such grants or agreements: and *Provided further*, That, with respect to any incentives for equipage, the Federal share of the costs shall be no more than 50 percent.

SA 362. Mr. REID (for Mr. KENNEDY (for himself, and Mr. SANDERS)) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 541, after line 20, insert the following:

SEC. _____. QUALIFIED COMMUNITY HEALTH CENTER BONDS.

(a) QUALIFIED COMMUNITY HEALTH CENTER BONDS TREATED AS STATE AND LOCAL BONDS.—

(1) IN GENERAL.—Section 150 is amended by adding at the end the following new subsection :

''(f) QUALIFIED COMMUNITY HEALTH CENTER BOND.—For purposes of this part and section 103—

''(1) TREATMENT AS STATE OR LOCAL BOND.—A qualified community health center bond shall be treated as a State or local bond.

''(2) QUALIFIED COMMUNITY HEALTH CENTER BOND DEFINED.—The term 'qualified community health center bond' means a bond issued as part of an issue by a qualified community health issuer 95 percent or more of the net proceeds of which are to be used by a qualified community health organization to finance capital expenditures with respect to a qualified community health facility.

''(3) QUALIFIED COMMUNITY HEALTH ORGANIZATION DEFINED.—A qualified community health organization is an organization which—

''(A) is described in section 501(c)(3) and exempt from tax under section 501(a),

''(B) is incorporated in a State in which at least one qualified community health facility owned by such organization is located, and

''(C) constitutes a health center within the meaning of section 330 of the Public Health Service Act.

''(4) QUALIFIED COMMUNITY HEALTH ISSUER DEFINED.—The term 'qualified community health issuer' means an entity—

''(A) which is established and owned exclusively by the National Association of Community Health Centers,

''(B) which is disregarded under section 7701 as an entity separate from the National Association of Community Health Centers, and

''(C) one of the primary purposes of which, as set forth in the documents relating to its formation, is to issue qualified community health center bonds.

''(5) QUALIFIED COMMUNITY HEALTH FACILITY DEFINED.—The term 'qualified community health facility' means property owned and used by a qualified community health organization to provide health care services to all residents who request the provision of health care services the operation of which is subject to sections 330 and 330A of the Public Health Service Act.

''(6) TREATMENT OF ISSUER AS OTHER THAN TAXABLE MORTGAGE POOL.—Neither the National Association of Community Health Centers, nor a qualified community health issuer, nor any portion thereof shall be treated as a taxable mortgage pool under section 7701(i) with respect to any issue of qualified community health center bonds.''.

(2) COORDINATION WITH PUBLIC APPROVAL REQUIREMENT.—Subsection (f) of section 147 is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULES FOR QUALIFIED COMMUNITY HEALTH CENTER BONDS.—In the case of a qualified community health center bond, any governmental unit in which the qualified community health facility financed by the qualified community health center bonds is located may be treated for purposes of paragraph (2) as the governmental unit on behalf of which such qualified community health center bonds are issued.''.

(3) NO FEDERAL GUARANTEE.—Subparagraph (A) of section 149(b)(3) is amended by striking ''or'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', or'' and by adding at the end the following new clause:

''(v) any guarantee of a qualified community health center bond for a qualified community health facility which is made under title XVI of the Public Health Service Act (or a renewal or extension of a guarantee so made).''.

(4) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

(b) LOANS AND LOAN GUARANTEES UNDER THE PUBLIC HEALTH SERVICE ACT.—

(1) AUTHORITY FOR LOANS AND LOAN GUARANTEES.—Section 1601 of the Public Health Service Act (42 U.S.C. 300q) is amended—

(A) in subsection (a)(2), by adding at the end the following:

''(C) In addition to authorizing loan guarantees, the Secretary may—

''(i) guarantee tax exempt bonds for the purpose of financing a project of a health center that receives funding under section 330 located in or serving an area determined by the Secretary to be a medically underserved area or serving a special medically underserved population as defined in such section 330 (referred to in this section as a 'health center project'), and

