SA 497. 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, supra; which was ordered to lie on the table.

SA 498. Mr. BEGICH (for himself and 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 499. 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, supra; which was ordered to lie on the table.

SA 500. Mr. DORGAN (for himself 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, supra; which was ordered to lie on the table.

SA 501. Mr. GRAHAM (for himself and Mr. CONRAD) 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 502. Mr. BINGAMAN (for himself, Mr. MENENDEZ, Mr. DORGAN, Mr. BENNETT, Ms. MURKOWSKI, 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 503. Mr. BINGAMAN (for himself, Mr. CARPER, and Mr. CRAPO) 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 504. Mr. HARKIN 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 505. Mr. HARKIN 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 506. Mrs. MCCASKILL (for herself and Mr. CARPER) 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 507. 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, supra; which was ordered to lie on the table.

SA 508. 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, supra; which was ordered to lie on the table.

SA 509. 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 510. 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 511. Mr. CRAPO 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 512. Mr. VITTER 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 513. 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 514. Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON) 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 515. 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, supra; which was ordered to lie on the table.

SA 516. Mr. GRASSLEY (for himself and Mr. HATCH) 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 517. 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, supra; which was ordered to lie on the table.

SA 518. Mr. HATCH 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 519. Mr. FEINGOLD 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 520. Mr. KOHL (for himself, Mr. HATCH, and Mr. BENNET) 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 521. Mr. KOHL (for himself and Mr. FEINGOLD) 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 522. Mrs. FEINSTEIN (for herself and Mr. CORKER) 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 523. 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, supra; which was ordered to lie on the table.

SA 524. 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, supra; which was ordered to lie on the table.

SA 525. Mr. REID 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 526. 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, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 364. Mr. MCCAIN (for himself, Mr. GRAHAM, and 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:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Recovery and Reinvestment Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—USE OF FUNDS

SEC. 101. RELATIONSHIP TO OTHER APPROPRIATIONS.

Each amount appropriated or made available in this Act is in addition to amounts otherwise appropriated for the fiscal year involved. Enactment of this Act shall have no effect on the availability of amounts under the Continuing Appropriations Resolution, 2009 (division A of Public Law 110–329).

SEC. 102. PREFERENCE FOR QUICK-START ACTIVITIES.

In using funds made available in this Act for infrastructure investment, recipients shall give preference to activities that can be started and completed expeditiously, including a goal of using at least 50 percent of the funds for activities that can be initiated not later than 120 days after the date of the enactment of this Act. Recipients shall also use grant funds in a manner that maximizes job creation and economic benefit.

SEC. 103. REQUIREMENT OF TIMELY AWARD OF GRANTS.

(a) FORMULA GRANTS.—Formula grants using funds made available in this Act shall be awarded not later than 30 days after the date of the enactment of this Act (or, in the case of appropriations not available upon enactment, not later than 30 days after the appropriation becomes available for obligation), unless expressly provided otherwise in this Act.

(b) COMPETITIVE GRANTS.—Competitive grants using funds made available in this Act shall be awarded not later than 90 days after the date of the enactment of this Act (or, in the case of appropriations not available upon enactment, not later than 90 days after the appropriation becomes available for obligation), unless expressly provided otherwise in this Act.

(c) ADDITIONAL PERIOD FOR NEW PROGRAMS.—The time limits specified in subsections (a) and (b) may each be extended by up to 30 days in the case of grants for which funding was not provided in fiscal year 2008.

SEC. 104. USE IT OR LOSE IT REQUIREMENTS FOR GRANTEES.

(a) DEADLINE FOR BINDING COMMITMENTS.—Each recipient of a grant made using amounts made available in this Act in any account listed in subsection (c) shall enter into contracts or other binding commitments not later than 1 year after the date of the enactment of this Act (or not later than 9 months after the grant is awarded, if later) to make use of 50 percent of the funds awarded, and shall enter into contracts or other binding commitments not later than 2 years after the date of the enactment of this Act (or not later than 21 months after the grant is awarded, if later) to make use of the remaining funds. In the case of activities to be carried out directly by a grant recipient (rather than by contracts, subgrants, or other arrangements with third parties), a certification by the recipient specifying the amounts, planned timing, and purpose of such expenditures shall be deemed a binding commitment for purposes of this section.

(b) REDISTRIBUTION OF UNCOMMITTED FUNDS.—The head of the Federal department or agency involved shall recover or deobligate any grant funds not committed in accordance with subsection (a), and redistribute such funds to other recipients eligible under the grant program and able to make use of such funds in a timely manner (including binding commitments within 120 days after the reallocation).

SEC. 105. PERIOD OF AVAILABILITY.

(a) IN GENERAL.—All funds appropriated in this Act shall remain available for obligation until September 30, 2010, unless expressly provided otherwise in this Act.

(b) REOBLIGATION.—Amounts that are not needed or cannot be used under title ____ of this Act for the activity for which originally obligated may be deobligated and, notwithstanding the limitation on availability specified in subsection (a), reobligated for other activities that have received funding from the same account or appropriation in such title.

SEC. 106. PROHIBITION ON USE OF RECOVERY AND REINVESTMENT FEDERAL FUNDS FOR LOBBYING AND POLITICAL CONTRIBUTIONS.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) RECOVERY AND REINVESTMENT ASSISTANCE.—The term ''recovery and reinvestment assistance'' means any funds made available to any recipient under this Act.

(2) LOBBYING EXPENDITURES.—The term ''lobbying expenditures'' has the meaning given under section 4911(c)(1) of the Internal Revenue Code of 1986.

(3) POLITICAL CONTRIBUTIONS.—The term ''political contributions'' means any contribution on behalf of a political candidate or to a separate segregated fund described in section 316(b)(2)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)(C)).

(b) PROHIBITION ON THE USE OF RECOVERY AND REINVESTMENT FUNDING.—Any recipient of funds under this Act and any subsidiary thereof may not use such funds for lobbying expenditures or political contributions.

SEC. 107. GUIDELINES FOR THE USE OF FUNDS.

(a) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Comptroller General and the Advisory Panel shall develop and publish corporate governance principles and ethical guidelines for recipients of emergency economic assistance including restrictions governing—

(1) the hosting, sponsorship, or payments for conferences and events;

(2) the use of corporate aircraft, travel accommodations, and travel expenditures;

(3) expenses relating to office or facility renovations or relocations; and

(4) expenses relating to entertainment, holiday parties, employee recognition events, or similar ancillary corporate expenses.

(b) INTERNAL REPORTING AND OVERSIGHT.—The Secretary of the Treasury shall publish suggested mechanisms for addressing noncompliance with the guidelines developed pursuant to subsection (a) through enhanced internal reporting and oversight requirements.

TITLE II—CONGRESSIONAL OVERSIGHT PANEL

SEC. 201. CONGRESSIONAL OVERSIGHT PANEL.

(a) ESTABLISHMENT.—There is established the Congressional Oversight Panel (in this section referred to as the ''Oversight Panel'') as an establishment in the legislative branch to coordinate and conduct oversight of covered funds to ensure the recovery and reinvestment goals and purposes of the Act are achieved through the use of covered funds, and to determine their impact in achieving the goals of this Act including stimulating the economy, creating and saving jobs, preventing home foreclosures and facilitating purchase of homes, and helping individual Americans and their communities who are most adversely affected by the economic crisis.

(1) REGULAR REPORTS.—

(A) IN GENERAL.—Regular reports of the Oversight Panel shall include the following:

(i) The rate of expenditure of covered funds by federal, state, and local government agencies and compliance with applicable ethical and legal provisions relating to the expenditure of covered funds.

(ii) Assessments of the impact of expenditures of covered funds on reducing unemployment, helping Americans prevent foreclosure of their homes and facilitate home purchases, stimulating the economy, and stabilizing financial markets and institutions.

(iii) The extent to which the activities of inspectors general, the Board, the Advisory Panel, the Comptroller General, and recipients of covered funds comply with and contribute to transparency and accountability in the use of covered funds.

(iv) An assessment of the effectiveness of tax cuts included in the Act on achieving the goals of stimulating the economy, achieving financial stability, and helping businesses and individual Americans adversely affected by the economic crisis.

(B) TIMING.—The reports required under this paragraph shall be submitted not later than 90 days after the first exercise by the Secretary of the authority under section 101(a) or 102, and every 90 days thereafter.

(2) SPECIAL REPORT ON RECOVERY AND REINVESTMENT.—The Oversight Panel shall submit a special report on the status and effects

of expenditure of covered funds not later than July 20, 2009. The Oversight Panel shall analyze the current state of the economy and the effectiveness of the Act and provide recommendations regarding revision in the Act and uses of covered funds and measures to improve transparency and accountability.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Oversight Panel shall consist of 5 members, as follows:

(A) 1 member appointed by the Speaker of the House of Representatives.

(B) 1 member appointed by the minority leader of the House of Representatives.

(C) 1 member appointed by the majority leader of the Senate.

(D) 1 member appointed by the minority leader of the Senate.

(E) 1 member appointed by the Speaker of the House of Representatives and the majority leader of the Senate, after consultation with the minority leader of the Senate and the minority leader of the House of Representatives.

(2) PAY.—Each member of the Oversight Panel shall each be paid at a rate equal to the daily equivalent of the annual rate of basic pay for level I of the Executive Schedule for each day (including travel time) during which such member is engaged in the actual performance of duties vested in the Commission.

(3) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Oversight Panel who are full-time officers or employees of the United States or Members of Congress may not receive additional pay, allowances, or benefits by reason of their service on the Oversight Panel.

(4) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(5) QUORUM.—Four members of the Oversight Panel shall constitute a quorum but a lesser number may hold hearings.

(6) VACANCIES.—A vacancy on the Oversight Panel shall be filled in the manner in which the original appointment was made.

(7) MEETINGS.—The Oversight Panel shall meet at the call of the Chairperson or a majority of its members.

(c) STAFF.—

(1) IN GENERAL.—The Oversight Panel may appoint and fix the pay of any personnel as the Commission considers appropriate.

(2) EXPERTS AND CONSULTANTS.—The Oversight Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(3) STAFF OF AGENCIES.—Upon request of the Oversight Panel, 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 Oversight Panel to assist it in carrying out its duties under this Act.

(d) POWERS.—

(1) HEARINGS AND SESSIONS.—The Oversight Panel may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Panel considers appropriate and may administer oaths or affirmations to witnesses appearing before it.

(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Oversight Panel may, if authorized by the Oversight Panel, take any action which the Oversight Panel is authorized to take by this section.

(3) OBTAINING OFFICIAL DATA.—The Oversight Panel may secure directly from any department or agency of the United States or any recipient of funds under this Act information necessary to enable it to carry out this section. Upon request of the Chairperson of the Oversight Panel, the head of that department or agency shall furnish that information to the Oversight Panel.

(4) REPORTS.—The Oversight Panel shall receive and consider all reports required to be submitted to the Recovery Independent Advisory Panel under this Act.

(e) FUNDING FOR EXPENSES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Oversight Panel such sums as may be necessary for any fiscal year, half of which shall be derived from the applicable account of the House of Representatives, and half of which shall be derived from the contingent fund of the Senate.

(2) REIMBURSEMENT OF AMOUNTS.—An amount equal to the expenses of the Oversight Panel shall be promptly transferred by the Secretary, from time to time upon the presentment of a statement of such expenses by the Chairperson of the Oversight Panel, from funds made available to the Secretary under this Act to the applicable fund of the House of Representatives and the contingent fund of the Senate, as appropriate, as reimbursement for amounts expended from such account and fund under paragraph (1).

TITLE III—ESTABLISHMENT OF RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD

SEC. 301. DEFINITIONS.

In this title:

(1) AGENCY.—The term ''agency'' has the meaning given under section 551 of title 5, United States Code.

(2) BOARD.—The term ''Board'' means the Recovery Accountability and Transparency Board established in section 302.

(3) CHAIRPERSON.—The term ''Chairperson'' means the Chairperson of the Board.

(4) COVERED FUNDS.—The term ''covered funds'' means any funds that are expended or obligated—

(A) from appropriations made under this Act; and

(B) under any other authorities provided under this Act.

SEC. 302. ESTABLISHMENT OF THE RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD.

There is established the Recovery Accountability and Transparency Board to coordinate and conduct oversight of covered funds to prevent fraud, waste, and abuse.

SEC. 303. COMPOSITION OF BOARD.

(a) CHAIRPERSON.—

(1) CHAIR AND VICE CHAIR.—The President shall—

(A) appoint an individual as the Chairperson of the Board; and

(B)(i) designate the Deputy Director for Management of the Office of Management and Budget to serve as Vice-Chairperson of the Board; or

(ii) designate another Federal officer who was appointed by the President Vice-Chairperson of the Board and confirmed by the Senate.

(2) COMPENSATION.—

(A) DESIGNATION OF FEDERAL OFFICER.—If the President designates a Federal officer under paragraph (1), that Federal officer may not receive additional compensation for services performed as Chairperson or Vice-Chairperson.

(B) APPOINTMENT OF NON-FEDERAL OFFICER.—If the President appoints an individual as Chairperson under paragraph (1), that individual shall be compensated at the rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) MEMBERS.—The members of the Board shall include—

(1) the Inspectors General of the Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Justice, Transportation, Treasury, and the Treasury Inspector General for Tax Administration;

(2) any other Inspector General as designated by the President from any agency that expends or obligates covered funds; and

(3) the Special Inspector General established by title V of this division.

SEC. 304. FUNCTIONS OF THE BOARD.

(a) FUNCTIONS.—

(1) IN GENERAL.—The Board shall coordinate and conduct oversight of covered funds in order to prevent fraud, waste, and abuse.

(2) SPECIFIC FUNCTIONS.—The functions of the Board shall include—

(A) reviewing whether the reporting of contracts and grants using covered funds meets applicable standards and specifies the purpose of the contract or grant and measures of performance;

(B) reviewing whether competition requirements applicable to contracts and grants using covered funds have been satisfied;

(C) auditing and investigating covered funds to determine whether wasteful spending, poor contract or grant management, or other abuses are occurring;

(D) reviewing whether there are sufficient qualified acquisition and grant personnel overseeing covered funds;

(E) reviewing whether personnel whose duties involve acquisitions or grants made with covered funds receive adequate training; and

(F) reviewing whether there are appropriate mechanisms for interagency collaboration relating to covered funds.

(b) REPORTS.—

(1) QUARTERLY REPORTS.—The Board shall submit quarterly reports to the President and Congress, including the Oversight Panel and the Committees on Appropriations of the Senate and House of Representatives, summarizing the findings of the Board and the findings of inspectors general of agencies. The Board may submit additional reports as appropriate.

(2) ANNUAL REPORTS.—The Board shall submit annual reports to the Oversight Panel, the President, and the Committees on Appropriations of the Senate and House of Representatives, consolidating applicable quarterly reports on the use of covered funds.

(3) PUBLIC AVAILABILITY.—

(A) IN GENERAL.—All reports submitted under this subsection shall be made publicly available and posted on a website established by the Board.

(B) REDACTIONS.—Any portion of a report submitted under this subsection may be redacted when made publicly available, if that portion would disclose information that is not subject to disclosure under section 552 of title 5, United States Code (commonly known as the Freedom of Information Act).

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—The Board shall make recommendations to agencies on measures to prevent fraud, waste, and abuse relating to covered funds.

(2) RESPONSIVE REPORTS.—Not later than 30 days after receipt of a recommendation under paragraph (1), an agency shall submit a report to the President, the congressional committees of jurisdiction, including the Committees on Appropriations of the Senate and House of Representatives, and the Board on—

(A) whether the agency agrees or disagrees with the recommendations; and

(B) any actions the agency will take to implement the recommendations.

SEC. 305. POWERS OF THE BOARD.

(a) IN GENERAL.—The Board shall conduct, supervise, and coordinate audits and investigations by inspectors general of agencies relating to covered funds.

(b) AUDITS AND INVESTIGATIONS.—The Board may—

(1) conduct its own independent audits and investigations relating to covered funds; and

(2) collaborate on audits and investigations relating to covered funds with any inspector general of an agency.

(c) AUTHORITIES.—

(1) AUDITS AND INVESTIGATIONS.—In conducting audits and investigations, the Board shall have the authorities provided under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

(2) STANDARDS AND GUIDELINES.—The Board shall carry out the powers under subsections (a) and (b) in accordance with section 4(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(d) PUBLIC HEARINGS.—The Board may hold public hearings and Board personnel may conduct investigative depositions. The head of each agency shall make all officers and employees of that agency available to provide testimony to the Board and Board personnel. The Board may issue subpoenas to compel the testimony of persons who are not Federal officers or employees. Any such subpoenas may be enforced as provided under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

(e) CONTRACTS.—The Board may enter into contracts to enable the Board to discharge its duties under this subtitle, including contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Board.

(f) TRANSFER OF FUNDS.—The Board may transfer funds appropriated to the Board for expenses to support administrative support services and audits or investigations of covered funds to any office of inspector general, the Office of Management and Budget, the General Services Administration, and the Panel.

SEC. 306. EMPLOYMENT, PERSONNEL, AND RELATED AUTHORITIES.

(a) EMPLOYMENT AND PERSONNEL AUTHORITIES.—

(1) IN GENERAL.—

(A) AUTHORITIES.—Subject to paragraph (2), the Board may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

(B) APPLICATION.—For purposes of exercising the authorities described under subparagraph (A), the term ''Chairperson of the Board'' shall be substituted for the term ''head of a temporary organization''.

(C) CONSULTATION.—In exercising the authorities described under subparagraph (A), the Chairperson shall consult with members of the Board.

(2) EMPLOYMENT AUTHORITIES.—In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under paragraph (1) of this subsection—

(A) paragraph (2) of subsection (b) of section 3161 of that title (relating to periods of appointments) shall not apply; and

(B) no period of appointment may exceed the date on which the Board terminates under section 321.

(b) INFORMATION AND ASSISTANCE.—

(1) IN GENERAL.—Upon request of the Board for information or assistance from any agency or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Board, or an authorized designee.

(2) REPORT OF REFUSALS.—Whenever information or assistance requested by the Board is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to the congressional committees of jurisdiction, including the Committees on Appropriations of the Senate and House of Representatives, without delay, and to the Special Inspector General established by this division.

(c) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide the Board with administrative support services, including the provision of office space and facilities.

SEC. 307. INDEPENDENCE OF INSPECTORS GENERAL.

(a) INDEPENDENT AUTHORITY.—Nothing in this subtitle shall affect the independent authority of an inspector general to determine whether to conduct an audit or investigation of covered funds.

(b) REQUESTS BY BOARD.—If the Board requests that an inspector general conduct or refrain from conducting an audit or investigation and the inspector general rejects the request in whole or in part, the inspector general shall, not later than 30 days after rejecting the request, submit a report to the Board, the head of the applicable agency, and the congressional committees of jurisdiction, including the Committees on Appropriations of the Senate and House of Representatives. The report shall state the reasons that the inspector general has rejected the request in whole or in part.

SEC. 308. COORDINATION WITH THE COMPTROLLER GENERAL AND STATE AUDITORS.

The Board shall coordinate its oversight activities with the Special Inspector General established by this division and the Comptroller General of the United States and State auditor generals.

SEC. 309. PROTECTING STATE AND LOCAL GOVERNMENT AND CONTRACTOR WHISTLEBLOWERS.

(a) PROHIBITION OF REPRISALS.—An employee of any non-Federal employer receiving covered funds may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to the Board, an inspector general, the Special Inspector General established by this division, the Comptroller General, a member of Congress, or a the head of a Federal agency, or their representatives, information that the employee reasonably believes is evidence of—

(1) gross mismanagement of an agency contract or grant relating to covered funds;

(2) a gross waste of covered funds;

(3) a substantial and specific danger to public health or safety; or

(4) a violation of law related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to covered funds.

(b) INVESTIGATION OF COMPLAINTS.—

(1) IN GENERAL.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Special Inspector General established by this division or appropriate inspector general. Unless the inspector general determines that the complaint is frivolous, the inspector general shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the person's employer, the head of the appropriate agency, the Board, and the Special Inspector General established by this division.

(2) TIME LIMITATIONS FOR ACTIONS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the inspector general shall make a determination that a complaint is frivolous or submit a report under paragraph (1) within 180 days after receiving the complaint.

(B) EXTENSION.—If the inspector general is unable to complete an investigation in time to submit a report within the 180-day period specified under subparagraph (A) and the person submitting the complaint agrees to an extension of time, the inspector general shall submit a report under paragraph (1) within such additional period of time as shall be agreed upon between the inspector general and the person submitting the complaint.

(c) REMEDY AND ENFORCEMENT AUTHORITY.—

(1) AGENCY ACTION.—Not later than 30 days after receiving an inspector general report under subsection (b), the head of the agency concerned or the Special Inspector General established by this division shall determine whether there is sufficient basis to conclude that the non-Federal employer has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take 1 or more of the following actions:

(A) Order the employer to take affirmative action to abate the reprisal.

(B) Order the employer to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

(C) Order the employer to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the agency.

(2) CIVIL ACTION.—If the head of an agency issues an order denying relief under paragraph (1) or has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under subsection (b)(2)(B), not later than 30 days after the expiration of the extension of time, and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the employer to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

(3) EVIDENCE.—An inspector general determination and an agency head order denying relief under paragraph (2) shall be admissible in evidence in any de novo action at law or equity brought in accordance with this subsection.

(4) JUDICIAL ENFORCEMENT OF ORDER.—Whenever a person fails to comply with an order issued under paragraph (1), the head of the agency shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief and compensatory and exemplary damages.

(5) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the

head of the agency. Review shall conform to chapter 7 of title 5, United States Code.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

SEC. 310. BOARD WEBSITE.

(a) ESTABLISHMENT.—The Board shall establish and maintain a user-friendly, public-facing website to foster greater accountability and transparency in the use of covered funds.

(b) PURPOSE.—The website established and maintained under subsection (a) shall be a portal or gateway to key information relating to this Act and provide connections to other Government websites with related information.

(c) CONTENT AND FUNCTION.—In establishing the website established and maintained under subsection (a), the Board shall ensure the following:

(1) The website shall provide materials explaining what this Act means for citizens. The materials shall be easy to understand and regularly updated.

(2) The website shall provide accountability information, including a database of findings from audits, inspectors general, and the Government Accountability Office.

(3) The website shall provide data on relevant economic, financial, grant, and contract information in user-friendly visual presentations to enhance public awareness of the use of covered funds.

(4) The website shall provide detailed data on contracts awarded by the Government that expend covered funds, including information about the competitiveness of the contracting process, notification of solicitations for contracts to be awarded, and information about the process that was used for the award of contracts.

(5) The website shall include printable reports on covered funds obligated by month to each State and congressional district.

(6) The website shall provide a means for the public to give feedback on the performance of contracts that expend covered funds.

(7) The website shall be enhanced and updated as necessary to carry out the purposes of this subtitle.

(d) WAIVER.—The Board may exclude posting contractual or other information on the website on a case-by-case basis when necessary to protect national security.

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this title.

SEC. 312. TERMINATION OF THE BOARD.

The Board shall terminate on September 30, 2012.

TITLE IV—RECOVERY INDEPENDENT ADVISORY PANEL

SEC. 401. ESTABLISHMENT OF RECOVERY INDEPENDENT ADVISORY PANEL.

(a) ESTABLISHMENT.—There is established the Recovery Independent Advisory Panel.

(b) MEMBERSHIP.—The Panel shall be composed of 5 members who shall be appointed by the President.

(c) QUALIFICATIONS.—Members shall be appointed on the basis of expertise in economics, public finance, contracting, accounting, or any other relevant field.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Panel have been appointed, the Panel shall hold its first meeting.

(e) MEETINGS.—The Panel shall meet at the call of the Chairperson of the Panel.

(f) QUORUM.—A majority of the members of the Panel shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Panel shall select a Chairperson and Vice Chairperson from among its members.

SEC. 402. DUTIES OF THE PANEL.

The Advisory Panel shall make recommendations to the Congressional Oversight Panel, the Transparency and Accountability Board, the Special Inspector General, and the Comptroller General on actions they could take to ensure that covered funds accomplish the goals of stimulating the economy, creating and saving jobs, preventing home foreclosures, helping Americans most adversely affected by the economic crisis, and preventing prevent fraud, waste, and abuse relating to covered funds.

SEC. 403. POWERS OF THE PANEL.

(a) HEARINGS.—The Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers advisable to carry out this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from any agency such information as the Panel considers necessary to carry out this subtitle. Upon request of the Chairperson of the Panel, the head of such agency shall furnish such information to the Panel.

(c) POSTAL SERVICES.—The Panel may use the United States mails in the same manner and under the same conditions as agencies of the Federal Government.

(d) GIFTS.—The Panel may accept, use, and dispose of gifts or donations of services or property.

SEC. 404. PANEL PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Panel who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Panel. All members of the Panel who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Panel to perform its duties. The employment of an executive director shall be subject to confirmation by the Panel.

(2) COMPENSATION.—The Chairperson of the Panel may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Panel who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(B) MEMBERS OF PANEL.—Subparagraph (A) shall not be construed to apply to members of the Panel.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide the Board with administrative support services, including the provision of office space and facilities.

SEC. 405. TERMINATION OF THE PANEL.

The Panel shall terminate on September 30, 2012.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this title.

TITLE V—SPECIAL INSPECTOR GENERAL

SEC. 501. SPECIAL INSPECTOR GENERAL.

(a) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Special Inspector General for the Recovery and Reinvestment Funds Program to prevent fraud, waste, and abuse of covered funds under this Act and to determine whether covered funds are achieving their intended purpose.

(b) PRESIDENT. APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—(1)(A) The head of the Office of the Special Inspector General for Recovery and Reinvestment Programs is the Special Inspector General for Recovery and Reinvestment (in this section referred to as the ''Special Inspector General''), who shall be appointed by the President, by and with the advice and consent of the Senate.

(B) The nomination and appointment of the Special Inspector General shall be made on the basis of the nominee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(2) The appointment of the Special Inspector General shall be made on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) The nomination of an individual as Special Inspector General shall be made as soon as practicable after the implementation of activities and projects under this Act.

(4) The Special Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(5) For purposes of section 7324 of title 5, United States Code, the Special Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) The annual rate of basic pay of the Special Inspector General shall be the annual rate of basic pay for an Inspector General under section 3(e) of the Inspector General Act of 1978 (5 U.S.C. App.).

(c) DUTIES.—(1) It shall be the duty of the Special Inspector General to oversee the activities of inspectors general of federal agencies with respect to expenditure of funds

under this Act and independently to conduct, supervise, and coordinate audits and investigations of the effectiveness of expenditures of covered funds in stimulating the economy, saving and creating jobs, and achieving the goals of this legislation, including establishment of the highest standards of transparency and accountability related to expenditure of covered funds.

(2) The Special Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Special Inspector General considers appropriate to discharge the duty under paragraph (1).

(3) In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(d) POWERS AND AUTHORITIES.—(1) In carrying out the duties specified in subsection (c), the Special Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.

(2) The Special Inspector General shall carry out the duties specified in subsection (c)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(3) The Office of the Special Inspector General for the Recovery and Reinvestment Act shall be treated as an office included under section 6(e)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) relating to the exemption from the initial determination of eligibility by the Attorney General.

(e) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—(1) The Special Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Special Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(2) The Special Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(3) The Special Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(4)(A) Upon request of the Special Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Special Inspector General, or an authorized designee.

(B) REPORTS.—Whenever information or assistance requested by the Special Inspector General is, in the judgment of the Special Inspector General, unreasonably refused or not provided, the Special Inspector General shall report the circumstances to the appropriate committees of Congress without delay.

(f) REPORTS.—(1) Not later than 60 days after the confirmation of the Special Inspector General, and every calendar quarter thereafter, the Special Inspector General shall submit to the appropriate committees of Congress a report summarizing the activities of the Special Inspector General during the 120-day period ending on the date of such report. Each report shall include, for the period covered by such report, a detailed statement of actions taken by Federal, State, and local agencies in allocating and expending covered funds, the purposes to which these funds are applied, an estimate of the number of jobs created through each allocation of covered funds, an assessment of the effectiveness of this Act and implementing actions in achieving the goals of stimulating the economy, saving and creating jobs, and upholding maximum transparency and accountability, and any other related subjects deemed appropriate by the Special Inspector General.

(2) Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(3) Any reports required under this section shall also be submitted to the Congressional Oversight Panel established under this division.

(g) FUNDING.—(1) Of the amounts made available to the Secretary of the Treasury under this Act, $50,000,000 shall be available to the Special Inspector General to carry out this section.

(2) The amount available under paragraph (1) shall remain available until expended.

TITLE VI—REPORTS OF THE COUNCIL OF ECONOMIC ADVISERS

SEC. 601. REPORTS OF THE COUNCIL OF ECONOMIC ADVISERS.

(a) IN GENERAL.—In consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, the Chairperson of the Council of Economic Advisers shall submit quarterly reports to the Committees on Appropriations of the Senate and House of Representatives that detail the estimated impact of programs funded through covered funds on employment, economic growth, and other key economic indicators.