''(ii) use of such authorized guarantees for health center projects in conjunction with any credits allowed under the Internal Revenue Code of 1986, for such health center project.'';

(B) in subsection (b)—

(i) by striking ''The principal amount of'' and inserting ''(1) Subject to paragraph (2), the principal amount of''; and

(ii) by adding at the end the following:

''(2) Notwithstanding paragraph (1), a guarantee of a loan or tax exempt bond issued for the purpose of financing a health center project, as defined in subsection (a)(2)(C), shall cover up to 100 per centum of the principal amount and interest due on such guaranteed loan or tax exempt bond.'';

(C) by redesignating subsection (d) as subsection (e);

(D) by inserting after subsection (c) the following:

''(d) No State (including any State or local government authority with the power to tax) receiving funds under a Federal health care program (as defined under section 1128B(f) of the Social Security Act), may impose a tax with respect to interest earned on bonds issued under this section.''.

(2) GENERAL PROVISIONS RELATING TO LOAN GUARANTEES AND LOANS.—Section 1602 of the Public Health Service Act (42 U.S.C. 300q–2) is amended—

(A) in subsection (a)(2)—

(i) by redesignating subparagraph (D) as subparagraph (H);

(ii) in subparagraph (B), by striking ''subparagraph (D)'' and inserting ''subparagraph (H)''; and

(iii) by inserting after subparagraph (C) the following:

''(D) The Secretary shall approve, not later than 30 calendar days of receipt, an application for a loan or a tax exempt bond guarantee submitted by a health center for a health center project (as defined in section 1601q(a)(2)(C)), that is eligible for such guarantee, provided that the health center has certified, to the best of its knowledge, and consistent with its annual audit and such application, that the health center has satisfied or will comply with each of the following criteria:

''(i) The health center has for at least two out of last three fiscal years (on the basis of accrual accounting) received more in revenue (including the amount of Federal funds in any section 330 grants made in each year to the health center and all other revenue of

any kind received by the health center in each year) than the expenses of the health center in each year.

''(ii) The health center will contribute at least 20 per centum equity to the project in the form of cash contributions (from cash reserves, grants or capital campaign proceeds), equity derived as a result of tax credits (which may be structured as debt during the tax credit compliance period) or other forms of equity-like contributions.

''(iii)(I) As measured at the fiscal year end of its most recent fiscal year and on a current year-to-date basis, the health center's days cash on hand, including Federal grant funds available for drawdown, must have been/be greater than 30 days.

''(II) In this clause, 'days cash on hand' shall be calculated on an accrual accounting basis according to the following formula: The sum of unrestricted cash and investments divided by total operating expenses minus depreciation divided by 360.

''(iv)(I) The health center's debt service coverage ratio on a projected basis will not be less than 1.10X in any year.

''(II) In this clause, 'debt service coverage ratio' shall be calculated as the sum of net assets plus interest expense plus depreciation expense divided by the sum of debt service and capitalized interest payments due during the period.

''(v)(I) The health center has reasonably projected a leverage ratio (as measured after the first full year of the new/improved facility's operation) less than 3.0X.

''(II) In this clause, 'leverage ratio' shall be calculated as total liabilities less new markets tax credit (authorized under section 45D(f) of the Internal Revenue Code of 1986) or similar debt components, if any, divided by total net assets.

''(E)(i) Not later than 30 calendar days after the receipt of a health center's application and certification under subparagraph (D), the Secretary shall send a letter to the health center notifying it that the application has been approved, unless within such 30-day period the Secretary—

''(I) notifies the health center in writing as to why the Secretary reasonably believes any or all of the foregoing criteria are not met; and

''(II) provides the health center the opportunity to submit comments within 30 calendar days of receipt of such notice.

''(ii) Not later than 30 calendar days from the date of receipt of such comments, the Secretary shall provide a final decision in writing regarding the comments submitted by the applicant, including sufficient justification for the Secretary's decision.