(b) SUBMISSION.—The first report under subsection (a) shall be submitted not later than 15 days after the end of the first full quarter following the date of enactment of this Act. The last report required to be submitted under subsection (a) shall apply to the quarter in which the Board terminates under section 1521.

TITLE VII—OVERSIGHT AND AUDITS

SEC. 701. OVERSIGHT AND AUDITS.

(a) COMPTROLLER GENERAL OVERSIGHT.—

(1) SCOPE OF OVERSIGHT.—The Comptroller General of the United States shall not later than after the date of 30 days of enactment of this Act, commence ongoing oversight of the expenditures of covered funds and assessments of their effectiveness in achieving economic recovery and stimulation and assistance to those Americans adversely affected by the economic crisis including—

(A) the performance of the agencies receiving covered funds and the effect of their expenditures in improving infrastructure and creating jobs in such areas as transportation, public housing, environmental cleanup, public health, energy savings, and education;

(B) assessments of whether the expenditures under this Act have enhanced economic stability, reduced unemployment, prevented home foreclosures, and ameliorated disruption to the financial markets and the banking system;

(C) whether the Act has assisted American workers, created jobs, and protected taxpayers;

(D) the financial condition and internal controls over covered funds devoted to the recovery and reinvestment programs under this Act;

(E) effectiveness of the internal controls and systems used to achieve transparency and accountability;

(F) compliance with all applicable laws and regulations under this Act by the Federal and State agencies, their agents, and representatives;

(G) the efforts of the Federal Government to prevent, identify, and minimize conflicts of interest involving any agent or representative performing activities on behalf of or under the authority of this Act; and

(H) the incidence, or potential for waste, fraud, and abuse in the expenditure of funds under this Act.

(2) CONDUCT AND ADMINISTRATION OF OVERSIGHT.—

(A) GAO PRESENCE.—Secretaries of Federal Agencies and agents of all recipients of funds under this Act shall provide the Comptroller General with appropriate space and facilities in their offices as necessary to facilitate oversight of the expenditure of Recovery Act funds until the termination date established.

(B) ACCESS TO RECORDS.—To the extent otherwise consistent with law, the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by recipients or oversight agencies of funds under this Act, or any vehicles established by the Secretary under this Act, and to the officers, directors, employees, independent public accountants, financial advisors, and other agents and representatives or any such vehicle at such reasonable time as the Comptroller General may request. The Comptroller General shall be afforded full facilities for verifying transactions and may make and retain copies of such books, accounts, and other records as the Comptroller General deems appropriate.

(C) REIMBURSEMENT OF COSTS.—The Treasury shall reimburse the Government Accountability Office for the full cost of any such oversight activities as billed therefor by the Comptroller General of the United States. Such reimbursements shall be credited to the appropriation account ''Salaries and Expenses, Government Accountability Office'' current when the payment is received and remain available until expended.

(3) REPORTING.—The Comptroller General shall submit reports of findings under this section, regularly and no less frequently than once every 60 days, to the appropriate committees of Congress, and the Special Inspector General for the Recovery and Reinvestment Program established under this Act on the activities and performance under this Act. The Comptroller may also submit special reports under this subsection as warranted by the findings of its oversight activities.

(b) COMPTROLLER GENERAL AUDITS.—

(1) ANNUAL AUDIT.—Federal agencies receiving funds under this Act shall annually prepare and issue to the appropriate committees of Congress and the public audited financial statements prepared in accordance with generally accepted accounting principles, and the Comptroller General shall annually audit such statements in accordance with generally accepted auditing standards. The Treasury shall reimburse the Government Accountability Office for the full cost of any such audit as billed therefor by the Comptroller General. Such reimbursements shall be credited to the appropriation account ''Salaries and Expenses, Government Accountability Office'' current when the payment is received and remain available until expended. The financial statements prepared under this paragraph shall be on the fiscal year basis prescribed under section 1102 of title 31, United States Code.

(2) AUTHORITY.—The Comptroller General may audit the programs, activities, receipts, expenditures, and financial transactions under this Act.

(3) CORRECTIVE RESPONSES TO AUDIT PROBLEMS.—Federal agencies shall—

(A) take action to address deficiencies identified by the Comptroller General or other auditor engaged under this Act; or

(B) certify to appropriate committees of Congress that no action is necessary or appropriate.

(c) INTERNAL CONTROL.—

(1) ESTABLISHMENT.—Federal and State agencies receiving funds under this Act shall establish and maintain effective systems of internal control focused on recovery and reinvestment funds under this Act, consistent with the standards prescribed under section 3512(c) of title 31, United States Code, that provide reasonable assurance of—

(A) the effectiveness and efficiency of operations, including the use of the resources under this Act;

(B) the reliability of financial reporting, including financial statements and other reports for internal and external use; and

(C) compliance with applicable laws and regulations.

(2) REPORTING.—In conjunction with each annual financial statement issued under this section, federal and state agencies shall—

(A) state the responsibility of management for establishing and maintaining adequate internal control over financial reporting; and

(B) state its assessment, as of the end of the most recent year covered by such financial statement covering expenditure of funds under this Act, of the effectiveness of the internal control over financial reporting.

(d) REPORTS. AUDITS. SHARING OF INFORMATION.—Any report or audit required under this section shall also be submitted to the Congressional Oversight Panel established under this Act.

TITLE VIII—DISCLOSURE OF LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS

SEC. 801. DISCLOSURE OF LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.

The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

"SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

''(a) IN GENERAL.—A recipient of Federal funds shall file a report as required by section 5(a) containing—

''(1) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

''(2) the amount of money paid as described in paragraph (1).

''(b) DEFINITION.—In this section, the term 'recipient of Federal funds' means the recipient of Federal funds constituting an award, grant, or loan.''.

TITLE IX—NATIONAL COMMISSIONS ON SOCIAL SECURITY SOLVENCY AND MEDICARE AND MEDICAID SOLVENCY

Subtitle A—National Commission on Social Security Solvency

SEC. 901. DEFINITIONS.

In this subtitle:

(1) CALENDAR DAY.—The term ''calendar day'' means a calendar day other than one in which either House is not in session because of an adjournment of more than 3 days to a date certain.

(2) COMMISSION.—The term ''Commission'' means the National Commission on Social Security Solvency established under section 902(a).

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

(4) LONG-TERM.—The term ''long-term'' means a period of not less than 75 years beginning on the date of enactment of this Act.

(5) SOCIAL SECURITY.—The term ''Social Security'' means the program of old-age, survivors, and disability insurance benefits established under title II of the Social Security Act (42 U.S.C. 401 et seq.).

(6) SOCIAL SECURITY COMMISSION BILL.—The term ''Social Security commission bill'' means a bill consisting of the proposed legislative language provisions of the Commission introduced under section 903(a).

SEC. 902. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission on Social Security Solvency''.

(b) PURPOSE.—The Commission shall conduct a comprehensive review of the Social Security program for the following purposes:

(1) REVIEW.—Reviewing analyses of the current and long-term actuarial financial condition of the Social Security program.

(2) IDENTIFYING PROBLEMS.—Identifying problems that may threaten the long-term solvency of the Social Security program.

(3) ANALYZING POTENTIAL SOLUTIONS.—Analyzing potential solutions to problems that threaten the long-term solvency of the Social Security program.

(4) PROVIDING RECOMMENDATIONS.—Providing recommendations that will ensure the long-term solvency of the Social Security program and the provision of appropriate benefits.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall conduct a comprehensive review of the Social Security program consistent with the purposes described in subsection (b) and shall submit the report required under paragraph (2).

(2) REPORT AND RECOMMENDATIONS.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Commission holds its first meeting, the Commission shall submit a report on the long-term solvency of the Social Security program that contains a detailed statement of the findings, conclusions, and recommendations of the Commission to the President, Congress, and the Commissioner.

(B) APPROVAL OF REPORT.—The report of the Commission submitted under subparagraph (A) shall require the approval of not less than 12 members of the Commission.

(C) LEGISLATIVE LANGUAGE.—If a recommendation submitted under subparagraph (A) involves legislative action, the report shall include proposed legislative language to carry out such action.

(d) APPOINTMENT OF MEMBERS.—

(1) IN GENERAL.—

(A) MEMBERSHIP.—The membership of the commission shall not exceed 16 members appointed pursuant to subparagraph (B) as voting members and 3 nonvoting members described in subparagraph (C).

(B) VOTING MEMBERS.—

(i) IN GENERAL.—Voting members of the commission shall be appointed as follows:

(I) The President shall appoint 2 members, 1 of whom shall be the Secretary of the Treasury.

(II) The majority leader of the Senate shall appoint 4 members.

(III) The minority leader of the Senate shall appoint 3 members.

(IV) The Speaker of the House of Representatives shall appoint 4 members.

(V) The minority leader of the House of Representatives shall appoint 3 members.

(ii) CONGRESSIONAL APPOINTEES.—The members of the Commission appointed under subclauses (II), (III), (IV), and (V) of clause (i) shall be Members of Congress.

(C) NON-VOTING MEMBERS.—The following shall be nonvoting members of the Commission and shall advise and assist at the request of the Commission:

(i) The Chief Actuary of the Social Security Administration.

(ii) The Director of the Congressional Budget Office.

(2) CHAIRPERSON.—The Secretary of the Treasury shall be the chairperson of the Commission.

(3) DATE.—Members of the Commission shall be appointed by not later than 30 days after the date of enactment of this Act.

(4) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(5) TERMINATION.—The Commission shall terminate on the date that is 90 days after the Commission submits the report required under subsection (c)(2).

(e) ADMINISTRATION.—

(1) QUORUM.—Eight members of the Commission shall constitute a quorum for purposes of voting, but a quorum is not required for members to meet and hold hearings.

(2) MEETINGS.—The Commission shall meet at the call of the chairperson or a majority of its members.

(3) HEARINGS.—Subject to paragraph (7), the Commission may, for the purpose of carrying out this Act—

(A) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths the Commission considers advisable;

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses the Commission considers advisable; and

(C) require, by subpoena or otherwise, the production of such books, records, correspondence, memoranda, papers, documents, tapes, and other evidentiary materials relating to any matter under investigation by the Commission.

(4) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the chairperson; or

(II) by the affirmative vote of 8 members of the Commission.

(ii) SIGNATURE.—Subpoenas issued under this subsection may be issued under the signature of the chairperson of the Commission and may be served by any person designated by the chairperson or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under this subsection, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(5) COMPENSATION.—Members of the Commission shall serve without any additional compensation for their work on the Commission. However, members may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Commission.

(6) STAFF.—

(A) IN GENERAL.—With the approval of a majority of the Commission, the chairperson of the Commission may appoint an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(B) ACTUARIAL EXPERTS AND CONSULTANTS.—With the approval of a majority of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(C) COMPENSATION.—Upon the approval of the chairperson, the executive director may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the maximum rate payable for a position at GS–15 of the General Schedule under section 5332 of such title.

(D) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(E) FEDERAL AGENCIES.—

(i) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement by the Commission, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

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

(7) INFORMATION.—

(A) RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information the Commission determines to be necessary to carry out its duties from the Library of Congress, the Chief Actuary of the Social Security Administration, the Congressional Budget Office, and other agencies and representatives of the executive and legislative branches of the Federal Government. The chairperson shall make requests for such access in writing when necessary.

(B) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION OF INFORMATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(C) LIMITATION OF ACCESS TO TAX INFORMATION.—Information requested, subpoenaed, or otherwise accessed under this subtitle shall not include tax data from the United States Internal Revenue Service, the release of which would otherwise be in violation of law.

(8) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) FUNDING.—The Commission shall receive, from amounts appropriated to the Commissioner for fiscal year 2008 for administrative expenses, such sums as are necessary to carry out the purposes of this section.

SEC. 903. EXPEDITED CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—The aggregate legislative language provisions submitted pursuant to section 902(c)(2)(C) shall be combined into a Social Security commission bill to be introduced in the Senate by the majority leader, or the majority leader's designee, and in the House of Representatives, by the Speaker, or the Speaker's designee. Upon such introduction, the Social Security commission bill shall be referred to the appropriate committees of Congress under paragraph (2). If the Social Security commission bill is not introduced in accordance with the preceding sentence, then any member of Congress may introduce the Social Security commission bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such aggregate legislative language provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A Social Security commission bill introduced in the Senate shall be referred to the Committee on Finance of the Senate. A Social Security commission bill introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the Social Security commission bill, each Committee of Congress to which the Social Security commission bill was referred shall report such bill or such bill as amended by the committee. All committee amendments must comply with the requirements of section 902(b)(4).

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a Social Security commission bill has not reported a Social Security commission bill or such bill as amended, at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a Social Security commission bill or such bill as amended, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such Social Security commission bill, and such Social Security commission bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 days of session after the date on which a committee reports a Social Security commission bill, or such bill as amended, or has been discharged from consideration of a Social Security commission bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the Social Security commission bill or such bill as amended. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the Social Security commission bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of the Social Security commission bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment or to a motion to postpone consideration of the Social Security commission bill. A motion to proceed to the consideration of other business shall not be in order. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the Social Security commission bill without intervening motion, order, or other business, and the Social Security commission bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) IN THE SENATE.—

(i) CONSIDERATION.—In the Senate, consideration of the Social Security commission bill and all amendments thereto and on all debatable motions and appeals in connection therewith shall be limited to not more than 50 hours, which shall be divided equally between those favoring and those opposing amendments to the Social Security commission bill or the Social Security commission bill. A motion further to limit debate on the Social Security commission bill is in order and is not debatable. All time used for consideration of the Social Security commission bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall be counted against the 50 hours of consideration.

(ii) AMENDMENTS.—No amendment that is not germane to the provisions of committee amendments to the Social Security commission bill or the Social Security commission bill shall be in order in the Senate. All amendments must comply with the requirements of section 902(b)(4). In the Senate, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the amendment, motion, or appeal.

(iii) MOTION TO RECOMMIT.—

(I) VOTE.—Upon expiration of the time for consideration of the Social Security commission bill, the measure shall be recommitted to the Committee on Finance of the Senate for further consideration unless by a ⅗ vote of the Members, duly chosen and sworn, the Senate agrees to proceed to final passage.

(II) RECOMMITAL.—If the bill is recommitted under subclause (I), any new amendments to the Social Security commission bill shall be considered under the provisions of section 902(b)(4).

(iv) VOTE ON FINAL PASSAGE.—In the Senate, immediately following the conclusion of consideration of the Social Security commission bill, the disposition of any pending amendments under clause (ii), a motion to recommit under clause (iii), and a request to establish the presence of a quorum, the vote on final passage of the Social Security commission bill shall occur.

(v) OTHER MOTIONS NOT IN ORDER.—A motion to postpone or a motion to proceed to the consideration of other business is not in order in the Senate. A motion to reconsider the vote by which the Social Security commission bill is agreed to or not agreed to is not in order in the Senate.

(2) CONFERENCE.—

(A) PROCEEDING TO CONFERENCE.—If, after a Social Security commission bill is agreed to in the Senate or House of Representatives, the Social Security commission bill has been amended, the Social Security commission bill shall be deemed to be at a stage of disagreement and motions to proceed to conference are deemed to be agreed to. There shall be no motions to instruct. The Senate and the House of Representatives shall appoint conferees after the vote of the second House that results in such disagreement without any intervening action or debate. In the event that conferees are not appointed in accordance with the preceding sentence, the following shall be deemed to be the duly appointed conferees:

(i) The majority leader of the Senate or the majority leader's designee.

(ii) The Speaker of the House of Representatives or the Speaker's designee

(iii) The Chairman and Ranking Member of the Senate Committee on the Budget.

(iv) The Chairman and Ranking Member of the Senate Committee on Finance.

(v) The Chairman and Ranking Member of the Committee on the Budget of the House of Representatives.

(vi) The Chairman and Ranking Member of the Committee on Ways and Means of the House of Representatives.

(vii) The Chairman and Ranking Member of the Committee on Energy and Commerce of the House of Representatives.

(B) MOTION TO PROCEED IN THE SENATE.—The motion to proceed to consideration in the Senate of the conference report on the Social Security commission bill may be made even though a previous motion to the same effect has been disagreed to.

(C) PROCEDURE.—Debate on the conference report on the Social Security commission bill considered under this section shall be limited to 20 hours equally divided between the manager of the conference report and the minority leader, or his designee.

(D) FINAL PASSAGE.—A vote on final passage of the conference report on the Social Security commission bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date the conference report is submitted in that House. If the conference report is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the conference report to be transmitted to the other House before the close of the next day of session of that House.

(E) ACTION OF SENATE.—

(i) IN GENERAL.—If the Senate has received from the House the conference report on the Social Security commission bill prior to the vote required under subparagraph (D), then the Senate shall consider, and the vote under subparagraph (D) shall occur on, the House conference report or the version of the Social Security commission bill passed by the House.

(ii) MOTION TO RECOMMIT.—

(I) VOTE.—Upon expiration of the time for consideration, the conference report on the Social Security commission bill shall be recommitted to the Committee of Conference for further consideration unless by a ⅗ vote of the Senate, duly chosen and sworn, the Senate agrees to proceed to final passage.

(II) RECOMMITAL.—If the conference report is recommitted under subclause (I), the conference report accompanying the bill shall be recommitted to the Conference Committee or it shall be in order to immediately proceed without intervening action to consideration of the motions for a new conference.

(F) CONFERENCE REPORT DEFEATED.—Should the conference report be defeated, the provisions of this subsection shall apply to any request for a new conference and the appointment of conferees.

(3) NO SUSPENSION.—No motion to suspend the application of this subsection shall be in order in the Senate or in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Social Security commission bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

Subtitle B—National Commission on Medicare and Medicaid Solvency

SEC. 911. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Centers for Medicare & Medicaid Services.

(2) CALENDAR DAY.—The term ''calendar day'' means a calendar day other than one in which either House is not in session because of an adjournment of more than 3 days to a date certain.

(3) COMMISSION.—The term ''Commission'' means the National Commission on Medicare and Medicaid solvency established under section 912(a).

(4) LONG-TERM.—The term ''long-term'' means a period of not less than 75 years beginning on the date of enactment of this Act.

(5) MEDICAID.—The term ''Medicaid'' means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(6) MEDICARE.—The term ''Medicare'' means the program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) MEDICARE AND MEDICAID COMMISSION BILL.—The term ''Medicare and Medicaid commission bill'' means a bill consisting of the proposed legislative language provisions of the Commission introduced under section 913(a).

SEC. 912. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission on Medicare and Medicaid Solvency''.

(b) PURPOSE.—The Commission shall conduct a comprehensive review of the Medicare and Medicaid programs for the following purposes:

(1) REVIEW.—Reviewing analyses of the current and long-term actuarial financial condition of the Medicare and Medicaid programs.

(2) IDENTIFYING PROBLEMS.—Identifying problems that may threaten the long-term solvency of the Medicare and Medicaid programs.

(3) ANALYZING POTENTIAL SOLUTIONS.—Analyzing potential solutions to problems that threaten the long-term solvency of the Medicare and Medicaid programs.

(4) PROVIDING RECOMMENDATIONS.—Providing recommendations that will ensure the long-term solvency of the Medicare and Medicaid programs and the provision of appropriate benefits.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall conduct a comprehensive review of the Medicare and Medicaid programs consistent with the purposes described in subsection (b) and shall submit the report required under paragraph (2).

(2) REPORT AND RECOMMENDATIONS.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Commission holds its first meeting, the Commission shall submit a report on the long-term solvency of the Medicare and Medicaid programs that contains a detailed statement of the findings, conclusions, and recommendations of the Commission to the President, Congress, and the Administrator.

(B) APPROVAL OF REPORT.—The report of the Commission submitted under subparagraph (A) shall require the approval of not less than 12 members of the Commission.

(C) LEGISLATIVE LANGUAGE.—If a recommendation submitted under subparagraph (A) involves legislative action, the report shall include proposed legislative language to carry out such action.

(d) APPOINTMENT OF MEMBERS.—

(1) IN GENERAL.—

(A) MEMBERSHIP.—The membership of the commission shall not exceed 16 members appointed pursuant to subparagraph (B) as voting members and 3 nonvoting members described in subparagraph (C).

(B) VOTING MEMBERS.—

(i) IN GENERAL.—Voting members of the commission shall be appointed as follows:

(I) The President shall appoint 2 members, 1 of whom shall be the Secretary of the Treasury.

(II) The majority leader of the Senate shall appoint 4 members.

(III) The minority leader of the Senate shall appoint 3 members.

(IV) The Speaker of the House of Representatives shall appoint 4 members.

(V) The minority leader of the House of Representatives shall appoint 3 members.

(ii) CONGRESSIONAL APPOINTEES.—The members of the Commission appointed under subclauses (II), (III), (IV), and (V) of clause (i) shall be Members of Congress.

(C) NON-VOTING MEMBERS.—The following shall be nonvoting members of the Commission and shall advise and assist at the request of the Commission:

(i) The Chief Actuary of the Centers for Medicare & Medicaid Services.

(ii) The Director of the Congressional Budget Office.

(2) CHAIRPERSON.—The Secretary of the Treasury shall be the chairperson of the Commission.

(3) DATE.—Members of the Commission shall be appointed by not later than 30 days after the date of enactment of this Act.

(4) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(5) TERMINATION.—The Commission shall terminate on the date that is 90 days after the Commission submits the report required under subsection (c)(2).

(e) ADMINISTRATION.—

(1) QUORUM.—Eight members of the Commission shall constitute a quorum for purposes of voting, but a quorum is not required for members to meet and hold hearings.

(2) MEETINGS.—The Commission shall meet at the call of the chairperson or a majority of its members.

(3) HEARINGS.—Subject to paragraph (7), the Commission may, for the purpose of carrying out this Act—

(A) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths the Commission considers advisable;

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses the Commission considers advisable; and

(C) require, by subpoena or otherwise, the production of such books, records, correspondence, memoranda, papers, documents, tapes, and other evidentiary materials relating to any matter under investigation by the Commission.

(4) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the chairperson; or

(II) by the affirmative vote of 8 members of the Commission.

(ii) SIGNATURE.—Subpoenas issued under this subsection may be issued under the signature of the chairperson of the Commission and may be served by any person designated by the chairperson or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under this subsection, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(5) COMPENSATION.—Members of the Commission shall serve without any additional compensation for their work on the Commission. However, members may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Commission.

(6) STAFF.—

(A) IN GENERAL.—With the approval of a majority of the Commission, the chairperson of the Commission may appoint an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(B) ACTUARIAL EXPERTS AND CONSULTANTS.—With the approval of a majority of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(C) COMPENSATION.—Upon the approval of the chairperson, the executive director may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the maximum rate payable for a position at GS–15 of the General Schedule under section 5332 of such title.

(D) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(E) FEDERAL AGENCIES.—

(i) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement by the Commission, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

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

(7) INFORMATION.—

(A) RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information the Commission determines to be necessary to carry out its duties from the Library of Congress, the Chief Actuary of the Centers for Medicare & Medicaid Services, the Congressional Budget Office, and other agencies and representatives of the executive and legislative branches of the Federal Government. The chairperson shall make requests for such access in writing when necessary.

(B) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION OF INFORMATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(C) LIMITATION OF ACCESS TO TAX INFORMATION.—Information requested, subpoenaed, or otherwise accessed under this subtitle shall not include tax data from the United States Internal Revenue Service, the release of which would otherwise be in violation of law.

(8) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) FUNDING.—The Commission shall receive, from amounts appropriated to the Administrator for fiscal year 2008 for administrative expenses, such sums as are necessary to carry out the purposes of this section.

SEC. 913. EXPEDITED CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—The aggregate legislative language provisions submitted pursuant to section 912(c)(2)(C) shall be combined into a Medicare and Medicaid commission bill to be introduced in the Senate by the majority leader, or the majority leader's designee, and in the House of Representatives, by the Speaker, or the Speaker's designee. Upon such introduction, the Medicare and Medicaid commission bill shall be referred to the appropriate committees of Congress under paragraph (2). If the Medicare and Medicaid commission bill is not introduced in accordance with the preceding sentence, then any member of Congress may introduce the Medicare and Medicaid commission bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such aggregate legislative language provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A Medicare and Medicaid commission bill introduced in the Senate shall be referred to the Committee on Finance of the Senate. A Medicare and Medicaid commission bill introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the Medicare and Medicaid commission bill, each Committee of Congress to which the Medicare and Medicaid commission bill was referred shall report such bill or such bill as amended by the committee. All committee amendments must comply with the requirements of section 912(b)(4).

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a Medicare and Medicaid commission bill has not reported a Medicare and Medicaid commission bill or such bill as amended, at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a Medicare and Medicaid commission bill or such bill as amended, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such Medicare and Medicaid commission bill, and such Medicare and Medicaid commission bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 days of session after the date on which a committee reports a Medicare and Medicaid commission bill, or such bill as amended, or has been discharged from consideration of a Medicare and Medicaid commission bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the Medicare and Medicaid commission bill or such bill as amended. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the Medicare and Medicaid commission bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of the Medicare and Medicaid commission bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment or to a motion to postpone consideration of the Medicare and Medicaid commission bill. A motion to proceed to the consideration of other business shall not be in order. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the Medicare and Medicaid commission bill without intervening motion, order, or other business, and the Medicare and Medicaid commission bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) IN THE SENATE.—

(i) CONSIDERATION.—In the Senate, consideration of the Medicare and Medicaid commission bill and all amendments thereto and on all debatable motions and appeals in connection therewith shall be limited to not more than 50 hours, which shall be divided equally between those favoring and those opposing amendments to the Medicare and Medicaid commission bill or the Medicare and Medicaid commission bill. A motion further to limit debate on the Medicare and Medicaid commission bill is in order and is not debatable. All time used for consideration of the Medicare and Medicaid commission bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall be counted against the 50 hours of consideration.

(ii) AMENDMENTS.—No amendment that is not germane to the provisions of committee amendments to the Medicare and Medicaid commission bill or the Medicare and Medicaid commission bill shall be in order in the Senate. All amendments must comply with the requirements of section 912(b)(4). In the Senate, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the amendment, motion, or appeal.

(iii) MOTION TO RECOMMIT.—

(I) VOTE.—Upon expiration of the time for consideration of the Medicare and Medicaid commission bill, the measure shall be recommitted to the Committee on Finance of the Senate for further consideration unless by a ⅗ vote of the Members, duly chosen and sworn, the Senate agrees to proceed to final passage.

(II) RECOMMITAL.—If the bill is recommitted under subclause (I), any new amendments to the Medicare and Medicaid commission bill shall be considered under the provisions of section 912(b)(4).

(iv) VOTE ON FINAL PASSAGE.—In the Senate, immediately following the conclusion of consideration of the Medicare and Medicaid commission bill, the disposition of any pending amendments under clause (ii), a motion to recommit under clause (iii), and a request to establish the presence of a quorum, the

vote on final passage of the Medicare and Medicaid commission bill shall occur.

(v) OTHER MOTIONS NOT IN ORDER.—A motion to postpone or a motion to proceed to the consideration of other business is not in order in the Senate. A motion to reconsider the vote by which the Medicare and Medicaid commission bill is agreed to or not agreed to is not in order in the Senate.

(2) CONFERENCE.—

(A) PROCEEDING TO CONFERENCE.—If, after a Medicare and Medicaid commission bill is agreed to in the Senate or House of Representatives, the Medicare and Medicaid commission bill has been amended, the Medicare and Medicaid commission bill shall be deemed to be at a stage of disagreement and motions to proceed to conference are deemed to be agreed to. There shall be no motions to instruct. The Senate and the House of Representatives shall appoint conferees after the vote of the second House that results in such disagreement without any intervening action or debate. In the event that conferees are not appointed in accordance with the preceding sentence, the following shall be deemed to be the duly appointed conferees:

(i) The majority leader of the Senate or the majority leader's designee.

(ii) The Speaker of the House of Representatives or the Speaker's designee

(iii) The Chairman and Ranking Member of the Senate Committee on the Budget.

(iv) The Chairman and Ranking Member of the Senate Committee on Finance.

(v) The Chairman and Ranking Member of the Committee on the Budget of the House of Representatives.

(vi) The Chairman and Ranking Member of the Committee on Ways and Means of the House of Representatives.

(vii) The Chairman and Ranking Member of the Committee on Energy and Commerce of the House of Representatives.

(B) MOTION TO PROCEED IN THE SENATE.—The motion to proceed to consideration in the Senate of the conference report on the Medicare and Medicaid commission bill may be made even though a previous motion to the same effect has been disagreed to.

(C) PROCEDURE.—Debate on the conference report on the Medicare and Medicaid commission bill considered under this section shall be limited to 20 hours equally divided between the manager of the conference report and the minority leader, or his designee.

(D) FINAL PASSAGE.—A vote on final passage of the conference report on the Medicare and Medicaid commission bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date the conference report is submitted in that House. If the conference report is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the conference report to be transmitted to the other House before the close of the next day of session of that House.

(E) ACTION OF SENATE.—

(i) IN GENERAL.—If the Senate has received from the House the conference report on the Medicare and Medicaid commission bill prior to the vote required under subparagraph (D), then the Senate shall consider, and the vote under subparagraph (D) shall occur on, the House conference report or the version of the Medicare and Medicaid commission bill passed by the House.

(ii) MOTION TO RECOMMIT.—

(I) VOTE.—Upon expiration of the time for consideration, the conference report on the Medicare and Medicaid commission bill shall be recommitted to the Committee of Conference for further consideration unless by a ⅗ vote of the Senate, duly chosen and sworn, the Senate agrees to proceed to final passage.

(II) RECOMMITAL.—If the conference report is recommitted under subclause (I), the conference report accompanying the bill shall be recommitted to the Conference Committee or it shall be in order to immediately proceed without intervening action to consideration of the motions for a new conference.

(F) CONFERENCE REPORT DEFEATED.—Should the conference report be defeated, the provisions of this subsection shall apply to any request for a new conference and the appointment of conferees.

(3) NO SUSPENSION.—No motion to suspend the application of this subsection shall be in order in the Senate or in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Medicare and Medicaid commission bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE X—ENFORCEMENT PROVISIONS

SEC. 1000. 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.

SEC. 1000A. TERMINATION OF PROGRAMS.

Any program established by this Act shall terminate at the end of fiscal year 2012. Amounts made available by this Act for such a program that remain unobligated after September 30, 2012 are rescinded.

DIVISION B—APPROPRIATIONS

TITLE I—MILCON

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $481,000,000, to remain available until September 30, 2012, for acquisition, construction, installation, and equipment of permanent public works, military installations, facilities, and real property for the Army: *Provided,* That notwithstanding any other provision of law, such funds may be obligated and expended to carry out military construction projects for warrior transition complexes at locations authorized by section 2911 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4750), as amended by section 1000.

MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECTS

SEC. 1001. (a) INSIDE THE UNITED STATES PROJECTS.—The table in section 2911(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4751) is amended to read as follows:

Army: Inside the United States

State	Installation or location	Amount
Kentucky.	Fort Campbell	$78,000,000
North Carolina.	Fort Bragg	$77,000,000
Texas	Fort Bliss	$56,000,000
	Fort Sam Houston.	$78,000,000
	Fort Hood	$58,000,000
Virginia	Fort Belvoir	$70,000,000
Washington.	Fort Lewis	$99,000,000

(b) CONFORMING AMENDMENTS.—Section 2911(b) of such Act is amended by striking ''$450,000,000, as follows:'' and all that follows through ''$50,000,000.'' and inserting ''$481,000,000, for military construction projects inside the United States authorized by subsection (a).''.

TITLE II—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SUPPLEMENTAL DISCRETIONARY GRANTS FOR A NATIONAL SURFACE TRANSPORTATION SYSTEM

For an additional amount for capital investments in surface transportation infrastructure, $10,000,000,000, to remain available until September 30, 2011: *Provided*, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to State and local governments on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: *Provided further*, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code, including interstate rehabilitation, improvements to the rural collector road system, the reconstruction of overpasses and interchanges, bridge replacements, seismic retrofit projects for bridges, and road realignments; public transportation projects eligible under chapter 53 of title 49, United States Code, including investments in projects participating in the New Starts or Small Starts programs that will expedite the completion of those projects and their entry into revenue service; passenger and freight rail transportation projects; and port infrastructure investments, including projects that connect ports to other modes of transportation and improve the efficiency of freight movement: *Provided further*, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds and an appropriate balance in addressing the needs of urban and rural communities: *Provided further*, That a grant funded under this heading shall be not less than $20,000,000 and not greater than $500,000,000: *Provided further*, That the Federal share of the costs for which an expenditure is made under this heading may be up to 100 percent: *Provided further*, That the Secretary shall give priority to projects that require an additional share of Federal funds in order to complete an overall financing package, and to projects that are expected to be completed within 3 years of enactment of this Act: *Provided further*, That the Secretary shall publish criteria on which to base the competition for any grants awarded under this heading not later than 75 days after enactment of this Act: *Provided further*, That the Secretary shall require applications for funding provided under this heading to be submitted not later than 180 days after enactment of this Act, and announce all projects selected to be funded from such funds not later than 1 year after enactment of this Act: *Provided further*, That the Secretary may retain up to $5,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Maritime Administration, to fund the award and oversight of grants made under this heading.

FEDERAL AVIATION ADMINISTRATION

SUPPLEMENTAL DISCRETIONARY GRANTS FOR AIRPORT INVESTMENT

For an additional amount for capital expenditures authorized under sections 47102(3) and 47504(c) of title 49, United States Code, $1,500,000,000: *Provided*, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to airports, with priority given to those projects that demonstrate to his or her satisfaction their ability to be completed within 2 years of enactment of this Act, and serve to supplement and not supplant planned expenditures from airport-generated revenues or from other State and local sources on such activities: *Provided further*, That the Federal share payable of the costs for which a grant is made under this heading shall be 100 percent: *Provided further*, That the amount made available under this heading shall not be subject to any limitation on obligations for the Grants-in-Aid for Airports program set forth in any Act: *Provided further*, That the Administrator of the Federal Aviation Administration may retain and transfer to ''Federal Aviation Administration, Operations'' up to one-quarter of 1 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading.

FEDERAL HIGHWAY ADMINISTRATION

SUPPLEMENTAL GRANTS FOR HIGHWAY INVESTMENT

For an additional amount for restoration, repair, construction and other activities eligible under paragraph (b) of section 133 of title 23, United States Code, $30,000,000,000: *Provided*, That funds provided under this heading shall be apportioned to States using the formula set forth in section 104(b)(3) of such title: *Provided further*, That 180 days following the date of such apportionment, the Secretary of Transportation shall withdraw from each State an amount equal to 50 percent of the funds awarded to that grantee less the amount of funding obligated, and the Secretary shall redistribute such amounts to other States that have had no funds withdrawn under this proviso in the manner described in section 120(c) of division K of Public Law 110–161: *Provided further*, That of the funds provided under this heading, $1,000,000,000 shall be for investments in transportation at Indian reservations and Federal lands, and administered in accordance with chapter 2 of title 23, United States Code: *Provided further*, That of the funds identified in the preceding proviso, at least $320,000,000 shall be for the Indian Reservation Roads program, $100,000,000 shall be for the Park Roads and Parkways program, $70,000,000 shall be for the Forest Highway Program, and $10,000,000 shall be for the Refuge Roads program: *Provided further*, That up to 4 percent of the funding provided for Indian Reservation Roads may be used by the Secretary of the Interior for program management and oversight and project-related administrative expenses: *Provided further*, That the Federal share payable on account of any project or activity carried out with funds made available under this heading shall be at the option of the recipient, and may be up to 100 percent of the total cost thereof: *Provided further*, That funding provided under this heading shall be in addition to any and all funds provided for fiscal years 2008 and 2009 in any other Act for ''Federal-aid Highways'' and shall not affect the distribution of funds provided for ''Federal-aid Highways'' in any other Act: *Provided further*, That the amount made available under this heading shall not be subject to any limitation on obligations for Federal-aid highways or highway safety construction programs set forth in any Act: *Provided further*, That section 1101(b) of Public Law 109–59 shall apply to funds apportioned under this heading: *Provided further*, That for the purposes of the definition of States for this paragraph, sections 101(a)(32) of title 23, United States Code, shall apply: *Provided further*, That the Administrator of the Federal Highway Administration may retain up to $12,000,000 of the funds provided under this heading to carry out the function of the ''Federal Highway Administration, Limitation on Administrative Expenses'' and to fund the oversight by the Administrator of projects and activities carried out with funds made available to the Federal Highway Administration in this Act.

FEDERAL TRANSIT ADMINISTRATION

SUPPLEMENTAL GRANTS FOR PUBLIC TRANSIT INVESTMENT

For an additional amount for capital expenditures authorized under section 5302(a)(1) of title 49, United States Code, $3,500,000,000: *Provided further*, That 180 days following the date of such apportionment, the Secretary shall withdraw from each grantee an amount equal to 50 percent of the funds awarded to that grantee less the amount of funding obligated, and the Secretary shall redistribute such amounts to other grantees that have had no funds withdrawn under this proviso utilizing whatever method he or she deems appropriate to ensure that all funds provided under this paragraph shall be utilized promptly: *Provided further*, That the Federal share of the costs for which any grant is made under this heading shall be at the option of the recipient, and may be up to 100 percent: *Provided further*, That the amount made available under this heading shall not be subject to any limitation on obligations for transit programs set forth in any Act: *Provided further*, That section 1101(b) of Public Law 109–59 shall apply to funds apportioned under this heading: *Provided further*, That the Administrator of the Federal Transit Administration may retain up to $1,000,000 of the funds provided under this heading to carry out the function of ''Federal Transit Administration, Administrative Expenses'' and to fund the oversight of grants made under this heading by the Administrator.

TITLE III—DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

For expenses, not otherwise provided for, to repair or acquire vehicles, equipment, and materials required to reset or reconstitute military units to an acceptable readiness rating and to restock prepositioned assets and war reserve material, $3,125,950,000, to remain available for obligation until September 30, 2010, as follows:

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $2,000,000,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $26,000,000.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $400,000,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $99,950,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $600,000,000.

FACILITY INFRASTRUCTURE INVESTMENTS, DEFENSE

For expenses, not otherwise provided for, to repair, restore, improve, or modernize Department of Defense facilities, improve unaccompanied personnel housing, repair or upgrade facilities and infrastructure directly supporting the readiness and training of the Armed Forces, and invest in the energy efficiency of Department of Defense facilities, $9,348,343,000, for facilities sustainment, restoration, and modernization programs of the Department of Defense (including minor construction and major maintenance and repair), as follows:

(1) For an additional amount for ''Operation and Maintenance, Army'', $3,310,109,000.
(2) For an additional amount for ''Operation and Maintenance, Navy'', $1,624,380,000.
(3) For an additional amount for ''Operation and Maintenance, Marine Corps'', $285,311,000.
(4) For an additional amount for ''Operation and Maintenance, Air Force'', $2,665,016,000.
(5) For an additional amount for ''Operations and Maintenance, Defense Wide (Defense Health Program)'', $454,658,000.
(6) For an additional amount for ''Operations and Maintenance, Defense Wide (Defense Education Activity)'', $68,600,000.
(7) For an additional amount for ''Operations and Maintenance, Defense Wide (Defense Logistics Agency)'', $24,605,000.
(8) For an additional amount for ''Operations and Maintenance, Defense Wide (Special Operations)'', $19,300,000.
(9) For an additional amount for ''Operation and Maintenance, Army Reserve'', $246,234,000.
(10) For an additional amount for ''Operation and Maintenance, Navy Reserve'', $62,162,000.
(11) For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $99,938,000.
(12) For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $33,014,000.
(13) For an additional amount for ''Operation and Maintenance, Army National Guard'', $368,026,000.
(14) For an additional amount for ''Operation and Maintenance, Air National Guard'', $86,990,000.

PROCUREMENT

For expenses, not otherwise provided for, 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, $4,225,406,000 as follows:

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $320,000,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, modification, and modernization of aircraft, equipment, including ground handling equipment, spare parts, and accessories for reset purposes therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $800,000,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories for reset purposes therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $100,000,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories for reset purposes therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $175,000,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, and modification of ammunition, and accessories for reset purposes therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $2,225,000,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for reset purposes only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $51,905,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, modification, and related support equipment for reset purposes, including spare parts and accessories for replacement of Hellfire missiles and the transportation of procured items from vendor to first government point of storage may be acquired.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $164,772,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, and modification of ammunition, and accessories for reset purposes therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $61,100,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, modification, replacement and recapitalization of Navy expeditionary forces and capabilities for reset purposes; including, tactical vehicles, construction and maintenance equipment, naval coastal warfare boats, salvage equipment, riverine equipment, expeditionary material handling equipment, communications equipment, and other expeditionary items which are required to equip sailors and improve Navy expeditionary capabilities and support of Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF), as well as the Global War on Terror (GWOT) in support of joint warfighting commanders.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $244,529,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, modification, replacement and recapitalization of Marine Corps tactical fixed wing and certain rotary aircraft for reset purposes to improve AV–8B and F/A–18 daytime/nighttime and all weather targeting capability; improve AV–8B sustainability in Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF) through countermeasure suite upgrades; improvements of F/A–18 radar reliability during sustained deployments; improve downlink and communication capabilities and launcher upgrades for F/A–18 aircraft; increase C/MH–53 performance degraders due to sustained deployments through various C/MH–53 helicopter engine and avionics upgrades; improve CH–46 operational capability and survivability during deployments by reducing brownout conditions and reducing the risk of engagement by battlefield IR missile systems; modify MV–22 aircraft to deployable block configuration and increase that aircraft's survivability through fire suppression; and spare parts and other accessories necessary for the foregoing purposes.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $83,100,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, modification, and modernization of Air Force Reserve aircraft, equipment, spare parts, and accessories for reset purposes; including, replacement panels for C–5A aircraft to remediate corrosion cracking; armor and refurbishment kits for currently fielded C–130 aircraft to provide enhanced protection against small arms fire; new and updated .50 caliber machine guns for HH–60 rotary wing aircraft to help negate aircraft vulnerabilities; a replacement armor system for C–130 aircraft that affords protection against 12.7mm threats to the aircraft;

a rescue board for combat, search and rescue (CSAR) HH–60 aircraft that will help maximize usable space within that aircraft so as to eliminate the requirement for additional CSAR aircraft to enter a threat environment; and other expenses necessary for the foregoing purposes.

GENERAL PROVISIONS—THIS TITLE

SEC. 3001. FACILITY INFRASTRUCTURE INVESTMENTS.

(a) TRANSFER TO DEFENSE WORKING CAPITAL FUNDS.—

(1) TRANSFER AUTHORIZED.—Notwithstanding any other provision of law and subject to paragraph (2), amounts available to a military department under this title under the heading ''FACILITY INFRASTRUCTURE INVESTMENTS'' may be transferred by the Secretary of the military department to the Defense Working Capital Funds for purposes relating to the improvement, repair, and modernization of defense depots, arsenals, ammunition plants, and shipyards. Amounts transferred under this paragraph shall be merged with amounts in the Defense Working Capital Funds that are available for such purposes, and shall be available for such purposes under the same terms and conditions, and subject to the same limitations, as amounts in the Defense Working Capital Funds with which merged.

(2) LIMITATION ON AMOUNT TRANSFERABLE.—The amount transferable by a military department under paragraph (1) may not exceed the amount equal to 30 percent of the aggregate amount available to the military department under this title under the heading ''FACILITY INFRASTRUCTURE INVESTMENTS''.

(b) PLAN FOR USE OF FUNDS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a plan for the utilization of the funds provided under this title under the heading ''FACILITY INFRASTRUCTURE INVESTMENTS''.

(c) LIMITATION ON UTILIZATION.—No funds provided under this title under the heading ''FACILITY INFRASTRUCTURE INVESTMENTS'' may be obligated or expended until the receipt by the congressional defense committees of the report required by subsection (b).

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

DIVISION C—OTHER PROVISIONS

TITLE I—TAX PROVISIONS

SEC. 10001. REDUCTION IN SOCIAL SECURITY PAYROLL TAXES.

(a) IN GENERAL.—

(1) EMPLOYER TAXES.—The table in section 3101(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''In the case of wages received during:	The rate shall be:
2009	3.1 percent
2010 or thereafter	6.2 percent''.

(2) SELF-EMPLOYMENT TAXES.—

(A) IN GENERAL.—The table in section 1401(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''In the case of a taxable beginning after:	And before:	Percent
December 31, 2008.	January 1, 2010.	9.3
December 31, 2009.		12.40''.

(B) CONFORMING AMENDMENTS.—

(i) Section 164(f) of such Code is amended adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR 2009.—In the case of taxable years beginning after December 31, 2008, and before January 1, 2010, the deduction allowed under paragraph (1) with respect to taxes imposed by section 1401(a) shall equal to two-thirds of the taxes so paid.''.

(ii) Section 1402(a)(12)(B) is amended by inserting ''(in the case of taxable years beginning after December 31, 2008, and before January 1, 2010, two-thirds of the taxes of the rate imposed by section 1401(a) and one-half of the rate imposed by section 1401(b))'' after ''year''.

(b) FUNDING FROM GENERAL FUND.—There are hereby appropriated to the Federal Old-age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by paragraphs (1) and (20(A) of 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 amendments not been enacted.

SEC. 10002. TEMPORARY REDUCTION IN CORPORATE INCOME TAX RATES.

(a) IN GENERAL.—Section 11 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(e) ECONOMIC STIMULUS RATE REDUCTIONS.—In the case of taxable years beginning in calendar year 2009—

''(1) subsection (b)(1) shall be applied by disregarding—

''(A) 'but does not exceed $75,000,' in subparagraph (B) thereof,

''(B) subparagraphs (C) and (D) thereof, and

''(C) the last 2 sentences,

''(2) subsection (b)(2) shall be applied by substituting '25 percent' for '35 percent', and

''(3) paragraphs (1) and (2) of section 1445(e) shall each be applied by substituting '25 percent' for '35 percent'.''.

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

SEC. 10003. TEMPORARY INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Paragraph (7) of section 179(b) of the Internal Revenue Code of 1986 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.

SEC. 10004. CREDIT FOR CERTAIN HOME PURCHASES.

(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 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 of the Internal Revenue Code of 1986 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 of the Internal Revenue Code of 1986 is amended by striking ''July 1, 2009'' and inserting ''the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009''.

(2) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 of such Code is amended by striking ''July 1, 2009'' and inserting ''the date of the American Job Creation and Reinvestment Act of 2009''.

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

SEC. 10005. REDUCTION IN 10-PERCENT AND 15-PERCENT RATE BRACKETS FOR 2009.

(a) IN GENERAL.—Section 1(i) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new subparagraph:

''(3) REDUCTIONS FOR 2009.—In the case of any taxable year beginning in 2009—

''(A) IN GENERAL.—Each of the tables under subsections (a), (b), (c), (d), and (e) (as in effect after the application of paragraphs (1) and (2)) shall be applied —

''(i) by substituting '5 percent' for '10 percent', and

''(ii) by substituting '10 percent' for '15 percent'.

''(B) 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.—Clause (ii) of section 1(i)(3)(B) 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.

SEC. 10006. TEMPORARY SUSPENSION OF TAX ON UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 85 of the Internal Revenue Code of 1986 (relating to unemployment compensation) is amended by adding at the end the following new subsection:

''(c) SPECIAL RULE FOR 2009.—This section shall not apply to any taxable year beginning in 2009 and gross income shall not include any unemployment compensation received by an individual during such taxable year.''.

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

TITLE II—ASSISTANCE FOR AMERICANS IN NEED

SEC. 20001. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 4 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 122 Stat. 5015), is amended—

(1) by striking ''March 31, 2009'' each place it appears and inserting ''December 31, 2009'';

(2) in the heading for subsection (b)(2), by striking ''MARCH 31, 2009'' and inserting ''DECEMBER 31, 2009''; and

(3) in subsection (b)(3), by striking ''August 27, 2009'' and inserting ''May 31, 2010''.

(b) FINANCING PROVISIONS.—Section 4004 of such Act is amended by adding at the end the following:

''(e) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated)—

''(1) to the extended unemployment compensation account (as established by section 905 of the Social Security Act) such sums as the Secretary of Labor estimates to be necessary to make payments to States under this title by reason of the amendments made by section 2001(a) of the American Recovery and Reinvestment Act of 2009; and

''(2) to the employment security administration account (as established by section 901 of the Social Security Act) such sums as the Secretary of Labor estimates to be necessary for purposes of assisting States in meeting administrative costs by reason of the amendments referred to in paragraph (1).

There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.''.

SEC. 20002. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

For the costs of State administrative expenses associated with administering the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) during a period of rising caseloads, the Secretary of Agriculture shall make available $150,000,000 to remain available through December 31, 2009.

SEC. 20003. TRAINING AND EMPLOYMENT SERVICES.

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 ''Training and Employment Services'' for activities authorized by the Workforce Investment Act of 1998 (''WIA''), $1,770,000,000, which shall be available on the date of enactment of this Act, as follows:

(1) $500,000,000 for adult employment and training activities, including supportive services and needs-related payments described in section 134(e)(2) and (3) of the WIA, except that a priority use of these funds shall be services to individuals described in section 134(d)(4)(E) of the WIA;

(2) $1,000,000,000 for grants to the States for dislocated worker employment and training activities;

(3) $250,000,000 under the dislocated worker national reserve for a program of competitive grants for worker training in high growth and emerging industry sectors and assistance under section 132(b)(2)(A) of the WIA; and

(4) $20,000,000 to carry out section 166 of the WIA (relating to employment and training activities for Indians, Alaska Natives, and Native Hawaiians).

TITLE III—FIXING THE HOUSING CRISIS

SEC. 30001. SHORT TITLE.

This title may be cited as the ''Keep Families in Their Homes Act of 2009''.

SEC. 30002. DEFINITIONS.

For purposes of this title—

(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 title'' means the period beginning on the effective date of this title and ending on December 31, 2011;

(8) the term ''incentive fee'' means the monthly payment to eligible servicers, as determined under section 30003(a);

(9) the term ''Office'' means the Office of Aggrieved Investor Claims established under section 30004(a); and

(10) the term ''prepayment fee'' means the payment to eligible servicers, as determined under section 30003(b).

SEC. 30003. PAYMENTS TO ELIGIBLE SERVICERS AUTHORIZED.

(a) AUTHORITY.—The Secretary is authorized during the effective term of the title, 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 title.

(b) FEES PAID TO ELIGIBLE SERVICERS.—

(1) IN GENERAL.—During the effective term of the title, 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.

(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. 30004. TEMPORARY EXTENSION OF LOAN LIMIT INCREASE.

(a) FANNIE MAE AND FREDDIE MAC.—Section 201(a) of the Economic Stimulus Act of 2008 (Public Law 110-185, 122 Stat. 619) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) FHA LOANS.—Section 202(a) of the Economic Stimulus Act of 2008 (Public Law 110-185, 122 Stat. 620) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 30005. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary, such sums as may be necessary to carry out this title.

SEC. 30006. SUNSET OF AUTHORITY.

The authority of the Secretary to provide assistance under this title shall terminate on December 31, 2011.

SA 365. Mr. BROWN (for himself, Mr. DURBIN, Mr. SCHUMER, Mr. VOINOVICH, Mr. CASEY, 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 192, after line 21, insert the following:

SEC. ___. TEMPORARY WAIVER OF RECOVERY BY THE PENSION BENEFIT GUARANTY CORPORATION OF CERTAIN PENSION OVERPAYMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Pension Benefit Guaranty Corporation shall not, during the 2-year period beginning on the date of the enactment of this Act, recoup from any participant or beneficiary any amount paid to such participant or beneficiary before such date of enactment that exceeded the amount of the net benefit to which such participant or beneficiary was otherwise entitled under title IV of the Employee Retirement Income Security Act of 1974 (21 U.S.C. 1301 et seq.).

(b) EFFECT OF WAIVER.—A participant or beneficiary shall be treated as having paid to the Pension Benefit Guaranty Corporation the aggregate amount which, but for subsection (a), would have been recouped from the participant or beneficiary. The Pension Benefit Guaranty Corporation shall reduce the amount to be recouped from the participant or beneficiary by the amount of such deemed payment.

SA 366. 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 436, line 13, strike all through page 437, line 10, and insert the following:

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) ELIGIBLE INDIVIDUAL.—

''(A) IN GENERAL.—The term 'eligible individual' means any individual other than—

''(i) any nonresident alien individual,

''(ii) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

''(iii) an estate or trust.

''(B) IDENTIFICATION REQUIREMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), such term shall not include any individual unless the requirements of section 32(c)(1)(E) are met with respect to such individual.

''(ii) SPECIAL RULES FOR MARRIED INDIVIDUALS.—In the case of—

''(I) a married individual (within the meaning of section 7703) filing a separate return, the requirements of clause (i) with respect to such return shall not apply to the individual's spouse, and

''(II) clause (i) shall not apply to a joint return where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year.

''(2) EARNED INCOME.—The term 'earned income' has the meaning given such term by section 32(c)(2), except that such term shall not include net earnings from self-employment which are not taken into account in computing taxable income. For purposes of the preceding sentence, any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.

''(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 367. 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 467, strike lines 3 though 18, and insert the following:

SEC. 1151. MODIFICATION OF MONITORING REQUIREMENTS FOR CARBON DIOXIDE SEQUESTRATION AND EXTENSION OF CREDIT.

(a) MODIFICATION OF MONITORING REQUIREMENTS.—

(1) IN GENERAL.—Section 45Q(a)(1)(B) is amended by inserting ''or through other permanent sequestration methods'' after ''secure geological storage''.

(2) APPLICATION OF MONITORING REQUIREMENTS TO CARBON DIOXIDE USED AS A TERTIARY INJECTANT.—Section 45Q(a)(2) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) disposed of by the taxpayer in secure geological storage or through other permanent sequestration methods.''.

(3) CONFORMING AMENDMENTS.—Section 45Q(d)(2) is amended—

(A) by striking ''geological storage of carbon dioxide under subsection (a)(1)(B)'' and inserting ''geological storage or other permanent sequestration of carbon dioxide under paragraph (1)(B) or (2)(C) of subsection (a)'',

(B) by striking ''Such term shall include storage at deep saline formations and unminable coal seems'' and inserting ''Such regulations shall include storage at deep saline formations, unminable coal seems, and through other permanent sequestration methods'', and

(C) by inserting ''AND OTHER PERMANENT SEQUESTRATION METHODS'' after ''STORAGE'' in the heading.

(b) EXTENSION OF CREDIT.—Section 45Q(e) is amended by striking ''75,000,000 metric tons'' and inserting ''100,000,000 metric tons''

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

SA 368. Mr. GRASSLEY (for himself and Mr. HATCH) 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 625, after line 23, insert the following:

(c) ELIMINATION OF PREMIUM SUBSIDY FOR HIGH-INCOME INDIVIDUALS.—

(1) IN GENERAL.—Notwithstanding subsection (b)(3), an individual who is a covered employee (and any qualified beneficiary of such employee) shall not be treated as an assistance eligible individual for purposes of this section and section 6432 of the Internal Revenue Code of 1986 unless—

(A) the covered employee's modified adjusted gross income for the last taxable year beginning in 2008 does not exceed—

(i) $125,000 in the case of an individual whose filing status for purposes of the income tax imposed by chapter 1 of such Code is described in subsection (c) or (d) of section 1 of such Code (relating to certain unmarried individuals and married individuals filing separate returns), and

(ii) $250,000 in the case of an individual whose filing status for purposes of the income tax imposed by chapter 1 of such Code is described in subsection (a) or (b) of section 1 of such Code (relating to married individuals filing joint returns and surviving spouses and heads of households), and

(B) the covered employee provides to the entity to whom premiums are reimbursed under section 6432(a) of such Code a written certification meeting the requirements of paragraph (2).

(2) CERTIFICATION REQUIREMENTS.—A certification meets the requirements of this paragraph if such certification contains—

(A) the name and social security number of the covered employee, and

(B) an attestation that the covered employee is eligible to receive the subsidy under subsection (b) because the covered employee's modified adjusted gross income for the last taxable year beginning in 2008 is less than the applicable limit under paragraph (1)(A).

(3) RECAPTURE OF SUBSIDY.—If—

(A) a covered employee's modified adjusted gross income for the last taxable year beginning in 2008 exceeds the applicable limit under paragraph (1)(A), and

(B) the covered employee (or any qualified beneficiary) received any premium assistance under this section for 1 or more months in a taxable year with respect to any COBRA continuation coverage,

then the covered employee's tax imposed by chapter 1 of such Code for such taxable year shall be increased by the amount of such assistance.

(4) PROVISION OF TIN TO SECRETARY.—Section 6432(e)(1) of the Internal Revenue Code of 1986, as added by subsection (b)(12), is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) a report containing the TINs of all covered employees, the amount of subsidy reimbursed with respect to each covered employee and qualified beneficiaries, and a designation with respect to each covered employee as to whether the subsidy reimbursement is for coverage of 1 individual or 2 or more individuals.''.

(5) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term ''modified adjusted gross income'' means the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933 of such Code.

(6) COVERED EMPLOYEE; QUALIFIED BENEFICIARY.—For purposes of this subsection, the terms ''covered employee'' and ''qualified beneficiary'' have the meanings given such terms by section 4980B of such Code.

SA 369. 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:

At the appropriate place, insert the following:

SEC. _____. REQUIREMENTS RELATING TO USE OF CERTAIN FUNDS.

(a) DEFINITION OF UNFINISHED PROJECT.—In this section, the term ''unfinished project'' means any project carried out by the Corps of Engineers—

(1) the construction of which has been commenced as of the date of enactment of this Act; and

(2) that, as of the date of enactment of this Act, is not completed.