''(F) The Secretary may approve an application for a loan or a tax exempt bond guarantee submitted by a health center for a health center project (as defined in section 1601(a)(2)(C)) that is eligible for such guarantee and which deviates from the criteria set forth in clauses (i) through (v) of subparagraph (D), provided that the Secretary determines that such deviation is not material or that the health center has provided sufficient explanation or justification for such deviation.

''(G)(i) Upon approval of a loan or tax exempt bond guarantee for a health center project eligible for such guarantee, the Secretary shall charge such health center a closing fee of 50 basis points, which will be put into a reserve fund to cover direct administrative costs of the program and to fund a loan loss reserve to support the guarantee program. Thereafter, the Secretary shall charge those health centers with loans or tax exempt bonds guaranteed through the program an annual fee of 50 basis points, calculated based on the principal amount outstanding on the guaranteed loan or tax exempt bond.

''(ii) All closing and annual fee proceeds shall be invested and maintained in an interest-bearing reserve account until such time as the reserve account reaches 5 per centum of the outstanding principal amount of loans and tax exempt bonds guaranteed through the program.

''(iii) If at any time the Secretary determines that, based on a lack of actual losses resulting from default, the amount of proceeds held in the reserve account is excessive, the Secretary may reduce the per centum to be maintained in such reserve account, calculated based on the outstanding principal amount of loans and tax exempt bonds guaranteed through the program.

''(iv) Subject to a determination under clause (iii) of this subparagraph to reduce the per centum maintained in the reserve account, any overages in the reserve account that are attributable to the collection of fee proceeds shall be rebated annually on a pro rata basis to those health centers with loans or tax exempt bonds guaranteed through the program and that are not in default.'';

(B) in subsection (d)—

(i) by redesignating paragraph (2) as paragraph (3);

(ii) by redesignating the matter following paragraph (1)(F) as paragraph (2)(A); and

(iii) by inserting after paragraph (2)(A), as so redesignated, the following:

''(B) In addition to the amounts authorized under subparagraph (A), there are authorized such amounts to support guarantees of loans or tax exempt bonds issued for the purpose of financing a health center project, which shall be added to any amounts derived from the fees required to be charged under subsection (a)(2)(G) and placed in the same interest-bearing reserve account established by subsection (a)(2)(G).''.

(c) APPLICATION DAVIS-BACON.—The provisions of subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act) shall apply to any construction projects carried out using amounts made available under the amendments made by this section.

SA 363. Mrs. BOXER proposed an amendment to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; as follows:

At the appropriate place insert the following.

FINDINGS

The Senate finds that:

According to leading national and state organizations, there are many more NEPA compliant, ready-to-go activities, than are funded in this bill, and If there is an action or funds made available for an action that triggers NEPA, and that activity could cause harm to public health, and that harm has not been evaluated under NEPA, the project would not meet the requirements of NEPA and should not be funded.

SECTION

Any action or funds made available for an action that triggers NEPA, that have not complied with NEPA, and therefore pose a potential danger to our communities across the country, must-either come into compliance with NEPA or be replaced by other eligible activities.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, February 5, 2009 at 11 a.m. in Room 628 of the Dirksen Senate Office Building to conduct a hearing on Advancing Indian Health.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 4, 2009 at 3 p.m., to conduct a committee hearing on modernizing the U.S. financial regulatory system.

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

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Madam President, I ask unanimous consent the following Finance Committee fellows and interns be allowed floor privileges during consideration of the American Recovery and Reinvestment Act: Lauren Bishop, Dan Gutschenritter, Marissa Reeves.

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Terri Postma and Rachel Miller, members of my staff, be granted the privilege of the floor during the debate of H.R. 1.

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

CONGRATULATING THE PITTSBURGH STEELERS ON WINNING SUPER BOWL XLIII

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 27, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 27) congratulating the Pittsburgh Steelers on winning Super Bowl XLIII.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. BOXER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, and any statement be printed in the RECORD.

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

The resolution (S. Res. 27) was agreed to.