(b) REQUIREMENTS.—

(1) UNFINISHED PROJECTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), until the date on which each unfinished project is completed, no amount appropriated or otherwise made available in the matter under the heading ''CONSTRUCTION'' under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading

''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of title IV of division A (including any amount resulting from the transfer or reprogramming of any amount described in this subparagraph) shall be available for obligation or expenditure to establish or initiate any new program, project, or activity of the Corps of Engineers.

(B) EXCEPTIONS.—Subparagraph (A) does not apply to any program, project, or activity authorized under—

(i) section 2 of the Act of August 28, 1937 (33 U.S.C. 701g);

(ii) section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r);

(iii) section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s);

(iv) section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577);

(v) section 111 of the River and Harbor Act of 1968 (Public Law 90–483; 82 Stat. 735);

(vi) section 1135 of the Water Resources Development Act of 1986 (100 Stat. 4251);

(vii) section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326); and

(viii) section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(2) CONTINUING CONTRACTS.—No amount appropriated or otherwise made available in the matter under the heading ''CONSTRUCTION'' under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of title IV of division A (including any amount resulting from the transfer or reprogramming of any amount described in this paragraph) may be used to award any continuing contract (or make a modification to any continuing contract in existence as of the date of enactment of this Act) that commits to a project an amount that is greater than the amount appropriated or otherwise made available for the project under title IV of division A.

(3) DUTY OF CHIEF OF ENGINEERS.—The Chief of Engineers shall prioritize funding for each activity described in this section based on the capability of each activity to fully fund project elements (including contracts for project elements) by not later than 2 years after the date of enactment of this Act.

SA 370. Mr. VOINOVICH (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 477, strike line 18 and insert the following:

(d) INCREASE IN MAXIMUM INCREASE AMOUNT UNDER ELECTION TO ACCELERATE THE AMT AND RESEARCH CREDITS IN LIEU OF BONUS DEPRECIATION.—Clause (iii) of section 168(k)(4)(C) is amended by striking ''the lesser of'' and all that follows and inserting ''$100,000,000''.

(e) EFFECTIVE DATES.—

SA 371. 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 570, after line 8, insert the following:

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

(a) IN GENERAL.—Subparagraph (A) of section 164(b)(6) (defining qualified motor vehicle taxes), as added by this Act, is amended to read as follows:

''(A) IN GENERAL.—For purposes of this section, the term 'qualified motor vehicle taxes' means any State or local sales or excise tax imposed on the purchase of—

''(i) a qualified motor vehicle (as defined in section 163(h)(5)(D)),

''(ii) any motor home or recreational vehicle trailer (as defined in 49 CFR 571.3), or

''(iii) any slide-in camper (as defined in 49 CFR 575.103).''.

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

SA 372. 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 431, between lines 8 and 9, insert the following:

TITLE XVII—DISCLOSURE OF INFORMATION TO A COMMITTEE OR SUBCOMMITTEE OF CONGRESS

SEC. 1701. DISCLOSURE OF INFORMATION UPON THE REQUEST OF CHAIRPERSON OR RANKING MEMBER.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given under section 551 of title 5, United States Code.

(2) RECORD.—The term ''record'' has the meaning given under section 552(f)(2) of title 5, United States Code, and includes a record as defined under section 552a(a)(4) of title 5, United States Code.

(b) DISCLOSURE.—Notwithstanding any other provision of law (including section 552a(b) of title 5, United States Code), upon the written request by the chairperson or the ranking member of any committee or subcommittee of Congress to any agency which has received funds made available from any appropriation or other authority under this Act (including division B), that agency shall disclose that record to the committee or subcommittee of that chairperson or ranking member.

(c) EFFECTIVE DATE.—This section shall apply to fiscal year 2009 and each fiscal year thereafter.

SA 373. Mr. GRASSLEY (for himself and Mr. KOHL) 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 192, after line 21, add the following:

SEC. 807. CONFLICTS OF INTEREST AND THE NATIONAL INSTITUTES OF HEALTH.

(a) ENFORCING CONFLICT OF INTEREST PROVISIONS.—The Director of the National Institutes of Health shall enforce the conflict of interest policies of the National Institutes of Health and respond in a timely manner when such policies have been violated by recipients of grant funds—

(1) provided under this title; or

(2) otherwise appropriated for fiscal year 2009.

(b) PROVIDE INFORMATION.—In the case in which the principal investigator for a recipient of a grant awarded with funds provided under this title or otherwise appropriated for fiscal year 2009, that is more than $250,000 awarded by the Director of the National Institutes of Health has a conflict of interest, the recipient of the grant shall provide to the Director the following information:

(1) The degree of the primary investigator's significant financial interest, estimated to the nearest $1,000.

(2) A detailed report explaining how the recipient of the grant will manage the primary investigator's conflict of interest.

SA 374. Mr. INHOFE (for himself, Mrs. BOXER, Mr. BOND, Mr. VITTER, Mr. BARRASSO, and Mr. CRAPO) 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 237, between lines 2 and 3, insert the following:

PUBLIC WORKS SUPPLEMENT

Notwithstanding section 1602, on September 30, 2009, any discretionary funds up to $50,000,000,000 under this Act that would otherwise expire on September 30, 2009, shall be reserved and remain available for obligation for the purposes of the matter under this heading: *Provided,* That if the amount reserved is less than $50,000,000,000, not later than 13 months after the date of enactment of this Act, an amount of unobligated discretionary funds provided under this Act equal to $50,000,000,000, less the amount reserved on September 30, 2009, shall be proportionally from all unobligated balances transferred to and merged with the funds reserved on September 30, 2009, and be available for additional amounts for capital investments in highways, bridges, and public transportation, and capitalization grants under the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12): *Provided further,* That not later than 11 months after the date of enactment of this Act, each State (as defined in section 101(a) of title 23, United States Code) shall compile and submit to the

President a list of projects for which contracts may be awarded during the 120-day period beginning on the date of receipt of funds and that are eligible for funding under title 23 or chapter 53 of title 49, United States Code, the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.), or the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12): *Provided further,* That in compiling surface transportation projects for inclusion in the list submitted to the President, projects that will bring the conditions of roads, bridges, and other transportation system elements up to standard, projects that will result in high, immediate employment, projects that will increase the energy independence of the United States, and projects that will provide long-term economic benefits, should be given special consideration: *Provided further,* That the President shall distribute to each State an amount equal to the proportion that the cost of the projects listed by the State bears to the cost of all projects listed by all States, multiplied by the amount provided under this heading: *Provided further,* That the funds so distributed to each State shall be divided among the programs provided for in this heading, in the proportions reflected in the list submitted by the State to the President under this heading, except that a State, in coordination with the President, may adjust the amounts provided among project categories to ensure the ability to award contracts on all of the funds provided to the State within the 120-day period beginning on the date on which the State receives a distribution of funds under this heading: *Provided further,* That the list submitted by each State shall certify that the projects included on the list reflect a financially constrained State transportation improvement program and transportation improvement program, or the priority list of the State for projects, including projects added after the date of enactment of this Act, to be funded through the Clean Water State Revolving Fund or Drinking Water State Revolving Fund as of the date that is 11 months after the date of enactment of this Act for which the State reasonably expects to award contracts within the 120-day period beginning on the date of distribution of funds to the State: *Provided further,* That the requirements, including cost-sharing and accounting requirements, applicable to the expenditure of funds made available under this title for the Federal Transit Administration, and to the disbursement of funds made available under title VII of this Act for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), shall apply to amounts made available under this heading: *Provided further,* That each amount provided in this amendment 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 375. Mrs. HUTCHISON 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 213, between lines 4 and 5, insert the following:

''SEC. 1002. Notwithstanding any other provision of law, the Department of Defense is directed to execute the current Military Construction Five Year Defense Plan within the next three fiscal years.''

SA 376. 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 111, between lines 7 and 8, insert the following:

For an additional amount for grants, $250,000,000, to be made available through the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605) to provide for States to be adequately prepared for the first 72 hours after a major disaster and to be used by States to establish stockpiles of mission critical emergency supplies, such as shelf stable food products, water, and basic medical supplies, and to be allocated in accordance with that section, except that the minimum allocation to each State shall be $2,500,000: *Provided,* That the additional amount of $250,000,000 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.

SA 377. 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:

Strike section 1518 and insert the following:

SEC. 1518. PROTECTING STATE AND LOCAL GOVERNMENT AND CONTRACTOR WHISTLEBLOWERS.

(a) PROHIBITION OF REPRISALS.—An employee of any non-Federal employer receiving covered funds may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to the Board, an inspector general, the Comptroller General, a member of Congress, a State or Federal regulatory or law enforcement agency, a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct), a court or grand jury, the head of a Federal agency, or their representatives information that the employee reasonably believes is evidence of—

(1) gross mismanagement of an agency contract or grant relating to covered funds;

(2) a gross waste of covered funds;

(3) a substantial and specific danger to public health or safety;

(4) an abuse of authority related to the implementation or use of covered funds; or

(5) a violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to covered funds.

(b) INVESTIGATION OF COMPLAINTS.—

(1) IN GENERAL.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint regarding the reprisal to the appropriate inspector general. Except as provided under paragraph (3), unless the inspector general determines that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint, the inspector general shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the person's employer, the head of the appropriate agency, and the Board.

(2) TIME LIMITATIONS FOR ACTIONS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the inspector general shall, not later than 180 days after receiving a complaint under paragraph (1)—

(i) make a determination that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint; or

(ii) submit a report under paragraph (1).

(B) EXTENSIONS.—

(i) VOLUNTARY EXTENSION AGREED TO BETWEEN INSPECTOR GENERAL AND COMPLAINANT.—If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A) and the person submitting the complaint agrees to an extension of time, the inspector general shall submit a report under paragraph (1) within such additional period of time as shall be agreed upon between the inspector general and the person submitting the complaint.

(ii) EXTENSION GRANTED BY INSPECTOR GENERAL.—If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A), the inspector general may extend the period for not more than 180 days without agreeing with the person submitting the complaint to such extension, provided that the Inspector General provides a written explanation (subject to the authority to exclude information under paragraph (5)(C)) for the decision, which shall be provided to both the person submitting the complaint and the non-Federal employer.

(iii) SEMI-ANNUAL REPORT ON EXTENSIONS.—The inspector general shall include in semi-annual reports to Congress a list of those investigations for which the inspector general received an extension, including a copy of each written explanation provided with respect to extensions under clause (ii).

(3) DISCRETION NOT TO INVESTIGATE COMPLAINTS.—

(A) IN GENERAL.—The inspector general may decide not to conduct or continue an investigation under this section upon providing to the person submitting the complaint and the non-Federal employer a written explanation (subject to the authority to exclude information under paragraph (5)(C)) for such decision.

(B) ASSUMPTION OF RIGHTS TO CIVIL REMEDY.—Upon receipt of an explanation of a decision not to conduct or continue an investigation under subparagraph (A), the person submitting a complaint shall immediately assume the right to a civil remedy under subsection (c)(2) as if the 210-day period specified under such subsection has already passed.

(C) SEMI-ANNUAL REPORT.—The inspector general shall include in semi-annual reports to Congress a list of those investigations the inspector general decided not to conduct or continue under this paragraph, including copies of the written explanations for such decisions not to investigate.

(4) BURDEN OF PROOF.—

(A) DISCLOSURE AS CONTRIBUTING FACTOR IN REPRISAL.—

(i) IN GENERAL.—A person alleging a reprisal under this section shall be deemed to have affirmatively established the occurrence of the reprisal if the person demonstrates that a disclosure described in subsection (a) was a contributing factor in the reprisal.

(ii) USE OF CIRCUMSTANTIAL EVIDENCE.—A disclosure may be demonstrated as a contributing factor in a reprisal for purposes of this paragraph by circumstantial evidence, including—

(I) evidence that the official undertaking the reprisal knew of the disclosure; or

(II) evidence that the reprisal occurred within a period of time after the disclosure such that a reasonable person could conclude that the disclosure was a contributing factor in the reprisal.

(B) OPPORTUNITY FOR REBUTTAL.—The inspector general may not find the occurrence of a reprisal with respect to a reprisal that is affirmatively established under subparagraph (A) if the non-Federal employer demonstrates by clear and convincing evidence that the non-Federal employer would have taken the action constituting the reprisal in the absence of the disclosure.

(5) ACCESS TO INVESTIGATIVE FILE OF INSPECTOR GENERAL.—

(A) IN GENERAL.—The person alleging a reprisal under this section shall have access to the complete investigation file of the appropriate inspector general in accordance with section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act''). The investigation of the inspector general shall be deemed closed for purposes of disclosure under such section when an employee files an appeal to an agency head or a court of competent jurisdiction.

(B) CIVIL ACTION.—In the event the person alleging the reprisal brings suit under subsection (c)(2)(A), the person alleging the reprisal and the non-Federal employer shall have access to the complete investigative file of the Inspector General in accordance with the Privacy Act.

(C) EXCEPTION.—The inspector general may exclude from disclosure—

(i) information protected from disclosure by a provision of law; and

(ii) any additional information the inspector general determines disclosure of which would impede a continuing investigation, provided that such information is disclosed once such disclosure would no longer impede such investigation.

(6) PRIVACY OF INFORMATION.—An inspector general investigating an alleged reprisal under this section may not respond to any inquiry or disclose any information from or about any person alleging such reprisal, except in accordance with the provisions of section 552a of title 5, United States Code, or as required by any other applicable Federal law.

(c) REMEDY AND ENFORCEMENT AUTHORITY.—

(1) AGENCY ACTION.—Not later than 30 days after receiving an inspector general report under subsection (b), the head of the agency concerned shall determine whether there is sufficient basis to conclude that the non-Federal employer has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief in whole or in part or shall take 1 or more of the following actions:

(A) Order the employer to take affirmative action to abate the reprisal.

(B) Order the employer to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), compensatory damages, employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

(C) Order the employer to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the agency or a court of competent jurisdiction.

(2) CIVIL ACTION.—

(A) IN GENERAL.—If the head of an agency issues an order denying relief in whole or in part under paragraph (1), has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under subsection (b)(2)(B)(i), within 30 days after the expiration of the extension of time, or decides under subsection (b)(3) not to investigate or to discontinue an investigation, and there is no showing that such delay or decision is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the employer to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

(B) BURDENS OF PROOF.—In any action under subparagraph (A), the establishment of the occurrence of a reprisal shall be governed by the provisions of subsection (b)(3)(A), including with respect to burden of proof, and the establishment that an action alleged to constitute a reprisal did not constitute a reprisal shall be subject to the burden of proof specified in subsection (b)(4)(C).

(3) JUDICIAL ENFORCEMENT OF ORDER.—Whenever a person fails to comply with an order issued under paragraph (1), the head of the agency shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorneys fees and costs.

(4) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the agency. Review shall conform to chapter 7 of title 5, United States Code.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

(e) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBITRATION OF DISPUTES.—

(1) WAIVER OF RIGHTS AND REMEDIES.—Notwithstanding any other provision of law and except as provided under paragraph (3), the rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement.

(2) PREDISPUTE ARBITRATION AGREEMENTS.—Notwithstanding any other provision of law and except as provided under paragraph (3), no predispute arbitration agreement shall be valid or enforceable if it requires arbitration of a dispute arising under this section.

(3) EXCEPTION FOR COLLECTIVE BARGAINING AGREEMENTS.—Notwithstanding paragraphs (1) and (2), an arbitration provision in a collective bargaining agreement shall be enforceable as to disputes arising under the collective bargaining agreement.

(f) REQUIREMENT TO POST NOTICE OF RIGHTS AND REMEDIES.—Any employer receiving covered funds shall post notice of the rights and remedies provided under this section.

(g) DEFINITIONS.—In this Act:

(1) ABUSE OF AUTHORITY.—The term ''abuse of authority'' means an arbitrary and capricious exercise of authority by a contracting official or employee that adversely affects the rights of any person, or that results in personal gain or advantage to the official or employee or to preferred other persons.

(2) COVERED FUNDS.—The term ''covered funds'' means any contract, grant, or other payment received by any non-Federal employer if—

(A) the Federal Government provides any portion of the money or property that is provided, requested, or demanded; and

(B) at least some of the funds are appropriated or otherwise made available by this Act.

(3) EMPLOYEE.—The term ''employee'' means an individual performing services on behalf of an employer.

(4) NON-FEDERAL EMPLOYER.—The term ''non-Federal employer'' means any employer—

(A) with respect to any contract, grant, or direct payment issued by the Federal Government—

(i) the contractor, subcontractor, grantee, or recipient, as the case may be, if the contractor, grantee, or recipient is an employer;

(ii) any professional membership organization, certification or other professional body, any agency or licensee of the Federal government, or any person acting directly or indirectly in the interest of an employer receiving Federal funds; or

(B) with respect to covered funds received by a State or local government, the State or local government receiving the funds and any contractor or subcontractor of the State or local government.

(5) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' means—

(A) the government of each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Is Lands, or any other territory or possession of the United States; or

(B) the government of any political subdivision of a government listed in subparagraph (A).

SA 378. Mr. CASEY (for himself, Mr. SPECTER, Mr. LEAHY, Mr. DODD, Mr.

SCHUMER, 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 252, line 4, after ''activities:'' insert the following: ''*Provided further*, That of the funds provided under this heading, $30,000,000 shall be made available to the Secretary to make grants to provide a full range of legal assistance to low- and moderate-income homeowners or tenants related to home ownership preservation, home foreclosure prevention, and tenancy associated with home foreclosure: *Provided further*, That the Secretary shall allocate such funds on the basis of a competitive grant process to provide financial assistance to State and local legal organizations: *Provided further*, That in allocating amounts under the prior proviso that the Secretary give priority consideration to State and local legal organizations that are operating in the 100 metropolitan statistical areas (as that term is defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates: *Provided further*, That any State or local legal organization that receives financial assistance pursuant to this heading shall have the capacity to assist homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure, or tenants at risk of or subject to eviction as a result of foreclosure of the property in which such tenant resides, and that such organizations shall have the capacity to begin using any financial assistance received under this heading within 90 days after receipt of the assistance: *Provided further*, That no funds provided to a State or local legal organization under this heading shall be used to support class action litigation: *Provided further*, That legal assistance funded with amounts provided under this heading shall be limited to mortgage-related default, eviction, or foreclosure proceedings, whether in a judicial or non-judicial foreclosure:''.

On page 431, between lines 8 and 9, insert the following:

SEC. 1607. NEIGHBORHOOD STABILIZATION PROGRAM REFINEMENTS.

(a) IN GENERAL.—Section 2301 of the Foreclosure Prevention Act of 2008 (42 U.S.C. 5301 note) is amended—

(1) in subsection (b), by adding at the end the following:

''(5) DISTRIBUTION OF FUNDS IN CERTAIN STATES; COMPETITION FOR FUNDS.—Each State that receives the minimum allocation of amounts pursuant to the requirement under section 2302 shall be permitted to use such amounts to address statewide concerns, provided that such amounts are made available for an eligible use described under paragraphs (3) and (4) of subsection (c).''; and

(2) in subsection (c), by adding at the end the following:

''(4) FORECLOSURE PREVENTION.—Each State and unit of general local government that receives an allocation of amounts pursuant to section 2302 may use up to 10 percent of such amounts for foreclosure prevention programs, activities, and services, as such programs, activities, and services are defined by the Secretary.''.

(b) RETROACTIVE EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on the date of enactment of the Foreclosure Prevention Act of 2008 (Public Law 110-289).

SA 379. Mr. HATCH 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. —. MODIFICATION OF RESEARCH CREDIT.

(a) SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.—Subsection (a) of section 41 is amended to read as follows:

''(a) GENERAL RULE.—

''(1) CREDIT DETERMINED.—For purposes of section 38, the research credit determined under this section for the taxable year shall be an amount equal to 20 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

''(2) SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENSES IN ANY OF 3 PRECEDING TAXABLE YEARS.—

''(A) TAXPAYERS TO WHICH PARAGRAPH APPLIES.—The credit under this section shall be determined under this paragraph if the taxpayer has no qualified research expenses in any one of the 3 taxable years preceding the taxable year for which the credit is being determined.

''(B) CREDIT RATE.—The credit determined under this paragraph shall be equal to 10 percent of the qualified research expenses for the taxable year.''.

(b) CONFORMING AMENDMENTS.—

(1) TERMINATION OF ALTERNATIVE INCREMENTAL CREDIT.—Paragraph (4) of subsection (c) is amended by adding at the end the following new subparagraph:

''(C) TERMINATION.—No election under this paragraph shall apply to taxable years beginning after December 31, 2008.''.

(2) TERMINATION OF BASE AMOUNT CALCULATION.—Section 41 is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(3) TERMINATION OF BASIC RESEARCH PAYMENT CALCULATION.—Section 41 is amended by striking subsection (e) and redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

(4) SPECIAL RULES.—

(A) Paragraph (1)(A)(ii) of subsection (d) of section 41, as so redesignated, is amended by striking ''shares of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,'' and inserting ''share of the qualified research expenses''.

(B) Paragraph (1)(B)(ii) of section 41(d), as so redesignated, is amended by striking ''shares of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,'' and inserting ''share of the qualified research expenses''.

(C) Paragraph (3) of section 41(d), as so redesignated, is amended—

(i) by striking '', and the gross receipts of the taxpayer'' and all that follows in subparagraph (A) and inserting a period,

(ii) by striking '', and the gross receipts of the taxpayer'' and all that follows in subparagraph (B) and inserting a period, and

(iii) by striking subparagraph (C).

(D) Paragraph (4) of section 41(d), as so redesignated, is amended by striking ''and gross receipts''.

(E) Subsection (d) of section 41, as so redesignated, is amended by striking paragraph (6).

(5) TERMINATION OF INCREASED CREDIT FOR ENERGY RESEARCH.—Section 41, as amended by section 1131 of this Act, is amended by striking subsection (h).

(6) PERMANENT EXTENSION.—Section 41, as amended by section 1131 of this Act, is amended by striking subsection (i).

(7) CROSS REFERENCES.—

(A) Paragraphs (2)(A) and (4) of section 41(b) are each amended by striking ''subsection (f)(1)'' and inserting ''subsection (d)(1)''.

(B) Paragraph (1) of section 45C(b) is amended by striking subparagraph (D).

(C) Subsection (c) of section 45C is amended to read as follows:

''(c) COORDINATION WITH CREDIT FOR INCREASING RESEARCH EXPENDITURES.—Any qualified clinical testing expenses for a taxable year to which an election under this section applies shall not be taken into account for purposes of determining the credit allowable under section 41 for such taxable year.''.

(D) Paragraph (3) of section 45C(d) is amended by striking ''section 41(f)'' and inserting ''section 41(d)''.

(E) Paragraph (2) of section 45G(e) is amended by striking ''section 41(f)'' and inserting ''section 41(d)''.

(F) Subsection (g) of section 45O is amended by striking ''section 41(f)'' and inserting ''section 41(d)''.

(G) Subparagraph (A) of section 54(l)(3) is amended by striking ''section 41(g)'' and inserting ''section 41(e)''.

(H) Clause (i) of section 170(e)(4)(B) is amended by striking ''subparagraph (A) or subparagraph (B) of section 41(e)(6)'' and inserting ''clause (i) or clause (ii) of section 41(b)(4)(C)''.

(I) Subsection (f) of section 197 is amended by striking ''section 41(f)(1)'' each place it appears in paragraphs (1)(C) and (9)(C)(i) and inserting ''section 41(d)(1)''.

(J) Section 280C is amended—

(i) by striking ''41(f)'' each place it appears in subsection (b)(3) and inserting ''41(d)'',

(ii) by striking ''or basic research expenses (as defined in section 41(e)(2))'' in subsection (c)(1) and inserting ''or basic research payments (as defined in section 41(b)(4)(B))'',

(iii) by striking ''section 41(a)(1)'' in subsection (c)(2)(A) and inserting ''section 41(a)'', and

(iv) by striking ''or basic research expenses'' in subsection (c)(2)(B) and inserting ''or basic research payments''.

(K) Subclause (IV)(c) of section 936(h)(5)(C)(i) is amended by striking ''section 41(f)'' and inserting ''section 41(d)''.

(L) Subparagraph (D) of section 936(j)(5) is amended by striking ''section 41(f)(3)'' and inserting ''section 41(d)(3)''.

(M) Clause (i) of section 965(c)(2)(C) is amended by striking ''section 41(f)(3)'' and inserting ''section 41(d)(3)''.

(N) Subparagraph (C) of section 1202(e)(2) is amended by striking ''section 41(b)(4)'' and inserting ''section 41(b)(5)''.

(O) Clause (i) of section 1400N(l)(7)(B) is amended by striking ''section 41(g)'' and inserting ''section 41(e)''.

(c) TECHNICAL CORRECTIONS.—Section 409 is amended—

(1) by inserting '', as in effect before the enactment of the Tax Reform Act of 1984'' after ''section 41(c)(1)(B)'' in subsection (b)(1)(A),

(2) by inserting '', as in effect before the enactment of the Tax Reform Act of 1984''

after ''relating to the employee stock ownership credit'' in subsection (b)(4),

(3) by inserting ''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 41(c)(1)(B)'' in subsection (i)(1)(A),

(4) by inserting ''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 41(c)(1)(B)'' in subsection (m),

(5) by inserting ''(as so in effect)'' after ''section 48(n)(1)'' in subsection (m),

(6) by inserting ''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 48(n)'' in subsection (q)(1), and

(7) by inserting''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 41'' in subsection (q)(3).

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to taxable years beginning after December 31, 2019.

(2) TERMINATION.—The amendments made by paragraphs (1) and (6) of subsection (b) shall apply to taxable years beginning after December 31, 2009.

(3) TECHNICAL CORRECTIONS.—The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

On page 435, beginning on line 4, strike through page 441, line 15.

SA 380. Mr. GRASSLEY (for himself, Ms. MIKULSKI, and Mr. SHELBY) 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. NATIONAL SCIENCE FOUNDATION OPERATIONS AND AWARD MANAGEMENT.

Of the funds made available for fiscal year 2009 for the Office of the Director of the National Science Foundation, $3,000,000 shall not be available for obligation until—

(1) the Director of the National Science Foundation submits to Congress a report detailing steps the National Science Foundation has taken to implement immediately all of the recommendations made by the Inspector General in the September 2008 semiannual report and in the July 14, 2008, Management Implication Report addressing IT security awareness, policies prohibiting gender discrimination and retaliation;

(2) the Director of the National Science Foundation submits to Congress a report detailing the steps that the National Science Foundation has taken to remove, and prevent employees from accessing, inappropriate adult content from National Science Foundation computers and servers; and

(3) the National Science Board hires an independent general counsel.

SA 381. 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 360, line 6, add after the period the following: ''In promulgating such regulations, the Secretary may not eliminate from the definition of health care operations activities that are conducted for the purpose of improving the quality of care provided to patients or facilitating the delivery of quality patient care.''.

SA 382. 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 364, strike line 23 and all that follows through line 3 on page 365 and insert the following:

such communication;

(C) where such communication describes only a health care item or service that has previously been prescribed for or administered to the recipient of the communication, or a family member of such recipient; and

(D) where such communication is for the purpose of making patients aware of alternative treatment options, including such options which may be cheaper or more effective for that individual patient.

SA 383. 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 360, line 6, add after the period the following: ''In promulgating such regulations, the Secretary may not eliminate from the definition of health care operations activities that are conducted for the purpose of preventing fraud and abuse.''.

SA 384. 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 268, between lines 19 and 20, insert the following:

''(2) ensures that parents and legal guardians have the right to access all of their unemancipated minor child's reproductive health information, except in cases of child abuse, child molestation, sexual abuse, and incest;

''(3) ensures that law enforcement officials may subpoena health information for State or Federal criminal investigations of child abuse, child molestation, sexual abuse, rape, statutory rape, and incest;''.

On page 271, between lines 23 and 24, insert the following:

''(iv) The incorporation of parental rights and access to all reproductive health information of unemancipated minor children, except in cases of child abuse, child molestation, sexual abuse, and incest.

''(v) Ensuring that law enforcement officials may subpoena health information for State or Federal criminal investigations of child abuse, child molestation, sexual abuse, rape, statutory rape, and incest.''.

SA 385. Mr. COBURN (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 723, between lines 22 and 23, insert the following:

(3) PARTICIPATION IN PERM; PENALTY FOR EXCESS ERROR RATE.—As a condition of receiving additional Federal funds under this section, a State shall agree to the following:

(A) PERM.—With respect to fiscal year 2010 and the first quarter of fiscal year 2011, the State shall participate in the Medicaid payment error rate measurement (PERM) process for such fiscal year and quarter, regardless of whether the State is scheduled to do so under the State participation rotational cycle for such process in effect on the date of enactment of this Act.

(B) PENALTY.—If, with respect to all or any portion of a fiscal year that occurs during the recession adjustment period, the most recent PERM determined for the State under Medicaid exceeds 5 percent, the State shall pay the Secretary a penalty equal to the product of the total amount of additional Federal funds paid to the State as a result of this section for such fiscal year and the number of percentage points by which the PERM determined for the State for that fiscal year exceeds 5 percent.

SA 386. 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 292, strike line 4 and all that follows through line 6 on page 293, and insert the following:

''SEC. 3007. FEDERAL HEALTH INFORMATION TECHNOLOGY.

''(a) IN GENERAL.—The National Coordinator, in consultation with other appropriate Federal agencies, shall support the development and routine updating of qualified electronic health record technology (as defined in section 3000) for any Federal agency that is engaged in such activities on the date

of enactment of this title, and shall also provide qualified electronic health record technologies, consistent with subsections (b) and (c), but only if such qualified electronic health record technology uses open standards and the Secretary and the HIT Policy Committee first determine that the needs and demands of providers are not being substantially and adequately met through the marketplace.

''(b) CERTIFICATION.—In making qualified electronic health record technology publicly available under subsection (a), the National Coordinator shall ensure that the qualified electronic health record technology described in such subsection is certified under the program developed under section 3001(c)(5) to be in compliance with applicable standards adopted under section 3004.

''(c) AUTHORIZATION TO CHARGE A NOMINAL FEE.—The National Coordinator may impose a nominal fee for the adoption by a health care provider of the qualified electronic health record technology system provided for under subsection (a). Such fee shall take into account the financial circumstances of smaller providers, low income providers, and providers located in rural or other medically underserved areas.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require that a private or government entity adopt or use the technology provided for under this section.

''(e) DEFINITION.—In this section, the term 'not being substantially and adequately met through the marketplace' means that the Secretary and the HIT Policy Committee have determined, through a comprehensive market survey or other assessment as the Secretary determines appropriate, that certified technologies are either not available or are not in widespread use in the marketplace. In order to ensure that providers of qualified electronic health record technologies have adequate opportunity to comply with applicable standards adopted under section 3003(a), the Secretary shall undertake such market survey or assessment not earlier than 12 months after the date on which such standards are adopted and promulgated.''.

SA 387. 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 19 and all that follows through page 722, line 18, and insert the following:

(1) MAINTENANCE OF EFFORT REQUIREMENTS.—

(A) IN GENERAL.—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:

(i) ELIGIBILITY.—Any reduction in eligibility standards, methodologies, or procedures under such State plan or waiver.

(ii) BENEFITS.—Any reduction in the type, amount, duration, or scope of benefits provided under such State plan or waiver.

(iii) 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.

(B) EXCEPTION FOR REDUCTION MADE FOR PURPOSES OF PREVENTING FRAUD.—A State shall not be ineligible under subparagraph (A) 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 subparagraph (A) that are made by the State for any such quarter are for purposes of preventing fraud under the State plan or waiver.

SA 388. Mr. HATCH 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 674, between lines 17 and 18, insert the following:

(f) IMPACT ON TRUST FUNDS.—The Board of Trustees of the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t) shall include in the annual report submitted in 2010 under subsection (b)(2) of such sections 1817 and 1841 a description of the estimated short-term and long-term impact that the provisions of, and amendments made by, this subtitle will have on such Trust Funds.

SA 389. Mr. ALEXANDER (for himself and Mr. CARPER) 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 143, between lines 9 and 10, insert the following:

INNOVATION AND IMPROVEMENT

For an additional amount for ''Innovation and Improvement'' to carry out subpart 2 of part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7223 et seq.), $25,000,000.

On page 391, line 5, strike ''$79,000,000,000'' and insert ''$78,975,000,000''.

SA 390. Ms. SNOWE (for herself 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, add the following:

TITLE VI—INCREASED LENDING BY ASSISTED FINANCIAL INSTITUTIONS

SEC. 6001. LENDING REQUIREMENTS.

Section 113(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5223(a)) is amended by adding at the end the following:

''(4) LENDING REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary may not exercise the authority to provide assistance under the TARP with respect to a financial institution, unless, to the extent that such financial institution is without major capital shortfalls—

''(i) the financial institution certifies in writing that it will increase lending above the lending levels in place at the time of the provision of the assistance; and

''(ii) in the case of a financial institution that has previously received assistance under the TARP, the financial institution has increased its lending levels above the lending levels in place immediately prior to having received the previous disbursement.

''(B) REPAYMENT REQUIRED.—If the Secretary finds that a financial institution that is required to comply with the lending requirements of subparagraph (A) is not making sufficient progress toward achieving such requirements, the Secretary shall require immediate repayment of the assistance provided under the TARP.''.

SA 391. Ms. SNOWE (for herself 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:

On page 431, between lines 8 and 9, insert the following:

ASSISTANCE TO COMMUNITIES AFFECTED BY DEFENSE BASE CLOSURES

SEC. 1607. It is the sense of Congress that—

(1) during even the best of economic times, the closure or realignment of a military installation can devastate a local economy, and in our current economy, it will be even more difficult for those communities to redevelop and stem job losses; and

(2) particular consideration should be given to providing assistance and relief under this Act to communities affected by the closure or realignment of military installations.

SA 392. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy 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 24, after ''Urban Development'' insert the following: ''and that priority shall be given to housing disaster areas, which for purposes of this heading shall mean areas having both a high rate of foreclosure during the last 12 months preceding the date of the enactment of this Act, as measured by percentage or number of home mortgages in or having gone through foreclosure during such period as compared to other areas, and a substantial decline in home prices during such 12-month period, as measured by the Director of the Federal Housing Finance Agency (or the Director of the Office of Federal Housing Enterprise and Oversight) as compared to other areas: *Provided further*, That not less than 25 percent of the amounts made available under this heading be directed to housing disaster areas, as such areas are described in the prior proviso''

SA 393. 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:

Beginning on page 200, strike line 16 and all that follows through page 213, line 4, and insert the following:

ADMINISTRATIVE PROVISION

SEC. 1001. (a) TEMPORARY EXPANSION OF HOMEOWNERS ASSISTANCE PLAN TO RESPOND TO MORTGAGE FORECLOSURE AND CREDIT CRISIS.—Section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1), (2), and (3) as clauses (i), (ii), and (iii), respectively, and indenting such subparagraphs, as so redesignated, 6 ems from the left margin;

(B) by striking ''Notwithstanding any other provision of law'' and inserting the following:

''(1) ACQUISITION OF PROPERTY AT OR NEAR MILITARY INSTALLATIONS THAT HAVE BEEN ORDERED TO BE CLOSED.—Notwithstanding any other provision of law'';

(C) by striking ''if he determines'' and inserting ''if—

''(A) the Secretary determines—'';

(D) in clause (iii), as redesignated by subparagraph (A), by striking the period at the end and inserting ''; or''; and

(E) by adding at the end the following:

''(B) the Secretary determines—

''(i) that the conditions in clauses (i) and (ii) of subparagraph (A) have been met;

''(ii) that the closing or realignment of the base or installation resulted from a realignment or closure carried out under the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part XXIX of Public Law 101–510; 10 U.S.C. 2687 note);

''(iii) that the property was purchased by the owner before July 1, 2006;

''(iv) that the property was sold by the owner between July 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary;

''(v) that the property is the primary residence of the owner; and

''(vi) that the owner has not previously received benefit payments authorized under this subsection.

''(2) HOMEOWNER ASSISTANCE FOR WOUNDED MEMBERS OF THE ARMED FORCES, DEPARTMENT OF DEFENSE AND UNITED STATES COAST GUARD CIVILIAN EMPLOYEES, AND THEIR SPOUSES.—Notwithstanding any other provision of law, the Secretary of Defense is authorized to acquire title to, hold, manage, and dispose of, or, in lieu thereof, to reimburse for certain losses upon private sale of, or foreclosure against, any property improved with a one- or two-family dwelling which was at the time of the relevant wound, injury, or illness, the primary residence of—

''(A) any member of the Armed Forces in medical transition who—

''(i) incurred a wound, injury, or illness in the line of duty during a deployment in support of the Armed Forces;

''(ii) is disabled to a degree of 30 percent or more as a result of one impairment, injury, or illness, as determined by the Secretary of Defense or the Secretary of Veterans Affairs; and

''(iii) is reassigned in furtherance of medical treatment or rehabilitation, or due to medical retirement in connection with such disability;

''(B) any civilian employee of the Department of Defense or the United States Coast Guard who—

''(i) was wounded, injured, or became ill in the performance of his or her duties during a forward deployment occurring on or after September 14, 2001, in support of the Armed Forces; and

''(ii) is reassigned in furtherance of medical treatment, rehabilitation, or due to medical retirement resulting from the sustained disability; or

''(C) the spouse of a member of the Armed Forces or a civilian employee of the Department of Defense or the United States Coast Guard if—

''(i) the member or employee was killed in the line of duty during a deployment on or after September 14, 2001, in support of the Armed Forces or died from a wound, injury, or illness incurred in the line of duty during such a deployment; and

''(ii) the spouse relocates from such residence within 2 years after the death of such member or employee.

''(3) TEMPORARY HOMEOWNER ASSISTANCE FOR MEMBERS OF THE ARMED FORCES PERMANENTLY REASSIGNED DURING SPECIFIED MORTGAGE CRISIS.—Notwithstanding any other provision of law, the Secretary of Defense is authorized to acquire title to, hold, manage, and dispose of, or, in lieu thereof, to reimburse for certain losses upon private sale of, or foreclosure against, any property improved with a one- or two-family dwelling situated at or near a military base or installation, if the Secretary determines—

''(A) that the owner is a member of the Armed Forces serving on permanent assignment;

''(B) that the owner is permanently reassigned by order of the United States Government to a duty station or home port outside a 50-mile radius of the base or installation;

''(C) that the reassignment was ordered between February 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary;

''(D) that the property was purchased by the owner before July 1, 2006;

''(E) that the property was sold by the owner between July 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary;

''(F) that the property is the primary residence of the owner; and

''(G) that the owner has not previously received benefit payments authorized under this subsection.'';

(2) in subsection (b), by striking ''this section'' each place it appears and inserting ''subsection (a)(1)'';

(3) in subsection (c)—

(A) by striking ''Such persons'' and inserting the following:

''(1) HOMEOWNER ASSISTANCE RELATED TO CLOSED MILITARY INSTALLATIONS.—

''(A) IN GENERAL.—Such persons'';

(B) by striking ''set forth above shall elect either (1) to receive'' and inserting the following: ''set forth in subsection (a)(1) shall elect either—

''(i) to receive'';

(C) by striking ''difference between (A) 95 per centum'' and all that follows through ''(B) the fair market value'' and inserting the following: ''difference between—

''(I) 95 per centum of the fair market value of their property (as such value is determined by the Secretary of Defense) prior to public announcement of intention to close all or part of the military base or installation; and

''(II) the fair market value'';

(D) by striking ''time of the sale, or (2) to receive'' and inserting the following: ''time of the sale; or

''(ii) to receive'';

(E) by striking ''outstanding mortgages. The Secretary may also pay a person who elects to receive a cash payment under clause (1) of the preceding sentence an amount'' and inserting ''outstanding mortgages.

''(B) REIMBURSEMENT OF EXPENSES.—The Secretary may also pay a person who elects to receive a cash payment under subparagraph (A) an amount''; and

(F) by striking ''best interest of the Federal Government. Cash payment'' and inserting the following: ''best interest of the United States.

''(2) HOMEOWNER ASSISTANCE FOR WOUNDED INDIVIDUALS AND THEIR SPOUSES.—

''(A) IN GENERAL.—Persons eligible under the criteria set forth in subsection (a)(2) may elect either—

''(i) to receive a cash payment as compensation for losses which may be or have been sustained in a private sale, in an amount not to exceed the difference between—

''(I) 95 per centum of prior fair market value of their property (as such value is determined by the Secretary of Defense); and

''(II) the fair market value of such property (as such value is determined by the Secretary of Defense) at the time of sale; or

''(ii) to receive, as purchase price for their property an amount not to exceed 90 per centum of prior fair market value as such value is determined by the Secretary of Defense, or the amount of the outstanding mortgages.

''(B) DETERMINATION OF BENEFITS.—The Secretary may also pay a person who elects to receive a cash payment under subparagraph (A) an amount that the Secretary determines appropriate to reimburse the person for the costs incurred by the person in the sale of the property if the Secretary determines that such payment will benefit the person and is in the best interest of the United States.

''(3) HOMEOWNER ASSISTANCE FOR PERMANENTLY REASSIGNED INDIVIDUALS.—

''(A) IN GENERAL.—Persons eligible under the criteria set forth in subsection (a)(3) may elect either—

''(i) to receive a cash payment as compensation for losses which may be or have been sustained in a private sale, in an amount not to exceed the difference between—

''(I) 95 per centum of prior fair market value of their property (as such value is determined by the Secretary of Defense); and

''(II) the fair market value of such property (as such value is determined by the Secretary of Defense) at the time of sale; or

''(ii) to receive, as purchase price for their property an amount not to exceed 90 per centum of prior fair market value as such value is determined by the Secretary of Defense, or the amount of the outstanding mortgages.

''(B) DETERMINATION OF BENEFITS.—The Secretary may also pay a person who elects to receive a cash payment under subparagraph (A) an amount that the Secretary determines appropriate to reimburse the person for the costs incurred by the person in the sale of the property if the Secretary determines that such payment will benefit the person and is in the best interest of the United States.

''(4) COMPENSATION AND LIMITATIONS RELATED TO FORECLOSURES AND ENCUMBRANCES.—Cash payment'';

(4) by striking subsection (g);

(5) in subsection (l), by striking ''(a)(2)'' and inserting ''(a)(1)(A)(ii)'';

(6) in subsection (m), by striking ''this section'' and inserting ''subsection (a)(1)'';

(7) in subsection (n)—

(A) in paragraph (1), by striking ''this section'' and inserting ''subsection (a)(1)''; and

(B) in paragraph (2), by striking ''this section'' and inserting ''subsection (a)(1)'';

(8) in subsection (o)—

(A) in paragraph (1), by striking ''this section'' and inserting ''subsection (a)(1)'';

(B) in paragraph (2), by striking ''this section'' and inserting ''subsection (a)(1)''; and

(C) by striking paragraph (4); and

(9) by adding at the end the following new subsection:

''(p) DEFINITIONS.—In this section:

''(1) the term 'Armed Forces' has the meaning given the term 'armed forces' in section 101(a) of title 10, United States Code;

''(2) the term 'civilian employee' has the meaning given the term 'employee' in section 2105(a) of title 5, United States Code;

''(3) the term 'medical transition', in the case of a member of the Armed Forces, means a member who—

''(A) is in Medical Holdover status;

''(B) is in Active Duty Medical Extension status;

''(C) is in Medical Hold status;

''(D) is in a status pending an evaluation by a medical evaluation board;

''(E) has a complex medical need requiring six or more months of medical treatment; or

''(F) is assigned or attached to an Army Warrior Transition Unit, an Air Force Patient Squadron, a Navy Patient Multidisciplinary Care Team, or a Marine Patient Affairs Team/Wounded Warrior Regiment; and

''(4) the term 'nonappropriated fund instrumentality employee' means a civilian employee who—

''(A) is a citizen of the United States; and

''(B) is paid from nonappropriated funds of Army and Air Force Exchange Service, Navy Resale and Services Support Office, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.''.

(b) CLERICAL AMENDMENT.—Such section is further amended in the section heading by inserting ''and certain property owned by members of the Armed Forces, Department of Defense and United States Coast Guard civilian employees, and surviving spouses'' after ''ordered to be closed''.

(c) AUTHORITY TO USE APPROPRIATED FUNDS.—Notwithstanding subsection (i) of such section, amounts appropriated or otherwise made available by this title under the heading ''Homeowners Assistance Fund'' may be used for the Homeowners Assistance Fund established under such section.

SA 394. 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 162, strike lines 4 through 6 and insert the following: ''will increase the energy efficiency of the institution's facilities or are consistent with applicable provisions of— ''

''(I) the LEED Green Building Rating System;

''(II) Energy Star (as defined in section 804(i));

''(III) Green Globes (as defined in section 804(i)); or

''(IV) an equivalent program adopted by the State or another jurisdiction with authority over the institution.''.

On page 178 , line 17, insert ''that increase the energy efficiency of the buildings and'' after ''construction projects''.

On page 182, line 5, insert ''increase energy efficiency and'' after ''will''.

SA 395. 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 548, line 14, insert ''(40 percent in the case of an issuer described in section 148(f)(4)(D) (determined without regard to clauses (v), (vi), and (vii) thereof and by substituting '$30,000,000' for '$5,000,000' each place it appears therein)'' after ''date''.

On page 552, line 13, insert ''(40 percent in the case of an issuer described in section 148(f)(4)(D) (determined without regard to clauses (v), (vi), and (vii) thereof and by substituting '$30,000,000' for '$5,000,000' each place it appears therein)'' after ''date''.

SA 396. 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 192, after line 21, insert the following:

SEC. 807. HEALTH CARE WORKFORCE DATA COLLECTION PROGRAM.

(a) GRANT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants to State or nonprofit private entities for the purpose of collecting reliable, uniform data regarding the health care workforce in each State or region.

(2) DURATION.—A grant awarded under this section shall be for a 3-year period.

(b) ELIGIBILITY.—

(1) APPLICATION.—An eligible entity desiring to receive an award under this section shall—

(A) be a State or nonprofit private entity, or an organization of such entities; and

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

(2) LOCATION.—The Secretary shall award a grant to not less than 1 eligible entity in each State or region of the United States, as determined by the Secretary, for the collection of data within the State or region of each award recipient, to ensure that health care workforce data from each State or region of the United States is included in the reports under subsection (d).

(c) RESPONSIBILITIES.—Each recipient of an award under this section shall—

(1) use the data sources and methods recommended by the Secretary to collect and report on the data on an ongoing basis, as determined by the Secretary, for the duration of the grant;

(2) submit to the Secretary a standard data set, as specified by the Secretary;

(3) develop and submit to the Secretary State health care workforce policy recommendations; and

(4) provide other information, as the Secretary may require.

(d) REPORTS.—The Secretary shall submit an annual report detailing the state of the health care workforce in the United States, including workforce shortages and projections for the workforce, to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Education and Labor, the Committee on Energy and Commerce, and the Committee on Ways and Means of the House of Representatives. The annual report may include information about all, or selected portions of, the health care workforce, as defined in subsection (e)(1), as the Secretary determines.

(e) DEFINITIONS.—In this section—

(1) HEALTH CARE WORKFORCE.—The term ''health care workforce'' means physicians, as that term is defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)), nurses, nurse practitioners, nurse anesthetists, nurse midwives, physical therapists, physical therapist assistants, occupational therapists, occupational therapist assistants, dietitians, psychologists, mental health social workers, marriage and family therapists, mental health counselors, dental hygienists, pharmacists, pharmacy technicians, public health workers, nurse aides, home health aides, personal care aides, optometrists, and other health care providers, as determined by the Secretary.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(f) FUNDING.—

(1) IN GENERAL.—Notwithstanding any other provision of this title, from the amounts appropriated and transferred to the Health Resources and Services Administration under the heading ''PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND (INCLUDING TRANSFER OF FUNDS)'', and such funds shall remain available through March 31, 2013.

(2) EMERGENCY FUNDS DESIGNATION.—Each amount in this section 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 397. 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) EMERGENCY DESIGNATION.—Each amount provided in this amendment 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.

(f) 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 398. Mr. BAUCUS (for himself, Mr. BOND, Mr. VOINOVICH, Mr. BROWNBACK, Mr. SPECTER, Mr. SANDERS, 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 244, between lines 2 and 3, insert the following:

SEC. 12___. Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1937) is repealed.

SA 399. Ms. STABENOW (for himself 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 514, after line 16, insert the following:

PART X—TREATMENT OF LIMITATIONS ON LOSSES AFTER CERTAIN OWNERSHIP CHANGES

SEC. 1291. TREATMENT OF CERTAIN OWNERSHIP CHANGES FOR PURPOSES OF LIMITATIONS ON NET OPERATING LOSS CARRYFORWARDS AND CERTAIN BUILT-IN LOSSES.

(a) IN GENERAL.—Section 382 is amended by adding at the end the following new subsection:

''(n) SPECIAL RULE FOR CERTAIN OWNERSHIP CHANGES.—Subsection (a) shall not apply in the case of an ownership change pursuant to a restructuring plan required under a loan agreement or a commitment for a line of credit entered into with the Department of the Treasury.''.

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

SA 400. Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, and 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 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 and inserting ''October 1, 2009'' 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 401. 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 393, strike lines 16 through 18 and insert the following:

ices, which may include—

(1) assistance for elementary and secondary education and public institutions of higher education; and

(2) critical water resource, flood protection, environmental restoration, and infrastructure programs, projects, and activities, which may be used to satisfy a non-Federal matching requirement for any other Federal program, project, or activity.

SA 402. Mr. HARKIN 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 183, line 18, strike ''has'' and insert ''lacks''.

SA 403. Mr. HARKIN 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, line 8, insert ''and any allotments under paragraph (2)'' after ''paragraph (1)''.

SA 404. Mr. BAUCUS (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:

Beginning on page 565, strike line 4 and all that follows through page 566, line 22, and insert the following:

Subtitle H—Trade Adjustment Assistance

SEC. 1700. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the ''Trade and Globalization Adjustment Assistance Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents of this subtitle is as follows:

PART I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Subpart A—Trade Adjustment Assistance for Service Sector Workers

SEC. 1701. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE TO SERVICE SECTOR AND PUBLIC AGENCY WORKERS; SHIFTS IN PRODUCTION.

(a) DEFINITIONS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (1)—

(A) by striking ''or appropriate subdivision of a firm''; and

(B) by striking ''or subdivision'';

(2) in paragraph (2), by striking ''employment—'' and all that follows and inserting ''employment, has been totally or partially separated from such employment.'';

(3) by inserting after paragraph (2) the following:

''(3) Subject to section 222(d)(5), the term 'firm' means—

''(A) a firm, including an agricultural firm, service sector firm, or public agency; or

''(B) an appropriate subdivision thereof.'';

(4) by inserting after paragraph (6) the following:

''(7) The term 'public agency' means a department or agency of a State or local government or of the Federal Government, or a subdivision thereof.'';

(5) in paragraph (11), by striking '', or in a subdivision of which,''; and

(6) by adding at the end the following:

''(18) The term 'service sector firm' means a firm engaged in the business of supplying services.''.

(b) GROUP ELIGIBILITY REQUIREMENTS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) in subsection (a)(2)—

(A) by amending subparagraph (A)(ii) to read as follows:

''(ii)(I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

''(II) imports of articles like or directly competitive with articles—

''(aa) into which one or more component parts produced by such firm are directly incorporated, or

''(bb) which are produced directly using services supplied by such firm,

have increased; or

''(III) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased; and''; and

(B) by amending subparagraph (B) to read as follows:

''(B)(i)(I) there has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; or

''(II) such workers' firm has acquired articles or services described in subclause (I) from a foreign country; and

''(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following:

''(b) ADVERSELY AFFECTED WORKERS IN PUBLIC AGENCIES.—A group of workers in a public agency shall be certified by the Secretary as eligible to apply for adjustment assistance under this chapter pursuant to a petition filed under section 221 if the Secretary determines that—

''(1) a significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

''(2) the public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

''(3) the acquisition of services described in paragraph (2) contributed importantly to such workers' separation or threat of separation.''.

(c) BASIS FOR SECRETARY'S DETERMINATIONS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended, is further amended by adding at the end the following:

''(e) BASIS FOR SECRETARY'S DETERMINATIONS.—

''(1) IN GENERAL.—The Secretary shall, in determining whether to certify a group of workers under section 223, obtain from the workers' firm or a customer of the workers' firm, information the Secretary determines to be necessary to make the certification, through questionnaires and in such other manner as the Secretary determines appropriate.

''(2) ADDITIONAL INFORMATION.—The Secretary may seek additional information to determine whether to certify a group of workers under subsection (a), (b), or (c)—

''(A) by contacting—

''(i) officials or employees of the workers' firm;

''(ii) officials of customers of the workers' firm;

''(iii) officials of certified or recognized unions or other duly authorized representatives of the group of workers; or

''(iv) one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)); or

''(B) by using other available sources of information.

''(3) VERIFICATION OF INFORMATION.—

''(A) CERTIFICATION.—The Secretary shall require a firm or customer to certify—

''(i) all information obtained under paragraph (1) from the firm or customer (as the case may be) through questionnaires; and

''(ii) all other information obtained under paragraph (1) from the firm or customer (as the case may be) on which the Secretary relies in making a determination under section 223, unless the Secretary has a reasonable basis for determining that such information is accurate and complete without being certified.

''(B) USE OF SUBPOENAS.—The Secretary shall require a workers' firm or a customer of a workers' firm to provide information requested by the Secretary under paragraph (1) by subpoena pursuant to section 249 if the firm or customer (as the case may be) fails to provide the information within 20 days of the Secretary's request, unless the firm or customer (as the case may be) demonstrates to the satisfaction of the Secretary that the firm or customer (as the case may be) will provide the information within a reasonable period of time.

''(C) PROTECTION OF CONFIDENTIAL INFORMATION.—The Secretary may not release information obtained under paragraph (1) that the Secretary considers to be confidential business information unless the firm or customer (as the case may be) submitting the confidential business information had notice, at the time of submission, that the information would be released by the Secretary, or the firm or customer (as the case may be) subsequently consents to the release of the information. Nothing in this subparagraph shall be construed to prohibit the Secretary from providing such confidential business information to a court in camera or to another party under a protective order issued by a court.''.

(d) PENALTIES.—Section 244 of the Trade Act of 1974 (19 U.S.C. 2316) is amended to read as follows:

''SEC. 244. PENALTIES.

''Whoever—

''(1) makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact for the purpose of obtaining or increasing for himself or for any other person any payment authorized to be furnished under this chapter or pursuant to an agreement under section 239, or

''(2) makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact when providing information to the Secretary during an investigation of a petition under section 221,

shall be imprisoned for not more than one year, fined under title 18, United States Code, or both.''.

(e) CONFORMING AMENDMENTS.—

(1) Section 221(a) of the Trade Act of 1974 (19 U.S.C. 2271(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''Secretary'' and inserting ''Secretary of Labor''; and

(II) by striking ''or subdivision'' and inserting ''(as defined in section 247)''; and

(ii) in subparagraph (A), by striking ''(including workers in an agricultural firm or subdivision of any agricultural firm)'';

(B) in paragraph (2)(A), by striking ''rapid response assistance'' and inserting ''rapid response activities''; and

(C) in paragraph (3), by inserting ''and on the website of the Department of Labor'' after ''Federal Register''.

(2) Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended, is further amended—

(A) by striking ''(including workers in any agricultural firm or subdivision of an agricultural firm)'' each place it appears;

(B) in subsection (a)—

(i) in paragraph (1), by striking '', or an appropriate subdivision of the firm,''; and

(ii) in paragraph (2), by striking ''or subdivision'' each place it appears;

(C) in subsection (c) (as redesignated)—

(i) in paragraph (2)—

(I) by striking ''(or subdivision)'' each place it appears;

(II) by inserting ''or service'' after ''the article''; and

(III) by striking ''(c) (3)'' and inserting ''(d) (3)''; and

(ii) in paragraph (3), by striking ''(or subdivision)'' each place it appears; and

(D) in subsection (d) (as redesignated)—

(i) by striking ''For purposes'' and inserting ''DEFINITIONS.—For purposes'';

(ii) in paragraph (2), by striking '', or appropriate subdivision of a firm,'' each place it appears;

(iii) by amending paragraph (3) to read as follows:

''(3) DOWNSTREAM PRODUCER.—

''(A) IN GENERAL.—The term 'downstream producer' means a firm that performs additional, value-added production processes or services directly for another firm for articles or services with respect to which a group of workers in such other firm has been certified under subsection (a).

''(B) VALUE-ADDED PRODUCTION PROCESSES OR SERVICES.—For purposes of subparagraph (A), value-added production processes or services include final assembly, finishing, testing, packaging, or maintenance or transportation services.'';

(iv) in paragraph (4)—

(I) by striking ''(or subdivision)''; and

(II) by inserting '', or services, used in the production of articles or in the supply of services, as the case may be,'' after ''for articles''; and

(v) by adding at the end the following:

''(5) REFERENCE TO FIRM.—For purposes of subsection (a), the term 'firm' does not include a public agency.''.

(3) Section 231(a)(2) of the Trade Act of 1974 (19 U.S.C. 2291(a)(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''or subdivision of a firm''; and

(B) in subparagraph (C), by striking ''or subdivision''.

SEC. 1702. SEPARATE BASIS FOR CERTIFICATION.

Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended by adding at the end the following:

''(f) FIRMS IDENTIFIED BY THE INTERNATIONAL TRADE COMMISSION.—Notwithstanding any other provision of this chapter, a group of workers covered by a petition filed under section 221 shall be certified under subsection (a) as eligible to apply for adjustment assistance under this chapter if—

''(1) the workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

''(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1);

''(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1); or

''(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

''(2) the petition is filed during the 1-year period beginning on the date on which—

''(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the Federal Register under section 202(f)(3); or

''(B) notice of an affirmative determination described in subparagraph (B) or (C) of paragraph (1) is published in the Federal Register; and

''(3) the workers have become totally or partially separated from the workers' firm within—

''(A) the 1-year period described in paragraph (2); or

''(B) notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).''.

SEC. 1703. DETERMINATIONS BY SECRETARY OF LABOR.

Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) is amended—

(1) in subsection (b), by striking ''or appropriate subdivision of the firm before his application'' and all that follows and inserting ''before the workers' application under section 231 occurred more than one year before the date of the petition on which such certification was granted.'';

(2) in subsection (c), by striking ''together with his reasons'' and inserting ''and on the website of the Department of Labor, together with the Secretary's reasons'';

(3) in subsection (d)—

(A) by striking ''or subdivision of the firm'' and all that follows through ''he shall'' and inserting '', that total or partial separations from such firm are no longer attributable to the conditions specified in section 222, the Secretary shall''; and

(B) by striking ''together with his reasons'' and inserting ''and on the website of the Department of Labor, together with the Secretary's reasons''; and

(4) by adding at the end the following:

''(e) STANDARDS FOR INVESTIGATIONS AND DETERMINATIONS.—

''(1) IN GENERAL.—The Secretary shall establish standards, including data requirements, for investigations of petitions filed under section 221 and criteria for making determinations under subsection (a).

''(2) CONSULTATIONS.—Not less than 90 days before issuing a final rule with respect to the standards required under paragraph (1), the Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to such rule.''.

SEC. 1704. MONITORING AND REPORTING RELATING TO SERVICE SECTOR.

(a) IN GENERAL.—Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended—

(1) in the heading, by striking ''**SYSTEM**'' and inserting ''**AND DATA COLLECTION**'';

(2) in the first sentence—

(A) by striking ''The Secretary'' and inserting ''(a) MONITORING PROGRAMS.—The Secretary'';

(B) by inserting ''and services'' after ''imports of articles'';

(C) by inserting ''and domestic supply of services'' after ''domestic production'';

(D) by inserting ''or supplying services'' after ''producing articles''; and

(E) by inserting '', or supply of services,'' after ''changes in production''; and

(3) by adding at the end the following:

''(b) COLLECTION OF DATA AND REPORTS ON SERVICE SECTOR.—

''(1) SECRETARY OF LABOR.—Not later than 90 days after the date of the enactment of this subsection, the Secretary of Labor shall implement a system to collect data on adversely affected workers employed in the service sector that includes the number of workers by State and industry, and by the cause of the dislocation of each worker, as identified in the certification.

''(2) SECRETARY OF COMMERCE.—Not later than 1 year after such date of enactment, the Secretary of Commerce shall, in consultation with the Secretary of Labor, conduct a study and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on ways to improve the timeliness and coverage of data on trade in services, including methods to identify increased imports due to the relocation of United States firms to foreign countries, and increased imports due to United States firms acquiring services from firms in foreign countries.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 282 and inserting the following:

''Sec. 282. Trade monitoring and data collection.''.

Subpart B—Industry Notifications Following Certain Affirmative Determinations

SEC. 1711. NOTIFICATIONS FOLLOWING CERTAIN AFFIRMATIVE DETERMINATIONS.

(a) IN GENERAL.—Section 224 of the Trade Act of 1974 (19 U.S.C. 2274) is amended—

(1) by amending the heading to read as follows:

''SEC. 224. STUDY AND NOTIFICATIONS REGARDING CERTAIN AFFIRMATIVE DETERMINATIONS; INDUSTRY NOTIFICATION OF ASSISTANCE.'';

(2) in subsection (a), by striking ''Whenever'' and inserting ''STUDY OF DOMESTIC INDUSTRY.—Whenever'';

(3) in subsection (b)—

(A) by striking ''The report'' and inserting ''REPORT BY THE SECRETARY.—The report''; and

(B) by inserting ''and on the website of the Department of Labor'' after ''Federal Register''; and

(4) by adding at the end the following:

''(c) NOTIFICATIONS FOLLOWING AFFIRMATIVE GLOBAL SAFEGUARD DETERMINATIONS.—Upon making an affirmative determination under section 202(b), the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

''(d) NOTIFICATIONS FOLLOWING AFFIRMATIVE BILATERAL OR PLURILATERAL SAFEGUARD DETERMINATIONS.—

''(1) NOTIFICATIONS OF DETERMINATIONS OF MARKET DISRUPTION.—Upon making an affirmative determination under section 421, the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

''(2) NOTIFICATIONS REGARDING TRADE AGREEMENT SAFEGUARDS.—Upon making an affirmative determination in a proceeding initiated under an applicable safeguard provision (other than a provision described in paragraph (3)) that is enacted to implement a trade agreement to which the United States is a party, the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

''(3) NOTIFICATIONS REGARDING TEXTILE AND APPAREL SAFEGUARDS.—Upon making an affirmative determination in a proceeding initiated under any safeguard provision relating to textile and apparel articles that is enacted to implement a trade agreement to which the United States is a party, the President shall promptly notify the Secretary of Labor and the Secretary of Commerce of the determination.

''(e) NOTIFICATIONS FOLLOWING CERTAIN AFFIRMATIVE DETERMINATIONS UNDER TITLE VII OF THE TARIFF ACT OF 1930.—Upon making an affirmative determination under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A)), the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

''(f) INDUSTRY NOTIFICATION OF ASSISTANCE.—Upon receiving a notification of a determination under subsection (c), (d), or (e) with respect to an industry—

''(1) the Secretary of Labor shall—

''(A) notify the representatives of the domestic industry affected by the determination, firms publicly identified by name during the course of the proceeding relating to the determination, and any certified or recognized union or, to the extent practicable, other duly authorized representative of workers employed by such representatives of the domestic industry, of—

''(i) the allowances, training, employment services, and other benefits available under this chapter;

''(ii) the manner in which to file a petition and apply for such benefits; and

''(iii) the availability of assistance in filing such petitions;

''(B) notify the Governor of each State in which one or more firms in the industry described in subparagraph (A) are located of the Commission's determination and the identity of the firms; and

''(C) upon request, provide any assistance that is necessary to file a petition under section 221;

''(2) the Secretary of Commerce shall—

''(A) notify the representatives of the domestic industry affected by the determination and any firms publicly identified by name during the course of the proceeding relating to the determination of—

''(i) the benefits available under chapter 3;

''(ii) the manner in which to file a petition and apply for such benefits; and

''(iii) the availability of assistance in filing such petitions; and

''(B) upon request, provide any assistance that is necessary to file a petition under section 251; and

''(3) in the case of an affirmative determination based upon imports of an agricultural commodity, the Secretary of Agriculture shall—

''(A) notify representatives of the domestic industry affected by the determination and any agricultural commodity producers publicly identified by name during the course of the proceeding relating to the determination of—

''(i) the benefits available under chapter 6;

''(ii) the manner in which to file a petition and apply for such benefits; and

''(iii) the availability of assistance in filing such petitions; and

''(B) upon request, provide any assistance that is necessary to file a petition under section 292.

''(g) REPRESENTATIVES OF THE DOMESTIC INDUSTRY.—For purposes of subsection (f), the term 'representatives of the domestic industry' means the persons that petitioned for relief in connection with—

''(1) a proceeding under section 202 or 421 of this Act;

''(2) a proceeding under section 702(b) or 732(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)); or

''(3) any safeguard investigation described in subsection (d)(2) or (d)(3).''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 224 and inserting the following:

''Sec. 224. Study and notifications regarding certain affirmative determinations; industry notification of assistance.''.

SEC. 1712. NOTIFICATION TO SECRETARY OF COMMERCE.

Section 225 of the Trade Act of 1974 (19 U.S.C. 2275) is amended by adding at the end the following:

''(c) Upon issuing a certification under section 223, the Secretary shall notify the Secretary of Commerce of the identity of each firm associated with the certification.''.

Subpart C—Program Benefits

SEC. 1721. QUALIFYING REQUIREMENTS FOR WORKERS.

(a) IN GENERAL.—Section 231(a)(5)(A)(ii) of the Trade Act of 1974 (19 U.S.C. 2291 (a)(5)(A)(ii)) is amended—

(1) by striking subclauses (I) and (II) and inserting the following:

''(I) in the case of a worker whose most recent total separation from adversely affected employment that meets the requirements of paragraphs (1) and (2) occurs after the date on which the Secretary issues a certification covering the worker, the last day of the 26th week after such total separation,

''(II) in the case of a worker whose most recent total separation from adversely affected employment that meets the requirements of paragraphs (1) and (2) occurs before the date on which the Secretary issues a certification covering the worker, the last day of the 26th week after the date of such certification,'';

(2) in subclause (III)—

(A) by striking ''later of the dates specified in subclause (I) or (II)'' and inserting ''date specified in subclause (I) or (II), as the case may be''; and

(B) by striking ''or'' at the end;

(3) by redesignating subclause (IV) as subclause (V); and

(4) by inserting after subclause (III) the following:

''(IV) in the case of a worker who fails to enroll by the date required by subclause (I), (II), or (III), as the case may be, due to the failure to provide the worker with timely information regarding the date specified in such subclause, the last day of a period determined by the Secretary, or''.

(b) WAIVERS OF TRAINING REQUIREMENTS.—Section 231(c) of the Trade Act of 1974 (19 U.S.C. 2291(c)) is amended—

(1) in paragraph (1)(B)—

(A) by striking ''The worker possesses'' and inserting the following:

''(i) IN GENERAL.—The worker possesses''; and

(B) by adding at the end the following:

''(ii) MARKETABLE SKILLS DEFINED.—For purposes of clause (i), the term 'marketable skills' may include the possession of a postgraduate degree from an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) or an equivalent institution, or the possession of an equivalent postgraduate certification in a specialized field.'';

(2) in paragraph (2)(A), by striking ''A waiver'' and inserting ''Except as provided in paragraph (3)(B), a waiver''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''Pursuant to an agreement under section 239, the Secretary may authorize a'' and inserting ''An agreement under section 239 shall authorize a'';

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

''(B) REVIEW OF WAIVERS.—An agreement under section 239 shall require a cooperating State to review each waiver issued by the State under subparagraph (A), (B), (D), (E), or (F) of paragraph (1)—

''(i) 3 months after the date on which the State issues the waiver; and

''(ii) on a monthly basis thereafter.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 231 of the Trade Act of 1974 (19 U.S.C. 2291), as amended, is further amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''more than 60 days'' and all that follows through ''section 221'' and inserting ''on or after the date of such certification''; and

(B) in subsection (b)—

(i) by striking paragraph (2); and

(ii) in paragraph (1)—

(I) by striking ''(1)'';

(II) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(III) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(IV) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

(2) Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) through (g) as subsections (b) through (f), respectively.

SEC. 1722. WEEKLY AMOUNTS.

Section 232 of the Trade Act of 1974 (19 U.S.C. 2292) is amended—

(1) in subsection (a)—

(A) by striking ''subsections (b) and (c)'' and inserting ''subsections (b), (c), and (d)'';

(B) by striking ''total unemployment'' the first place it appears and inserting ''unemployment''; and

(C) in paragraph (2), by adding at the end before the period the following: '', except that in the case of an adversely affected worker who is participating in training under this chapter, such income shall not include earnings from work for such week that are equal to or less than the most recent weekly benefit amount of the unemployment insurance payable to the worker for a week of total unemployment preceding the worker's first exhaustion of unemployment insurance (as determined for purposes of section 231(a)(3)(B))''; and

(2) by adding at the end the following:

''(d) ELECTION OF TRADE READJUSTMENT ALLOWANCE OR UNEMPLOYMENT INSURANCE.—Notwithstanding section 231(a)(3)(B), an adversely affected worker may elect to receive a trade readjustment allowance instead of unemployment insurance during any week with respect to which the worker—

''(1) is entitled to receive unemployment insurance as a result of the establishment by the worker of a new benefit year under State law, based in whole or in part upon part-time or short-term employment in which the worker engaged after the worker's most recent total separation from adversely affected employment; and

''(2) is otherwise entitled to a trade readjustment allowance.''.

SEC. 1723. LIMITATIONS ON TRADE READJUSTMENT ALLOWANCES; ALLOWANCES FOR EXTENDED TRAINING AND BREAKS IN TRAINING.

Section 233(a) of the Trade Act of 1974 (19 U.S.C. 2293(a)) is amended—

(1) in paragraph (2), by inserting ''under paragraph (1)'' after ''trade readjustment allowance''; and

(2) in paragraph (3)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''training'' and inserting ''a training program'';

(ii) by striking ''52 additional weeks'' and inserting ''78 additional weeks''; and

(iii) by striking ''52-week'' and inserting ''91-week''; and

(B) in the matter following subparagraph (B), by striking ''52-week'' and inserting ''91-week''.

SEC. 1724. SPECIAL RULES FOR CALCULATION OF ELIGIBILITY PERIOD.

Section 233 of the Trade Act of 1974 (19 U.S.C. 2293), as amended, is further amended by adding at the end the following:

''(g) SPECIAL RULE FOR CALCULATING SEPARATION.—Notwithstanding any other provision of this chapter, any period during which a judicial or administrative appeal is pending with respect to the denial by the Secretary of a petition under section 223 shall not be counted for purposes of calculating the period of separation under subsection (a)(2).

''(h) SPECIAL RULE FOR JUSTIFIABLE CAUSE.—If the Secretary determines that there is justifiable cause, the Secretary may extend the period during which a trade readjustment allowance is payable to an adversely affected worker under paragraphs (2) and (3) of subsection (a) (but not the maximum amounts of such allowance that are payable under this section).

''(i) SPECIAL RULE WITH RESPECT TO MILITARY SERVICE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this chapter, the Secretary may waive any requirement of this chapter that the Secretary determines is necessary to ensure that an adversely affected worker who is a member of a reserve component of the Armed Forces and serves a period of duty described in paragraph (2) is eligible to receive a trade readjustment allowance, training, and other benefits under this chapter in the same manner and to the same extent as if the worker had not served the period of duty.

''(2) PERIOD OF DUTY DESCRIBED.—An adversely affected worker serves a period of duty described in this paragraph if, before completing training under section 236, the worker—

''(A) serves on active duty for a period of more than 30 days under a call or order to active duty of more than 30 days; or

''(B) in the case of a member of the Army National Guard of the United States or Air National Guard of the United States, performs full-time National Guard duty under section 502(f) of title 32, United States Code, for 30 consecutive days or more when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.''.

SEC. 1725. APPLICATION OF STATE LAWS AND REGULATIONS ON GOOD CAUSE FOR WAIVER OF TIME LIMITS OR LATE FILING OF CLAIMS.

Section 234 of the Trade Act of 1974 (19 U.S.C. 2294) is amended—

(1) by striking ''Except where inconsistent'' and inserting ''(a) IN GENERAL.—Except where inconsistent''; and

(2) by adding at the end the following:

''(b) SPECIAL RULE WITH RESPECT TO STATE LAWS AND REGULATIONS ON GOOD CAUSE FOR WAIVER OF TIME LIMITS OR LATE FILING OF CLAIMS.—Any law, regulation, policy, or practice of a cooperating State that allows for a waiver for good cause of any time limitation relating to the administration of the State unemployment insurance law shall, in the administration of the program under this chapter by the State, apply to any time limitation with respect to an application for readjustment allowance or enrollment in training under this chapter.''.

SEC. 1726. EMPLOYMENT AND CASE MANAGEMENT SERVICES.

(a) IN GENERAL.—Section 235 of the Trade Act of 1974 (19 U.S.C. 2295) is amended to read as follows:

"SEC. 235. EMPLOYMENT AND CASE MANAGEMENT SERVICES.

''The Secretary shall make available, directly or through agreements with States under section 239, to adversely affected workers and adversely affected incumbent workers covered by a certification under subchapter A of this chapter the following employment and case management services:

''(1) Comprehensive and specialized assessment of skill levels and service needs, including through—

''(A) diagnostic testing and use of other assessment tools; and

''(B) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

''(2) Development of an individual employment plan to identify employment goals and objectives, and appropriate training to achieve those goals and objectives.

''(3) Information on training available in local and regional areas, information on individual counseling to determine which training is suitable training, and information on how to apply for such training.

''(4) Information on how to apply for financial aid, including referring workers to educational opportunity centers described in section 402F of the Higher Education Act of 1965 (20 U.S.C. 1070a–16), where applicable, and notifying workers that the workers may request financial aid administrators at institutions of higher education (as defined in section 102 of such Act (20 U.S.C. 1002)) to use the administrators' discretion under section 479A of such Act (20 U.S.C. 1087tt) to use current year income data, rather than preceding year income data, for determining the amount of need of the workers for Federal financial assistance under title IV of such Act (20 U.S.C. 1070 et seq.).

''(5) Short-term prevocational services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for employment or training.

''(6) Individual career counseling, including job search and placement counseling, during the period in which the individual is receiving a trade adjustment allowance or training under this chapter, and for purposes of job placement after receiving such training.

''(7) Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—

''(A) job vacancy listings in such labor market areas;

''(B) information on jobs skills necessary to obtain jobs identified in job vacancy listings described in subparagraph (A);

''(C) information relating to local occupations that are in demand and earnings potential of such occupations; and

''(D) skills requirements for local occupations described in subparagraph (C).

''(8) Information relating to the availability of supportive services, including services relating to child care, transportation, dependent care, housing assistance, and need-related payments that are necessary to enable an individual to participate in training.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 235 and inserting the following:

''235. Employment and case management services.''.

SEC. 1727. ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.

(a) IN GENERAL.—Part II of subchapter B of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2295 et seq.) is amended by inserting after section 235 the following:

"SEC. 235A. FUNDING FOR ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.

''(a) FUNDING FOR ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.—

''(1) IN GENERAL.—In addition to any funds made available to a State to carry out section 236 for a fiscal year, the State shall receive for the fiscal year a payment in an amount that is equal to 15 percent of the amount of such funds.

''(2) USE OF FUNDS.—A State that receives a payment under paragraph (1) shall—

''(A) use not more than 2/3 of such payment for the administration of the trade adjustment assistance for workers program under this chapter, including for—

''(i) processing waivers of training requirements under section 231;

''(ii) collecting, validating, and reporting data required under this chapter; and

''(iii) providing reemployment trade adjustment assistance under section 246; and

''(B) use not less than 1/3 of such payment for employment and case management services under section 235.

''(b) ADDITIONAL FUNDING FOR EMPLOYMENT AND CASE MANAGEMENT SERVICES.—

''(1) IN GENERAL.—In addition to the funds made available to a State to carry out section 236 and the payment under subsection (a)(1) for a fiscal year, the Secretary shall provide to the State for the fiscal year a payment in the amount of $350,000.

''(2) USE OF FUNDS.—A State that receives a payment under paragraph (1) shall use such payment for the purpose of providing employment and case management services under section 235.

''(3) VOLUNTARY RETURN OF FUNDS.—A State that receives a payment under paragraph (1) may decline or otherwise return such payment to the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by inserting after the item relating to section 235 the following:

''Sec. 235A. Funding for administrative expenses and employment and case management services.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1728. TRAINING FUNDING.

(a) IN GENERAL.—Section 236(a)(2) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)) is amended to read as follows:

''(2)(A) The total amount of payments that may be made under paragraph (1) shall not exceed—

''(i) for each of the fiscal years 2009 and 2010, $575,000,000; and

''(ii) for the period beginning October 1, 2010, and ending December 31, 2010, $143,750,000.

''(B)(i) The Secretary shall, as soon as practicable after the beginning of each fiscal year, make an initial distribution of the funds made available to carry out this section, in accordance with the requirements of subparagraph (C).

''(ii) The Secretary shall ensure that not less than 90 percent of the funds made available to carry out this section for a fiscal year are distributed to the States by not later than July 15 of that fiscal year.

''(C)(i) In making the initial distribution of funds pursuant to subparagraph (B)(i) for a fiscal year, the Secretary shall hold in reserve 35 percent of the funds made available to carry out this section for that fiscal year for additional distributions during the remainder of the fiscal year.

''(ii) Subject to clause (iii), in determining how to apportion the initial distribution of funds pursuant to subparagraph (B)(i) in a fiscal year, the Secretary shall take into account, with respect to each State—

''(I) the trend in the number of workers covered by certifications of eligibility under this chapter during the most recent 4 consecutive calendar quarters for which data are available;

''(II) the trend in the number of workers participating in training under this section during the most recent 4 consecutive calendar quarters for which data are available;

''(III) the number of workers estimated to be participating in training under this section during the fiscal year;

''(IV) the amount of funding estimated to be necessary to provide training approved under this section to such workers during the fiscal year; and

''(V) such other factors as the Secretary considers appropriate relating to the provision of training under this section.

''(iii) In no case may the amount of the initial distribution to a State pursuant to subparagraph (B)(i) in a fiscal year be less than 25 percent of the initial distribution to the State in the preceding fiscal year.

''(D) The Secretary shall establish procedures for the distribution of the funds that remain available for the fiscal year after the initial distribution required under subparagraph (B). Such procedures may include the distribution of funds pursuant to requests submitted by States in need of such funds.

''(E) If, during a fiscal year, the Secretary estimates that the amount of funds necessary to pay the costs of training approved under this section will exceed the dollar amount limitation specified in subparagraph (A), the Secretary shall decide how the amount of funds made available to carry out this section that have not been distributed at the time of the estimate will be apportioned among the States for the remainder of the fiscal year.''.

(b) DETERMINATIONS REGARDING TRAINING.—Section 236(a)(9) of the Trade Act of 1974 (19 U.S.C. 2296(a)(9)) is amended—

(1) by striking ''The Secretary'' and inserting ''(A) Subject to subparagraph (B), the Secretary''; and

(2) by adding at the end the following:

''(B)(i) In determining under paragraph (1)(E) whether a worker is qualified to undertake and complete training, the Secretary may approve training for a period longer than the worker's period of eligibility for trade readjustment allowances under part I if the worker demonstrates a financial ability to complete the training after the expiration of the worker's period of eligibility for such trade readjustment allowances.

''(ii) In determining the reasonable cost of training under paragraph (1)(F) with respect to a worker, the Secretary may consider whether other public or private funds are reasonably available to the worker, except that the Secretary may not require a worker to obtain such funds as a condition of approval of training under paragraph (1).''.

(c) REGULATIONS.—Section 236 of the Trade Act of 1974 (19 U.S.C. 2296) is amended by adding at the end the following:

''(g) REGULATIONS WITH RESPECT TO APPORTIONMENT OF TRAINING FUNDS TO STATES.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall issue such regulations as may be necessary to carry out the provisions of subsection (a)(2).

''(2) CONSULTATIONS.—The Secretary shall consult with the Committee on Finance of

the Senate and the Committee on Ways and Means of the House of Representatives not less than 90 days before issuing any final rule or regulation pursuant to paragraph (1).''.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act, except that—

(1) subparagraph (A) of section 236(a)(2) of the Trade Act of 1974, as amended by subsection (a) of this section, shall take effect on the date of the enactment of this Act; and

(2) subparagraphs (B), (C), and (D) of such section 236(a)(2) shall take effect on October 1, 2009.

SEC. 1729. PREREQUISITE EDUCATION; APPROVED TRAINING PROGRAMS.

(a) IN GENERAL.—Section 236(a)(5) of the Trade Act of 1974 (19 U.S.C. 2296(a)(5)) is amended—

(1) in subparagraph (A)—

(A) by striking ''and'' at the end of clause (i);

(B) by adding ''and'' at the end of clause (ii); and

(C) by inserting after clause (ii) the following:

''(iii) apprenticeship programs registered under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.),'';

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(3) by inserting after subparagraph (D) the following:

''(E) any program of prerequisite education or coursework required to enroll in training that may be approved under this section,'';

(4) in subparagraph (F)(ii), as redesignated by paragraph (2), by striking ''and'' at the end;

(5) in subparagraph (G), as redesignated by paragraph (2), by striking the period at the end and inserting '', and''; and

(6) by adding at the end the following:

''(H) any training program or coursework at an accredited institution of higher education (described in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), including a training program or coursework for the purpose of—

''(i) obtaining a degree or certification; or

''(ii) completing a degree or certification that the worker had previously begun at an accredited institution of higher education.

The Secretary may not limit approval of a training program under paragraph (1) to a program provided pursuant to title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).''.

(b) CONFORMING AMENDMENTS.—Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended—

(1) in subsection (a)(2), by inserting ''prerequisite education or'' after ''requires a program of''; and

(2) in subsection (f) (as redesignated by section 1721(c) of this subtitle), by inserting ''prerequisite education or'' after ''includes a program of''.

(c) TECHNICAL CORRECTIONS.—Section 236 of the Trade Act of 1974 (19 U.S.C. 2296) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the flush text, by striking ''his behalf'' and inserting ''the worker's behalf''; and

(B) in paragraph (3), by striking ''this paragraph (1)'' and inserting ''paragraph (1)''; and

(2) in subsection (b)(2), by striking '', and'' and inserting a period.

SEC. 1730. PRE-LAYOFF AND PART-TIME TRAINING.

(a) PRE-LAYOFF TRAINING.—

(1) IN GENERAL.—Section 236(a) of the Trade Act of 1974 (19 U.S.C. 2296(a)) is amended—

(A) in paragraph (1), by inserting after ''determines'' the following: '', with respect to an adversely affected worker or an adversely affected incumbent worker,'';

(B) in paragraph (4)—

(i) in subparagraphs (A) and (B), by inserting ''or an adversely affected incumbent worker'' after ''an adversely affected worker'' each place it appears; and

(ii) in subparagraph (C), by inserting ''or adversely affected incumbent worker'' after ''adversely affected worker'' each place it appears;

(C) in paragraph (5), in the matter preceding subparagraph (A), by striking ''The training programs'' and inserting ''Except as provided in paragraph (10), the training programs''; and

(D) in paragraph (6)(B), by inserting ''or adversely affected incumbent worker'' after ''adversely affected worker'';

(E) in paragraph (7)(B), by inserting ''or adversely affected incumbent worker'' after ''adversely affected worker''; and

(F) by inserting after paragraph (9) the following:

''(10) In the case of an adversely affected incumbent worker, the Secretary may not approve—

''(A) on-the-job training under paragraph (5)(A)(i); or

''(B) customized training under paragraph (5)(A)(ii), unless such training is for a position other than the worker's adversely affected employment.

''(11) If the Secretary determines that an adversely affected incumbent worker for whom the Secretary approved training under this section is no longer threatened with a total or partial separation, the Secretary shall terminate the approval of such training.''.

(2) DEFINITIONS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319), as amended, is further amended by adding at the end the following:

''(19) The term 'adversely affected incumbent worker' means a worker who—

''(A) is a member of a group of workers who have been certified as eligible to apply for adjustment assistance under subchapter A;

''(B) has not been totally or partially separated from adversely affected employment; and

''(C) the Secretary determines, on an individual basis, is threatened with total or partial separation.''.

(b) PART-TIME TRAINING.—Section 236 of the Trade Act of 1974 (19 U.S.C. 2296), as amended, is further amended by adding at the end the following:

''(h) PART-TIME TRAINING.—

''(1) IN GENERAL.—The Secretary may approve full-time or part-time training for a worker under subsection (a).

''(2) REFERENCES TO TRAINING.—Notwithstanding paragraph (1), for purposes of determining the eligibility of a worker for a trade readjustment allowance under section 231 or the amount of such allowance or the number of weeks during which a worker may receive such allowance under section 232 or 233, any reference to training or a training program in such sections shall be deemed to be a reference to full-time training or a full-time training program (as the case may be).''.

SEC. 1731. ON-THE-JOB TRAINING.

(a) IN GENERAL.—Section 236(c) of the Trade Act of 1974 (19 U.S.C. 2296(c)) is amended—

(1) by redesignating paragraphs (1) through (10) as subparagraphs (A) through (J) and moving such subparagraphs 2 ems to the right;

(2) by striking ''(c) The Secretary shall'' and all that follows through ''such costs,'' and inserting the following:

''(c) ON-THE-JOB TRAINING REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may approve on-the-job training for any adversely affected worker if—

''(A) the worker meets the requirements for training to be approved under subsection (a)(1);

''(B) the Secretary determines that on-the-job training—

''(i) can reasonably be expected to lead to suitable employment with the employer offering the on-the-job training;

''(ii) is compatible with the skills of the worker;

''(iii) includes a curriculum through which the worker will gain the knowledge or skills to become proficient in the job for which the worker is being trained; and

''(iv) can be measured by benchmarks that indicate that the worker is gaining such knowledge or skills; and

''(C) the State determines that the on-the-job training program meets the requirements of clauses (iii) and (iv) of subparagraph (B).

''(2) MONTHLY PAYMENTS.—The Secretary shall pay the costs of on-the-job training approved under paragraph (1) in monthly installments.

''(3) CONTRACTS FOR ON-THE-JOB TRAINING.—

''(A) IN GENERAL.—The Secretary shall ensure, in entering into a contract with an employer to provide on-the-job training to a worker under this subsection, that the skill requirements of the job for which the worker is being trained, the academic and occupational skill level of the worker, and the work experience of the worker are taken into consideration.

''(B) TERM OF CONTRACT.—Training under any such contract shall be limited to the period of time required for the worker receiving on-the-job training to become proficient in the job for which the worker is being trained, but in no case shall exceed 104 weeks.

''(4) EXCLUSION OF CERTAIN EMPLOYERS.—The Secretary shall not enter into a contract for on-the-job training with an employer that exhibits a pattern of failing to provide workers receiving on-the-job training from the employer with—

''(A) continued, long-term employment as regular employees; and

''(B) wages, benefits, and working conditions that are equivalent to the wages, benefits, and working conditions provided to regular employees who have worked a similar period of time and are doing the same type of work as workers receiving on-the-job training from the employer.

''(5) LABOR STANDARDS.—The Secretary may pay the costs of on-the-job training,''; and

(3) in paragraph (5), as redesignated—

(A) in subparagraph (I), as redesignated by paragraph (1) of this section, by striking ''paragraphs (1), (2), (3), (4), (5), and (6)'' and inserting ''subparagraphs (A), (B), (C), (D), (E), and (F)''; and

(B) in subparagraph (J), as redesignated by paragraph (1) of this section, by striking ''paragraph (8)'' and inserting ''subparagraph (H)''.

(b) REPEAL OF PREFERENCE FOR TRAINING ON THE JOB.—Section 236(a)(1) of the Trade Act of 1974 (19 U.S.C. 2296(a)(1)) is amended by striking the last sentence.

SEC. 1732. ELIGIBILITY FOR UNEMPLOYMENT INSURANCE AND PROGRAM BENEFITS WHILE IN TRAINING.

Section 236(d) of the Trade Act of 1974 (19 U.S.C. 2296(d)) is amended to read as follows:

''(d) ELIGIBILITY.—An adversely affected worker may not be determined to be ineligible or disqualified for unemployment insurance or program benefits under this subchapter—

''(1) because the worker—

''(A) is enrolled in training approved under subsection (a);

''(B) left work—

''(i) that was not suitable employment in order to enroll in such training; or

''(ii) that the worker engaged in on a temporary basis during a break in such training or a delay in the commencement of such training; or

''(C) left on-the-job training not later than 30 days after commencing such training because the training did not meet the requirements of subsection (c)(1)(B); or

''(2) because of the application to any such week in training of the provisions of State law or Federal unemployment insurance law relating to availability for work, active search for work, or refusal to accept work.''.

SEC. 1733. JOB SEARCH AND RELOCATION ALLOWANCES.

(a) JOB SEARCH ALLOWANCES.—Section 237 of the Trade Act of 1974 (19 U.S.C. 2297) is amended—

(1) in subsection (a)(2)(C)(ii), by striking '', unless the worker received a waiver under section 231(c)''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''90 percent of the cost of'' and inserting ''all''; and

(B) in paragraph (2), by striking ''$1,250'' and inserting ''$1,500''.

(b) RELOCATION ALLOWANCES.—Section 238 of the Trade Act of 1974 (19 U.S.C. 2298) is amended—

(1) in subsection (a)(2)(E)(ii), by striking '', unless the worker received a waiver under section 231(c)''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''90 percent of the'' and inserting ''all''; and

(B) in paragraph (2), by striking ''$1,250'' and inserting ''$1,500''.

Subpart D—Reemployment Trade Adjustment Assistance Program

SEC. 1741. REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 246 of the Trade Act of 1974 (19 U.S.C. 2318) is amended—

(1) by amending the heading to read as follows:

''SEC. 246. REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE PROGRAM.'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''Not later than'' and all that follows through ''2002, the Secretary'' and inserting ''The Secretary''; and

(ii) by striking ''an alternative trade adjustment assistance program for older workers'' and inserting ''a reemployment trade adjustment assistance program'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''for a period not to exceed 2 years'' and inserting ''for the eligibility period under subparagraph (A) or (B) of paragraph (4) (as the case may be)''; and

(II) by striking clauses (i) and (ii) and inserting the following:

''(i) the wages received by the worker at the time of separation; and

''(ii) the wages received by the worker from reemployment.'';

(ii) in subparagraph (B)—

(I) by striking ''for a period not to exceed 2 years'' and inserting ''for the eligibility period under subparagraph (A) or (B) of paragraph (4) (as the case may be)''; and

(II) by striking '', as added by section 201 of the Trade Act of 2002''; and

(iii) by adding at the end the following:

''(C) TRAINING AND OTHER SERVICES.—A worker described in paragraph (3)(B) participating in the program established under paragraph (1) is eligible to receive training approved under section 236 and employment and case management services under section 235.''; and

(C) by striking paragraphs (3) through (5) and inserting the following:

''(3) ELIGIBILITY.—

''(A) IN GENERAL.—A group of workers certified under subchapter A as eligible for adjustment assistance under subchapter A is eligible for benefits described in paragraph (2) under the program established under paragraph (1).

''(B) INDIVIDUAL ELIGIBILITY.—A worker in a group of workers described in subparagraph (A) may elect to receive benefits described in paragraph (2) under the program established under paragraph (1) if the worker—

''(i) is at least 50 years of age;

''(ii) earns not more than $55,000 each year in wages from reemployment;

''(iii)(I) is employed on a full-time basis as defined by the law of the State in which the worker is employed and is not enrolled in a training program approved under section 236; or

''(II) is employed at least 20 hours per week and is enrolled in a training program approved under section 236; and

''(iv) is not employed at the firm from which the worker was separated.

''(C) CALCULATION OF AMOUNT OF PAYMENTS FOR CERTAIN WORKERS.—

''(i) IN GENERAL.—In the case of a worker described in subparagraph (B)(iii)(II), paragraph (2)(A) shall be applied by substituting the percentage described in clause (ii) for '50 percent'.

''(ii) PERCENTAGE DESCRIBED.—The percentage described in this clause is the percentage—

''(I) equal to ½ of the ratio of—

''(aa) the number of weekly hours of employment of the worker referred to in subparagraph (B)(iii)(II), to

''(bb) the number of weekly hours of employment of the worker at the time of separation, but

''(II) in no case more than 50 percent.

''(4) ELIGIBILITY PERIOD FOR PAYMENTS.—

''(A) WORKER WHO HAS NOT RECEIVED TRADE READJUSTMENT ALLOWANCE.—In the case of a worker described in paragraph (3)(B) who has not received a trade readjustment allowance under part I of subchapter B pursuant to the certification described in paragraph (3)(A), the worker may receive benefits described in paragraph (2) for a period not to exceed 2 years beginning on the earlier of—

''(i) the date on which the worker exhausts all rights to unemployment insurance based on the separation of the worker from the adversely affected employment that is the basis of the certification; or

''(ii) the date on which the worker obtains reemployment described in paragraph (3)(B).

''(B) WORKER WHO HAS RECEIVED TRADE READJUSTMENT ALLOWANCE.—In the case of a worker described in paragraph (3)(B) who has received a trade readjustment allowance under part I of subchapter B pursuant to the certification described in paragraph (3)(A), the worker may receive benefits described in paragraph (2) for a period of 104 weeks beginning on the date on which the worker obtains reemployment described in paragraph (3)(B), reduced by the total number of weeks for which the worker received such trade readjustment allowance.

''(5) TOTAL AMOUNT OF PAYMENTS.—

''(A) IN GENERAL.—The payments described in paragraph (2)(A) made to a worker may not exceed—

''(i) $12,000 per worker during the eligibility period under paragraph (4)(A); or

''(ii) the amount described in subparagraph (B) per worker during the eligibility period under paragraph (4)(B).

''(B) AMOUNT DESCRIBED.—The amount described in this subparagraph is the amount equal to the product of—

''(i) $12,000, and

''(ii) the ratio of—

''(I) the total number of weeks in the eligibility period under paragraph (4)(B) with respect to the worker, to

''(II) 104 weeks.

''(6) LIMITATION ON OTHER BENEFITS.—A worker described in paragraph (3)(B) may not receive a trade readjustment allowance under part I of subchapter B pursuant to the certification described in paragraph (3)(A) during any week for which the worker receives a payment described in paragraph (2)(A).''; and

(3) in subsection (b)(2), by striking ''subsection (a)(3)(B)'' and inserting ''subsection (a)(3)''.

(b) EXTENSION OF PROGRAM.—Section 246(b)(1) of the Trade Act of 1974 (19 U.S.C. 2318(b)(1)) is amended by striking ''the date that is 5 years'' and all that follows through the end period and inserting ''December 31, 2010.''.

(c) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 246 and inserting the following:

''Sec. 246. Reemployment trade adjustment assistance program.''.

Subpart E—Other Matters

SEC. 1751. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Subchapter C of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2311 et seq.) is amended by adding at the end the following:

''SEC. 249A. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

''(a) ESTABLISHMENT.—There is established in the Department of Labor an office to be known as the Office of Trade Adjustment Assistance (in this section referred to as the 'Office').

''(b) HEAD OF OFFICE.—The head of the Office shall be an administrator, who shall report directly to the Deputy Assistant Secretary for Employment and Training.

''(c) PRINCIPAL FUNCTIONS.—The principal functions of the administrator of the Office shall be—

''(1) to oversee and implement the administration of trade adjustment assistance for workers under this chapter; and

''(2) to carry out functions delegated to the Secretary of Labor under this chapter, including—

''(A) making determinations under section 223;

''(B) providing information under section 225 about trade adjustment assistance to workers and assisting such workers to prepare petitions or applications for program benefits;

''(C) providing assistance to employers of groups of workers that have filed petitions under section 221 in submitting information required by the Secretary related to the petitions;

''(D) ensuring workers covered by a certification of eligibility under subchapter A receive the employment and case management services described in section 235;

''(E) ensuring that States fully comply with agreements entered into under section 239;

''(F) advocating for workers applying for assistance under this chapter;

''(G) establishing and overseeing a hotline that workers, employers, and other entities

may call to obtain information regarding eligibility criteria, procedural requirements, and benefits available under this chapter; and

''(H) carrying out such other duties with respect to this chapter as the Secretary specifies for purposes of this section.

''(d) ADMINISTRATION.—

''(1) DESIGNATION.—The administrator shall designate an employee of the Department of Labor with appropriate experience and expertise to carry out the duties described in paragraph (2).

''(2) DUTIES.—The officer or employee designated under paragraph (1) shall—

''(A) receive complaints and requests for assistance related to the trade adjustment assistance program under this chapter;

''(B) resolve such complaints and requests for assistance, in coordination with other employees of the Office;

''(C) compile basic information concerning such complaints and requests for assistance; and

''(D) carry out such other duties with respect to this chapter as the Secretary specifies for purposes of this section.''.

(b) ESTABLISHMENT OF DEPUTY ASSISTANT SECRETARY FOR EMPLOYMENT AND TRAINING.—

(1) IN GENERAL.—There is established in the Department of Labor a Deputy Assistant Secretary for Employment and Training, who shall report directly to the Assistant Secretary for Employment and Training Administration.

(2) APPOINTMENT.—

(A) IN GENERAL.—The Deputy Assistant Secretary for Employment and Training shall be appointed by the President, by and with the advice and consent of the Senate.

(B) COMMITTEE REFERRAL.—As an exercise of the rulemaking power of the Senate, a nomination for Deputy Assistant Secretary for Employment and Training shall be referred to the Committee on Finance. If the Committee on Finance has not reported such nomination at the close of the 30th day after its referral to such Committee, the Committee shall be automatically discharged from further consideration of such nomination and such nomination shall be referred to the Committee on Health, Education, Labor and Pensions.

(3) DUTIES.—The Deputy Assistant Secretary for Employment and Training shall—

(A) oversee the operation of the Office of Trade Adjustment Assistance, established under section 249A(a) of the Trade Act of 1974, as added by subsection (a) of this section; and

(B) carry out such other duties as the Secretary of Labor may assign.

(c) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by inserting after the item relating to section 249 the following:

''Sec. 249A. Office of Trade Adjustment Assistance.''.

SEC. 1752. ACCOUNTABILITY OF STATE AGENCIES; COLLECTION AND PUBLICATION OF PROGRAM DATA; AGREEMENTS WITH STATES.

(a) IN GENERAL.—Section 239(a) of the Trade Act of 1974 (19 U.S.C. 2311(a)) is amended—

(1) by amending clause (2) to read as follows: ''(2) in accordance with subsection (f), shall make available to adversely affected workers and adversely affected incumbent workers covered by a certification under subchapter A the employment and case management services described in section 235,''; and

(2) by striking ''will'' each place it appears and inserting ''shall''.

(b) FORM AND MANNER OF DATA.—Section 239 of the Trade Act of 1974 (19 U.S.C. 2311) is amended—

(1) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively; and

(2) by inserting after subsection (b) the following:

''(c) FORM AND MANNER OF DATA.—Each agreement under this subchapter shall—

''(1) provide the Secretary with the authority to collect any data the Secretary determines necessary to meet the requirements of this chapter; and

''(2) specify the form and manner in which any such data requested by the Secretary shall be reported.''.

(c) STATE ACTIVITIES.—Section 239(g) of the Trade Act of 1974 (as redesignated) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by amending paragraph (4) to read as follows:

''(4) perform outreach, intake, and orientation for assistance and benefits available under this chapter for adversely affected workers and adversely affected incumbent workers covered by a certification under subchapter A, and''; and

(3) by adding at the end the following:

''(5) make employment and case management services described in section 235 available to adversely affected workers and adversely affected incumbent workers covered by a certification under subchapter A and, if funds provided to carry out this chapter are insufficient to make such services available, make arrangements to make such services available through other Federal programs.''.

(d) REPORTING REQUIREMENT.—Section 239(h) of the Trade Act of 1974 (as redesignated) is amended by striking ''1998.'' and inserting ''1998 and a description of the State's rapid response activities under section 221(a)(2)(A).''.

(e) CONTROL MEASURES.—Section 239 of the Trade Act of 1974 (19 U.S.C. 2311), as amended, is further amended by adding at the end the following:

''(i) CONTROL MEASURES.—

''(1) IN GENERAL.—The Secretary shall require each cooperating State and cooperating State agency to implement effective control measures and to effectively oversee the operation and administration of the trade adjustment assistance program under this chapter, including by means of monitoring the operation of control measures to improve the accuracy and timeliness of the data being collected and reported.

''(2) DEFINITION.—For purposes of paragraph (1), the term 'control measures' means measures that—

''(A) are internal to a system used by a State to collect data; and

''(B) are designed to ensure the accuracy and verifiability of such data.

''(j) DATA REPORTING.—

''(1) IN GENERAL.—Any agreement entered into under this section shall require the cooperating State or cooperating State agency to report to the Secretary on a quarterly basis comprehensive performance accountability data, to consist of—

''(A) the core indicators of performance described in paragraph (2)(A);

''(B) the additional indicators of performance described in paragraph (2)(B), if any; and

''(C) a description of efforts made to improve outcomes for workers under the trade adjustment assistance program.

''(2) CORE INDICATORS DESCRIBED.—

''(A) IN GENERAL.—The core indicators of performance described in this paragraph are—

''(i) the percentage of workers receiving benefits under this chapter who are employed during the second calendar quarter following the calendar quarter in which the workers cease receiving such benefits;

''(ii) the percentage of such workers who are employed in each of the third and fourth calendar quarters following the calendar quarter in which the workers cease receiving such benefits; and

''(iii) the earnings of such workers in each of the third and fourth calendar quarters following the calendar quarter in which the workers cease receiving such benefits.

''(B) ADDITIONAL INDICATORS.—The Secretary and a cooperating State or cooperating State agency may agree upon additional indicators of performance for the trade adjustment assistance program under this chapter, as appropriate.

''(3) STANDARDS WITH RESPECT TO RELIABILITY OF DATA.—In preparing the quarterly report required by paragraph (1), each cooperating State or cooperating State agency shall establish procedures that are consistent with guidelines to be issued by the Secretary to ensure that the data reported are valid and reliable.''.

SEC. 1753. VERIFICATION OF ELIGIBILITY FOR PROGRAM BENEFITS.

Section 239 of the Trade Act of 1974 (19 U.S.C. 2311), as amended, is further amended by adding at the end the following:

''(k) VERIFICATION OF ELIGIBILITY FOR PROGRAM BENEFITS.—

''(1) IN GENERAL.—An agreement under this subchapter shall provide that the State shall periodically redetermine that a worker receiving benefits under this subchapter who is not a citizen or national of the United States remains in a satisfactory immigration status. Once satisfactory immigration status has been initially verified through the immigration status verification system described in section 1137(d) of the Social Security Act (42 U.S.C. 1320b–7(d)) for purposes of establishing a worker's eligibility for unemployment compensation, the State shall reverify the worker's immigration status if the documentation provided during initial verification will expire during the period in which that worker is potentially eligible to receive benefits under this subchapter. The State shall conduct such redetermination in a timely manner, utilizing the immigration status verification system described in section 1137(d) of the Social Security Act (42 U.S.C. 1320b–7(d)).

''(2) PROCEDURES.—The Secretary shall establish procedures to ensure the uniform application by the States of the requirements of this subsection.''.

SEC. 1754. COLLECTION OF DATA AND REPORTS; INFORMATION TO WORKERS.

(a) IN GENERAL.—Subchapter C of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2311 et seq.), as amended, is further amended by adding at the end the following:

''SEC. 249B. COLLECTION AND PUBLICATION OF DATA AND REPORTS; INFORMATION TO WORKERS.

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary shall implement a system to collect and report the data described in subsection (b), as well as any other information that the Secretary considers appropriate to effectively carry out this chapter.

''(b) DATA TO BE INCLUDED.—The system required under subsection (a) shall include collection of and reporting on the following data for each fiscal year:

''(1) DATA ON PETITIONS FILED, CERTIFIED, AND DENIED.—

''(A) The number of petitions filed, certified, and denied under this chapter.

''(B) The number of workers covered by petitions filed, certified, and denied.

''(C) The number of petitions, classified by—

''(i) the basis for certification, including increased imports, shifts in production, and other bases of eligibility; and

''(ii) congressional district.

''(D) The average time for processing such petitions.

''(2) DATA ON BENEFITS RECEIVED.—

''(A) The number of workers receiving benefits under this chapter.

''(B) The number of workers receiving each type of benefit, including training, trade readjustment allowances, employment and case management services, and relocation and job search allowances, and, to the extent feasible, credits for health insurance costs under section 35 of the Internal Revenue Code of 1986.

''(C) The average time during which such workers receive each such type of benefit.

''(3) DATA ON TRAINING.—

''(A) The number of workers enrolled in training approved under section 236, classified by major types of training, including classroom training, training through distance learning, on-the-job training, and customized training.

''(B) The number of workers enrolled in full-time training and part-time training.

''(C) The average duration of training.

''(D) The number of training waivers granted under section 231(c), classified by type of waiver.

''(E) The number of workers who complete training and the duration of such training.

''(F) The number of workers who do not complete training.

''(4) DATA ON OUTCOMES.—

''(A) A summary of the quarterly reports required under section 239(j).

''(B) The sectors in which workers are employed after receiving benefits under this chapter.

''(5) DATA ON RAPID RESPONSE ACTIVITIES.—Whether rapid response activities were provided with respect to each petition filed under section 221.

''(c) CLASSIFICATION OF DATA.—To the extent possible, in collecting and reporting the data described in subsection (b), the Secretary shall classify the data by industry, State, and national totals.

''(d) REPORT.—Not later than December 15 of each year, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that includes—

''(1) a summary of the information collected under this section for the preceding fiscal year;

''(2) information on the distribution of funds to each State pursuant to section 236(a)(2); and

''(3) any recommendations of the Secretary with respect to changes in eligibility requirements, benefits, or training funding under this chapter based on the data collected under this section.

''(e) AVAILABILITY OF DATA.—

''(1) IN GENERAL.—The Secretary shall make available to the public, by publishing on the website of the Department of Labor and by other means, as appropriate—

''(A) the report required under subsection (d);

''(B) the data collected under this section, in a searchable format; and

''(C) a list of cooperating States and cooperating State agencies that failed to submit the data required by this section to the Secretary in a timely manner.

''(2) UPDATES.—The Secretary shall update the data under paragraph (1) on a quarterly basis.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by inserting after the item relating to section 249A the following:

''Sec. 249B. Collection and publication of data and reports; information to workers.''.

SEC. 1755. FRAUD AND RECOVERY OF OVERPAYMENTS.

Section 243(a)(1) of the Trade Act of 1974 (19 U.S.C. 2315(a)(1)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking ''may waive'' and inserting ''shall waive''; and

(B) by striking '', in accordance with guidelines prescribed by the Secretary,''; and

(2) in subparagraph (B), by striking ''would be contrary to equity and good conscience'' and inserting ''would cause a financial hardship for the individual (or the individual's household, if applicable) when taking into consideration the income and resources reasonably available to the individual (or household) and other ordinary living expenses of the individual (or household)''.

SEC. 1756. SENSE OF CONGRESS ON APPLICATION OF TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Chapter 5 of title II of the Trade Act of 1974 (19 U.S.C. 2391 et seq.) is amended by adding at the end the following:

''SEC. 288. SENSE OF CONGRESS.

''It is the sense of Congress that the Secretaries of Labor, Commerce, and Agriculture should apply the provisions of chapter 2 (relating to adjustment assistance for workers), chapter 3 (relating to adjustment assistance for firms), chapter 4 (relating to adjustment assistance for communities), and chapter 6 (relating to adjustment assistance for farmers), respectively, with the utmost regard for the interests of workers, firms, communities, and farmers petitioning for benefits under such chapters.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by inserting after the item relating to section 287 the following:

''Sec. 288. Sense of Congress.''.

SEC. 1757. CONSULTATIONS IN PROMULGATION OF REGULATIONS.

Section 248 of the Trade Act of 1974 (19 U.S.C. 2320) is amended—

(1) by striking ''The Secretary shall'' and inserting the following:

''(a) IN GENERAL.—The Secretary shall''; and

(2) by adding at the end the following:

''(b) CONSULTATIONS.—Not later than 90 days before issuing a final rule or regulation under subsection (a), the Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to the final rule or regulation.''.

SEC. 1758. TECHNICAL CORRECTIONS.

(a) DETERMINATIONS BY SECRETARY OF LABOR.—Section 223(c) of the Trade Act of 1974 (19 U.S.C. 2273(c)) is amended by striking ''his determination'' and inserting ''a determination''.

(b) QUALIFYING REQUIREMENTS FOR WORKERS.—Section 231(a) of the Trade Act of 1974 (19 U.S.C. 2291(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''his application'' and inserting ''the worker's application''; and

(B) in subparagraph (A), by striking ''he is covered'' and inserting ''the worker is covered'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking the period and inserting a comma; and

(B) in subparagraph (D), by striking ''5 U.S.C. 8521(a)(1)'' and inserting ''section 8521(a)(1) of title 5, United States Code''; and

(3) in paragraph (3)—

(A) by striking ''he'' each place it appears and inserting ''the worker''; and

(B) in subparagraph (C), by striking ''him'' and inserting ''the worker''.

(c) SUBPOENA POWER.—Section 249 of the Trade Act of 1974 (19 U.S.C. 2321) is amended—

(1) in the section heading, by striking ''**SUBPENA**'' and inserting ''**SUBPOENA**''; and

(2) by striking ''subpena'' and inserting ''subpoena'' each place it appears.

(d) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 249 and inserting the following:

''Sec. 249. Subpoena power.''.

PART II—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

SEC. 1761. EXPANSION TO SERVICE SECTOR FIRMS.

(a) IN GENERAL.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended by inserting ''or service sector firm'' after ''agricultural firm'' each place it appears.

(b) DEFINITION OF SERVICE SECTOR FIRM.—Section 261 of the Trade Act of 1974 (19 U.S.C. 2351) is amended—

(1) by striking ''chapter,'' and inserting ''chapter:'';

(2) by striking ''the term 'firm' '' and inserting the following:

''(1) FIRM.—The term 'firm' ''; and

(3) by adding at the end the following:

''(2) SERVICE SECTOR FIRM.—The term 'service sector firm' means a firm engaged in the business of supplying services.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 251(c)(1)(C) of the Trade Act of 1974 (19 U.S.C. 2341(c)(1)(C)) is amended—

(A) by inserting ''or services'' after ''articles'' the first place it appears; and

(B) by inserting ''or services which are supplied'' after ''produced''.

(2) Section 251(c)(2)(B)(ii) of such Act is amended to read as follows:

''(ii) Any firm that engages in exploration or drilling for oil or natural gas, or otherwise produces oil or natural gas, shall be considered to be producing articles directly competitive with imports of oil and with imports of natural gas.''.

SEC. 1762. MODIFICATION OF REQUIREMENTS FOR CERTIFICATION.

Section 251(c)(1)(B) of the Trade Act of 1974 (19 U.S.C. 2341(c)(1)(B)) is amended to read as follows:

''(B) that—

''(i) sales or production, or both, of the firm have decreased absolutely,

''(ii) sales or production, or both, of an article or service that accounted for not less than 25 percent of the total sales or production of the firm during the 12-month period preceding the most recent 12-month period for which date are available have decreased absolutely,

''(iii) sales or production, or both, of the firm during the most recent 12-month period for which data are available have decreased compared to—

''(I) the average annual sales or production for the firm during the 24-month period preceding that 12-month period, or

''(II) the average annual sales or production for the firm during the 36-month period preceding that 12-month period, and.

''(iv) sales or production, or both, of an article or service that accounted for not less than 25 percent of the total sales or production of the firm during the most recent 12-month period for which data are available have decreased compared to—

''(I) the average annual sales or production for the article or service during the 24-month period preceding that 12-month period, or

''(II) the average annual sales or production for the article or service during the 36-month period preceding that 12-month period, and''.

SEC. 1763. BASIS FOR DETERMINATIONS.

Section 251 of the Trade Act of 1974 (19 U.S.C. 2341), as amended, is further amended by adding at the end the following:

''(e) BASIS FOR SECRETARY'S DETERMINATIONS.—For purposes of subsection (c)(1)(C),

the Secretary may determine that there are increased imports of like or directly competitive articles or services, if customers accounting for a significant percentage of the decrease in the sales of the firm certify to the Secretary that such customers have increased their imports of such articles or services from a foreign country, either absolutely or relative to their acquisition of such articles or services from suppliers located in the United States.

''(f) NOTIFICATION TO FIRMS OF AVAILABILITY OF BENEFITS.—Upon receiving notice from the Secretary of Labor under section 225 of the identity of a firm that is covered by a certification issued under section 223, the Secretary of Commerce shall notify the firm of the availability of adjustment assistance under this chapter.''.

SEC. 1764. OVERSIGHT AND ADMINISTRATION; AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amended—

(1) by striking sections 254, 255, 256, and 257;

(2) by redesignating sections 258, 259, 260, 261, 262, 264, and 265, as sections 256, 257, 258, 259, 260, 261, and 262, respectively; and

(3) by inserting after section 253 the following:

''SEC. 254. OVERSIGHT AND ADMINISTRATION.

''(a) IN GENERAL.—The Secretary shall, to such extent and in such amounts as are provided in appropriations Acts, provide grants to intermediary organizations (referred to in section 253(b)(1)) throughout the United States pursuant to agreements with such intermediary organizations. Each such agreement shall require the intermediary organization to provide benefits to firms certified under section 251.The Secretary shall, to the maximum extent practicable, provide by October 1, 2010, that contracts entered into with intermediary organizations be for a 12-month period and that all such contracts have the same beginning date and the same ending date.

''(b) DISTRIBUTION OF FUNDS.—

''(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this section, the Secretary shall develop a methodology for the distribution of funds among the intermediary organizations described in subsection (a).

''(2) PROMPT INITIAL DISTRIBUTION.—The methodology described in paragraph (1) shall ensure the prompt initial distribution of funds and establish additional criteria governing the apportionment and distribution of the remainder of such funds among the intermediary organizations.

''(3) CRITERIA.—The methodology described in paragraph (1) shall include criteria based on the data in the annual report on trade adjustment for firms program described in section 1766.

''(c) REQUIREMENTS FOR CONTRACTS.—An agreement with an intermediary organization described in subsection (a) shall require the intermediary organization to contract for the supply of services to carry out grants under this chapter in accordance with terms and conditions that are consistent with guidelines established by the Secretary.

''(d) CONSULTATIONS.—

''(1) CONSULTATIONS REGARDING METHODOLOGY.—The Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not less than 60 days before finalizing the methodology described in subsection (b) or adopting any changes to such methodology.

''(2) CONSULTATIONS REGARDING GUIDELINES.—The Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not less than 60 days before finalizing the guidelines described in subsection (c) or adopting any subsequent changes to such guidelines.

''SEC. 255. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary $50,000,000 for each of the fiscal years 2009 through 2010, and $12,501,000 for the period beginning October 1, 2010, and ending December 31, 2010, to carry out the provisions of this chapter. Amounts appropriated pursuant to this subsection shall—

''(1) be available to provide adjustment assistance to firms that file a petition for such assistance pursuant to this chapter on or before December 31, 2010; and

''(2) otherwise remain available until expended.

''(b) PERSONNEL.—Of the amounts appropriated pursuant to this section for each fiscal year, $350,000 shall be available for full-time positions in the Department of Commerce to administer the provisions of this chapter. Of such funds the Secretary shall make available to the Economic Development Administration such sums as may be necessary to establish the position of Director of Adjustment Assistance for Firms and such other full-time positions as may be appropriate to administer the provisions of this chapter.''.

(b) RESIDUAL AUTHORITY.—The Secretary of Commerce shall have the authority to modify, terminate, resolve, liquidate, or take any other action with respect to a loan, guarantee, contract, or any other financial assistance that was extended under section 254, 255, 256, or 257 of the Trade Act of 1974 (19 U.S.C. 2344, 2345, 2346, and 2347), as in effect on the day before the effective date set forth in section 1791.

(c) CONFORMING AMENDMENTS.—

(1) Section 256 of the Trade Act of 1974, as redesignated by subsection (a) of this section, is amended by striking subsection (d).

(2) Section 258 of the Trade Act of 1974, as redesignated by subsection (a) of this section, is amended—

(A) in the first sentence, by striking ''and financial''; and

(B) in the last sentence—

(i) by striking ''sections 253 and 254'' and inserting ''section 253''; and

(ii) by striking ''title 28 of the United States Code'' and inserting ''title 28, United States Code''.

(d) CLERICAL AMENDMENTS.—The table of contents of the Trade Act of 1974 is amended by striking the items relating to sections 254, 255, 256, 257, 258, 259, 260, 261, 262, 264, and 265, and inserting the following:

SEC. 1765. INCREASED PENALTIES FOR FALSE STATEMENTS.

Section 257 of the Trade Act of 1974, as redesignated by section 1764(a), is amended to read as follows:

''SEC. 257. PENALTIES.

''Whoever—

''(1) makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, or willfully overvalues any security, for the purpose of influencing in any way a determination under this chapter, or for the purpose of obtaining money, property, or anything of value under this chapter, or

''(2) makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, when providing information to the Secretary during an investigation of a petition under this chapter,

shall be imprisoned for not more than 2 years, or fined under title 18, United States Code, or both.''.

SEC. 1766. ANNUAL REPORT ON TRADE ADJUSTMENT FOR FIRMS.

(a) ANNUAL REPORT ON TRADE ADJUSTMENT FOR FIRMS PROGRAM.—Not later than December 15, 2009, and each year thereafter, the Secretary of Commerce shall prepare a report containing data regarding the trade adjustment for firms program provided for in chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) for the preceding fiscal year. The data shall be classified by intermediary organization, State, and national totals and include the following:

(1) The number of firms that inquired about the program.

(2) The number of petitions filed.

(3) The number of petitions certified and denied.

(4) The date each petition was filed, the date on which a determination was made on the petition, and the average time for processing petitions.

(5) The number of petitions filed and firms certified for each congressional district of the United States.

(6) The number of firms that received assistance in preparing their petitions.

(7) The number of firms that received assistance developing business recovery plans.

(8) The number of business recovery plans approved and denied by the Secretary of Commerce.

(9) Sales, employment, and productivity at each firm participating in the program at the time of certification.

(10) Sales, employment, and productivity at each firm upon completion of the program and each year for the 2-year period following completion.

(11) The financial assistance received by each firm participating in the program.

(12) The financial contribution made by each firm participating in the program.

(13) The types of technical assistance included in the business recovery plans of firms participating in the program.

(14) The number of firms leaving the program before completing the project or projects in their business recovery plans, classified by the general cause for early termination.

(b) REPORT TO CONGRESS; PUBLICATION.—The Secretary of Commerce shall—

(1) submit the report described in subsection (a) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives; and

(2) publish the report in the Federal Register and on the website of the Department of Commerce.

(c) PROTECTION OF CONFIDENTIAL INFORMATION.—The Secretary of Commerce may not release information described in subsection (a) that the Secretary considers to be confidential business information unless the person submitting the confidential business information had notice, at the time of submission, that such information would be released by the Secretary, or such person subsequently consents to the release of the information. Nothing in this subparagraph shall be construed to prohibit the Secretary from providing such confidential business information to a court in camera or to another

party under a protective order issued by a court.

SEC. 1767. TECHNICAL CORRECTIONS.

(a) IN GENERAL.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341), as amended, is further amended—

(1) in subsection (a), by striking ''he has'' and inserting ''the Secretary has''; and

(2) in subsection (d), by striking ''60 days'' and inserting ''40 days''.

(b) TECHNICAL ASSISTANCE.—Section 253(a)(3) of the Trade Act of 1974 (19 U.S.C. 2343(a)(3)) is amended by striking ''of a certified firm'' and inserting ''to a certified firm''.

PART III—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

SEC. 1771. PURPOSE.

The purpose of this part is to assist communities impacted by trade with economic adjustment through the coordination of Federal, State, and local resources, the creation of community-based development strategies, and the development and provision of programs that meet the training needs of workers covered by certifications under section 223.

SEC. 1772. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.

(a) IN GENERAL.—Chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is amended to read as follows:

''CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

''Subchapter A—Trade Adjustment Assistance for Communities

''SEC. 271. DEFINITIONS.

''In this subchapter:

''(1) AGRICULTURAL COMMODITY PRODUCER.—The term 'agricultural commodity producer' has the meaning given that term in section 291.

''(2) COMMUNITY.—The term 'community' means a city, county, or other political subdivision of a State or a consortium of political subdivisions of a State.

''(3) COMMUNITY IMPACTED BY TRADE.—The term 'community impacted by trade' means a community described in section 273(b)(2).

''(4) ELIGIBLE COMMUNITY.—The term 'eligible community' means a community that the Secretary has determined under section 273(b)(1) is eligible to apply for assistance under this subchapter.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

''SEC. 272. ESTABLISHMENT OF TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES PROGRAM.

''Not later than August 1, 2009, the Secretary shall establish a trade adjustment assistance for communities program at the Department of Commerce under which the Secretary shall—

''(1) provide technical assistance under section 274 to communities impacted by trade to facilitate the economic adjustment of those communities; and

''(2) award grants to communities impacted by trade to carry out strategic plans developed under section 276.

''SEC. 273. ELIGIBILITY; NOTIFICATION.

''(a) PETITION.—

''(1) IN GENERAL.—A community may submit a petition to the Secretary for an affirmative determination under subsection (b)(1) that the community is eligible to apply for assistance under this subchapter if—

''(A) on or after August 1, 2009, one or more certifications described in subsection (b)(3) are made with respect to the community; and

''(B) the community submits the petition not later than 180 days after the date of the most recent certification.

''(2) SPECIAL RULE WITH RESPECT TO CERTAIN COMMUNITIES.—In the case of a community with respect to which one or more certifications described in subsection (b)(3) were made on or after January 1, 2007, and before August 1, 2009, the community may submit a petition to the Secretary for an affirmative determination under subsection (b)(1) not later than February 1, 2010.

''(b) AFFIRMATIVE DETERMINATION.—

''(1) IN GENERAL.—The Secretary shall make an affirmative determination that a community is eligible to apply for assistance under this subchapter if the Secretary determines that the community is a community impacted by trade.

''(2) COMMUNITY IMPACTED BY TRADE.—A community is a community impacted by trade if—

''(A) one or more certifications described in paragraph (3) are made with respect to the community; and

''(B) the Secretary determines that the community is significantly affected by the threat to, or the loss of, jobs associated with that certification.

''(3) CERTIFICATION DESCRIBED.—A certification described in this paragraph is a certification—

''(A) by the Secretary of Labor that a group of workers in the community is eligible to apply for assistance under section 223;

''(B) by the Secretary of Commerce that a firm located in the community is eligible to apply for adjustment assistance under section 251; or

''(C) by the Secretary of Agriculture that a group of agricultural commodity producers in the community is eligible to apply for adjustment assistance under section 293.

''(c) NOTIFICATIONS.—

''(1) NOTIFICATION TO THE GOVERNOR.—The Governor of a State shall be notified promptly—

''(A) by the Secretary of Labor, upon making a determination that a group of workers in the State is eligible for assistance under section 223;

''(B) by the Secretary of Commerce, upon making a determination that a firm in the State is eligible for assistance under section 251; and

''(C) by the Secretary of Agriculture, upon making a determination that a group of agricultural commodity producers in the State is eligible for assistance under section 293.

''(2) NOTIFICATION TO COMMUNITY.—Upon making an affirmative determination under subsection (b)(1) that a community is eligible to apply for assistance under this subchapter, the Secretary shall promptly notify the community and the Governor of the State in which the community is located—

''(A) of the affirmative determination;

''(B) of the applicable provisions of this subchapter; and

''(C) of the means for obtaining assistance under this subchapter and other appropriate economic assistance that may be available to the community.

''SEC. 274. TECHNICAL ASSISTANCE.

''(a) IN GENERAL.—The Secretary shall provide comprehensive technical assistance to an eligible community to assist the community to—

''(1) diversify and strengthen the economy in the community;

''(2) identify significant impediments to economic development that result from the impact of trade on the community; and

''(3) develop a strategic plan under section 276 to address economic adjustment and workforce dislocation in the community , including unemployment among agricultural commodity producers.

''(b) COORDINATION OF FEDERAL RESPONSE.—The Secretary shall coordinate the Federal response to an eligible community by—

''(1) identifying Federal, State, and local resources that are available to assist the community in responding to economic distress; and

''(2) assisting the community in accessing available Federal assistance and ensuring that such assistance is provided in a targeted, integrated manner.

''(c) INTERAGENCY COMMUNITY ASSISTANCE WORKING GROUP.—

''(1) IN GENERAL.—The Secretary shall establish an interagency Community Assistance Working Group, to be chaired by the Secretary or the Secretary's designee, who shall assist the Secretary with the coordination of the Federal response pursuant to subsection (b).

''(2) MEMBERSHIP.—The Working Group shall consist of representatives of any Federal department or agency with responsibility for providing economic adjustment assistance, including the Department of Agriculture, the Department of Defense, the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Health and Human Services, the Small Business Administration, the Department of the Treasury, and any other Federal, State, or regional public department or agency the Secretary determines to be appropriate.

''SEC. 275. GRANTS FOR ELIGIBLE COMMUNITIES.

''(a) IN GENERAL.—The Secretary may award a grant under this section to an eligible community to assist the community in carrying out any project or program that is included in a strategic plan developed by the community under section 276.

''(b) APPLICATION.—

''(1) IN GENERAL.—An eligible community seeking to receive a grant under this section shall submit a grant application to the Secretary that contains—

''(A) the strategic plan developed by the community under section 276(a)(1) and approved by the Secretary under section 276(a)(2); and

''(B) a description of the project or program included in the strategic plan with respect to which the community seeks the grant.

''(2) COORDINATION AMONG GRANT PROGRAMS.—If an entity in an eligible community is seeking or plans to seek a Community College and Career Training Grant under section 278 or a Sector Partnership Grant under section 279A while the eligible community is seeking a grant under this section, the eligible community shall include in the grant application a description of how the eligible community will integrate any projects or programs carried out using a grant under this section with any projects or programs that may be carried out using such other grants.

''(c) LIMITATION.—An eligible community may not be awarded more than $5,000,000 under this section.

''(d) COST-SHARING.—

''(1) FEDERAL SHARE.—The Federal share of a project or program for which a grant is awarded under this section may not exceed 95 percent of the cost of such project or program.

''(2) COMMUNITY SHARE.—The Secretary shall require, as a condition of awarding a grant to an eligible community under this section, that the eligible community contribute not less than an amount equal to 5 percent of the amount of the grant toward the cost of the project or program for which the grant is awarded.

''(e) GRANTS TO SMALL- AND MEDIUM-SIZED COMMUNITIES.—The Secretary shall give priority to grant applications submitted under this section by eligible communities that are small- and medium-sized communities.

''(f) ANNUAL REPORT.—Not later than December 15 in each of the calendar years 2009 through 2013, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report—

''(1) describing each grant awarded under this section during the preceding fiscal year; and

''(2) assessing the impact on the eligible community of each such grant awarded in a fiscal year before the fiscal year referred to in paragraph (1).

''SEC. 276. STRATEGIC PLANS.

''(a) IN GENERAL.—

''(1) INVOLVEMENT OF PRIVATE AND PUBLIC ENTITIES.—An eligible community that intends to apply for a grant under section 275 shall—

''(A) develop a strategic plan for the community's economic adjustment to the impact of trade with the entities described in paragraph (2) to the extent practicable; and

''(B) submit the plan to the Secretary for evaluation and approval.

''(2) ENTITIES DESCRIBED.—Entities described in this paragraph are public and private representatives, firms, and other entities within the eligible community, including—

''(A) local, county, or State government serving the community;

''(B) firms, including small- and medium-sized firms, within the community;

''(C) local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832);

''(D) labor organizations, including State labor federations and labor-management initiatives, representing workers in the community; and

''(E) educational institutions, local educational agencies, or other training providers serving the community.

''(b) CONTENTS.—The strategic plan shall, at a minimum, contain the following:

''(1) A description and analysis of the capacity of the eligible community to achieve economic adjustment to the impact of trade.

''(2) An analysis of the economic development challenges and opportunities facing the community as well as the strengths and weaknesses of the economy of the community.

''(3) An assessment of the commitment of the eligible community to the strategic plan over the long term and the participation and input of members of the community affected by economic dislocation.

''(4) A description of the role and the participation of the entities described in subsection (a)(2) in developing the strategic plan.

''(5) A description of the projects to be undertaken by the eligible community under the strategic plan.

''(6) A description of how the strategic plan and the projects to be undertaken by the eligible community will facilitate the community's economic adjustment.

''(7) A description of the educational and training programs available to workers in the eligible community and the future employment needs of the community.

''(8) An assessment of the cost and timing of funds required by the eligible community to implement the strategic plan, including the method of financing to be used.

''(9) A strategy for continuing the economic adjustment of the eligible community after the completion of the projects described in paragraph (4).

''(c) GRANTS TO DEVELOP STRATEGIC PLANS.—

''(1) IN GENERAL.—The Secretary, upon receipt of an application from an eligible community, may award a grant to the community to assist the community in developing a strategic plan under subsection (a)(1). A grant awarded under this paragraph shall not exceed 75 percent of the cost of developing the strategic plan.

''(2) FUNDS TO BE USED.—Of the funds appropriated pursuant to section 277(c), the Secretary may make available not more than $25,000,000 each fiscal year to provide grants to eligible communities under paragraph (1).

''SEC. 277. GENERAL PROVISIONS.

''(a) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall prescribe such regulations as are necessary to carry out the provisions of this subchapter, including—

''(A) establishing specific guidelines for the submission and evaluation of a strategic plan under section 276;

''(B) establishing specific guidelines for the submission and evaluation of grant applications under section 275; and

''(C) administering the grant programs established under sections 275 and 276.

''(2) CONSULTATIONS.—The Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not less than 90 days prior to promulgating any final rule or regulation pursuant to paragraph (1).

''(b) PERSONNEL.—The Secretary shall designate such staff as may be necessary to carry out the responsibilities described in this subchapter.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary $150,000,000 for each of the fiscal years 2009 and 2010, and $37,500,000 for the period beginning October 1, 2010, and ending December 31, 2010, to carry out this subchapter.

''(2) AVAILABILITY.—Amounts appropriated pursuant to this subchapter—

''(A) shall be available to provide adjustment assistance to communities that have petitioned or applied for assistance pursuant to this chapter on or before December 31, 2010; and

''(B) shall otherwise remain available until expended.

''(3) SUPPLEMENT NOT SUPPLANT.—Funds appropriated pursuant to this subchapter shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide economic development assistance for communities.

''Subchapter B—Community College and Career Training Grant Program

''SEC. 278. COMMUNITY COLLEGE AND CAREER TRAINING GRANT PROGRAM.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—Beginning August 1, 2009, the Secretary may award Community College and Career Training Grants to eligible institutions for the purpose of developing, offering, or improving educational or career training programs for workers eligible for training under section 236.

''(2) LIMITATIONS.—An eligible institution may not be awarded—

''(A) more than 1 grant under this section; or

''(B) a grant under this section in excess of $1,000,000.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

''(A) an institution described in section 203(a)(1)(B) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2373(a)(1)(B)) or in section 101(b) of the Higher Education Act of 1965 (20 U.S.C. 1001(b)); and

''(B) an institution described in section 236(a)(5)(H), but only with respect to a program offered by the institution that can be completed in not more than 2 years.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Labor.

''(c) GRANT PROPOSALS.—

''(1) IN GENERAL.—An eligible institution seeking to receive a grant under this section shall submit a grant proposal to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) GUIDELINES.—Not later than June 1, 2009, the Secretary shall—

''(A) promulgate guidelines for the submission of grant proposals under this section; and

''(B) publish and maintain such guidelines on the website of the Department of Labor.

''(3) ASSISTANCE.—The Secretary shall offer assistance in preparing a grant proposal to any eligible institution that requests such assistance.

''(4) GENERAL REQUIREMENTS FOR GRANT PROPOSALS.—

''(A) IN GENERAL.—A grant proposal submitted to the Secretary under this section shall include a detailed description of—

''(i) the specific project for which the grant proposal is submitted, including the manner in which the grant will be used to develop, offer, or improve an educational or career training program that is suited to workers eligible for training under section 236;

''(ii) the extent to which the project for which the grant proposal is submitted will meet the educational or career training needs of workers in the community served by the eligible institution who are eligible for training under section 236;

''(iii) the extent to which the project for which the grant proposal is submitted fits within any overall strategic plan developed by an eligible community under section 276;

''(iv) the extent to which the project for which the grant proposal is submitted relates to any project funded by a Sector Partnership Grant awarded under section 279A; and

''(v) any previous experience of the eligible institution in providing educational or career training programs to workers eligible for training under section 236.

''(B) ABSENCE OF EXPERIENCE.—The absence of any previous experience in providing educational or career training programs described in subparagraph (A)(iv) shall not automatically disqualify an eligible institution from receiving a grant under this section.

''(5) COMMUNITY OUTREACH REQUIRED.—In order to be considered by the Secretary, a grant proposal submitted by an eligible institution under this section shall—

''(A) demonstrate that the eligible institution—

''(i) reached out to employers, and other entities described in section 276(a)(2) to identify—

''(I) any shortcomings in existing educational and career training opportunities available to workers in the community; and

''(II) any future employment opportunities within the community and the educational and career training skills required for workers to meet the future employment demand;

''(ii) reached out to other similarly situated institutions in an effort to benefit from any best practices that may be shared with respect to providing educational or career training programs to workers eligible for training under section 236; and

''(iii) reached out to any eligible partnership in the community that has sought or received Sector Partnership Grants under section 279A to enhance the effectiveness of each grant and avoid duplication of efforts; and

''(B) include a detailed description of—

''(i) the extent and outcome of the outreach conducted under subparagraph (A);

''(ii) the extent to which the project for which the grant proposal is submitted will contribute to meeting any shortcomings identified under subparagraph (A)(i)(I) or any educational or career training needs identified under subparagraph (A)(i)(II); and

''(iii) the extent to which employers, including small- and medium-sized enterprises within the community, have demonstrated a commitment to employing workers who would benefit from the project for which the grant proposal is submitted.

''(d) CRITERIA FOR AWARD OF GRANTS.—

''(1) IN GENERAL.—Subject to the appropriation of funds, the Secretary shall award a grant under this section based on—

''(A) a determination of the merits of the grant proposal submitted by the eligible institution to develop, offer, or improve educational or career training programs to be made available to workers eligible for training under section 236;

''(B) an evaluation of the likely employment opportunities available to workers who complete an educational or career training program that the eligible institution proposes to develop, offer, or improve; and

''(C) an evaluation of prior demand for training programs by workers eligible for training under section 236 in the community served by the eligible institution, as well as the availability and capacity of existing training programs to meet future demand for training programs.

''(2) PRIORITY FOR CERTAIN COMMUNITIES.—In awarding grants under this section, the Secretary shall give priority to eligible institutions that serve communities that the Secretary of Commerce has determined under section 273 are eligible to apply for assistance under subchapter A within the 5-year period preceding the date on which the grant proposals are submitted to the Secretary under this section.

''(3) MATCHING REQUIREMENTS.—A grant awarded under this section may not be used to satisfy any private matching requirement under any other provision of law.

''(e) ANNUAL REPORT.—Not later than December 15 in each of the calendar years 2009 through 2013, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report—

''(1) describing each grant awarded under this section during the preceding fiscal year; and

''(2) assessing the impact of each award of a grant under this section in a fiscal year preceding the fiscal year referred to in paragraph (1) on workers receiving training under section 236.

''SEC. 279. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor $40,000,000 for each of the fiscal years 2009 and 2010, and $10,000,000 for the period beginning October 1, 2010 and ending December 31, 2010, to fund the Community College and Career Training Grant Program. Funds appropriated pursuant to this section shall remain available until expended, except that no such funds may be expended after December 31, 2010.

''(b) SUPPLEMENT NOT SUPPLANT.—Funds appropriated pursuant to this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to support community college and career training programs.

''Subchapter C—Industry or Sector Partnership Grant Program for Communities Impacted by Trade

''SEC. 279A. INDUSTRY OR SECTOR PARTNERSHIP GRANT PROGRAM FOR COMMUNITIES IMPACTED BY TRADE.

''(a) PURPOSE.—The purpose of this subchapter is to facilitate efforts by industry or sector partnerships to strengthen and revitalize industries and create employment opportunities for workers in communities impacted by trade.

''(b) DEFINITIONS.—In this subchapter:

''(1) COMMUNITY IMPACTED BY TRADE.—The term 'community impacted by trade' has the meaning given that term in section 271.

''(2) DISLOCATED WORKER.—The term 'dislocated worker' means a worker who has been totally or partially separated, or is threatened with total or partial separation, from employment in an industry or sector in a community impacted by trade.

''(3) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a voluntary partnership composed of public and private persons, firms, or other entities within a community impacted by trade, that shall include representatives of—

''(A) an industry or sector within the community, including an industry association;

''(B) local, county, or State government;

''(C) multiple firms in the industry or sector, including small- and medium-sized firms, within the community;

''(D) local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832);

''(E) labor organizations, including State labor federations and labor-management initiatives, representing workers in the community; and

''(F) educational institutions, local educational agencies, or other training providers serving the community.

''(4) LEAD ENTITY.—The term 'lead entity' means—

''(A) an entity designated by the eligible partnership to be responsible for submitting a grant proposal under subsection (e) and serving as the eligible partnership's fiscal agent in expending any Sector Partnership Grant awarded under this section; or

''(B) a State agency designated by the Governor of the State to carry out the responsibilities described in subparagraph (A).

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Labor.

''(6) TARGETED INDUSTRY OR SECTOR.—The term 'targeted industry or sector' means the industry or sector represented by an eligible partnership.

''(c) SECTOR PARTNERSHIP GRANTS AUTHORIZED.—Beginning on August 1, 2009, and subject to the appropriation of funds, the Secretary shall award Sector Partnership Grants to eligible partnerships to assist the eligible partnerships in carrying out projects, over periods of not more than 3 years, to strengthen and revitalize industries and sectors and create employment opportunities for dislocated workers.

''(d) USE OF SECTOR PARTNERSHIP GRANTS.—An eligible partnership may use a Sector Partnership Grant to carry out any project that the Secretary determines will further the purpose of this subchapter, which may include—

''(1) identifying the skill needs of the targeted industry or sector and any gaps in the available supply of skilled workers in the community impacted by trade, and developing strategies for filling the gaps, including by—

''(A) developing systems to better link firms in the targeted industry or sector to available skilled workers;

''(B) helping firms in the targeted industry or sector to obtain access to new sources of qualified job applicants;

''(C) retraining dislocated and incumbent workers; or

''(D) facilitating the training of new skilled workers by aligning the instruction provided by local suppliers of education and training services with the needs of the targeted industry or sector;

''(2) analyzing the skills and education levels of dislocated and incumbent workers and developing training to address skill gaps that prevent such workers from obtaining jobs in the targeted industry or sector;

''(3) helping firms, especially small- and medium-sized firms, in the targeted industry or sector increase their productivity and the productivity of their workers;

''(4) helping such firms retain incumbent workers;

''(5) developing learning consortia of small- and medium-sized firms in the targeted industry or sector with similar training needs to enable the firms to combine their purchases of training services, and thereby lower their training costs;

''(6) providing information and outreach activities to firms in the targeted industry or sector regarding the activities of the eligible partnership and other local service suppliers that could assist the firms in meeting needs for skilled workers;

''(7) seeking, applying, and disseminating best practices learned from similarly situated communities impacted by trade in the development and implementation of economic growth and revitalization strategies; and

''(8) identifying additional public and private resources to support the activities described in this subsection, which may include the option to apply for a community grant under section 275 or a Community College and Career Training Grant under section 278 (subject to meeting any additional requirements of those sections).

''(e) GRANT PROPOSALS.—

''(1) IN GENERAL.—The lead entity of an eligible partnership seeking to receive a Sector Partnership Grant under this section shall submit a grant proposal to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) GENERAL REQUIREMENTS OF GRANT PROPOSALS.—A grant proposal submitted under paragraph (1) shall, at a minimum—

''(A) identify the members of the eligible partnership;

''(B) identify the targeted industry or sector for which the eligible partnership intends to carry out projects using the Sector Partnership Grant;

''(C) describe the goals that the eligible partnership intends to achieve to promote the targeted industry or sector;

''(D) describe the projects that the eligible partnership will undertake to achieve such goals;

''(E) demonstrate that the eligible partnership has the organizational capacity to carry out the projects described in subparagraph (D);

''(F) explain—

''(i) whether—

''(I) the community impacted by trade has sought or received a community grant under section 275;

''(II) an eligible institution in the community has sought or received a Community College and Career Training Grant under section 278; or

''(III) any other entity in the community has received funds pursuant to any other federally funded training project; and

''(ii) how the eligible partnership will coordinate its use of a Sector Partnership

Grant with the use of such other grants or funds in order to enhance the effectiveness of each grant and any such funds and avoid duplication of efforts; and

''(G) include performance measures, developed based on the performance measures issued by the Secretary under subsection (g)(2), and a timeline for measuring progress toward achieving the goals described in subparagraph (C).

''(f) AWARD OF GRANTS.—

''(1) Upon application by the lead entity of an eligible partnership, the Secretary may award a Sector Partnership Grant to the eligible partnership to assist the partnership in carrying out any of the projects in the grant proposal that the Secretary determines will further the purposes of this subchapter.

''(2) An eligible partnership may not be awarded—

''(A) more than 1 Sector Partnership Grant; or

''(B) a total grant award under this subchapter in excess of—

''(i) except as provided in clause (ii), $2,500,000; or

''(ii) in the case of an eligible partnership located within a community impacted by trade that is not served by an institution receiving a Community College and Career Training Grant under section 278, $3,000,000.

''(g) ADMINISTRATION BY THE SECRETARY.—

''(1) TECHNICAL ASSISTANCE AND OVERSIGHT.—

''(A) IN GENERAL.—The Secretary shall provide technical assistance to, and oversight of, the lead entity of an eligible partnership in applying for and administering Sector Partnership Grants awarded under this section.

''(B) TECHNICAL ASSISTANCE.—Technical assistance provided under subparagraph (A) shall include providing conferences and such other methods of collecting and disseminating information on best practices developed by eligible partnerships as the Secretary determines appropriate.

''(C) GRANTS OR CONTRACTS FOR TECHNICAL ASSISTANCE.—The Secretary may award a grant or contract to 1 or more national or State organizations to provide technical assistance to foster the planning, formation, and implementation of eligible partnerships.

''(2) PERFORMANCE MEASURES.—The Secretary shall issue a range of performance measures, with quantifiable benchmarks, and methodologies that eligible partnerships may use to measure progress toward the goals described in subsection (e). In developing such measures, the Secretary shall consider the benefits of the eligible partnership and its activities for workers, firms, industries, and communities.

''(h) REPORTS.—

''(1) PROGRESS REPORT.—Not later than 1 year after receiving a Sector Partnership Grant, and 3 years thereafter, the lead entity shall submit to the Secretary, on behalf of the eligible partnership, a report containing—

''(A) a detailed description of the progress made toward achieving the goals described in subsection (e)(2)(C), using the performance measures required under subsection (e)(2)(G);

''(B) a detailed evaluation of the impact of the grant award on workers and employers in the community impacted by trade; and

''(C) a detailed description of all expenditures of funds awarded to the eligible partnership under the Sector Partnership Grant approved by the Secretary under this subchapter.

''(2) ANNUAL REPORT.—Not later than December 15 in each of the calendar years 2009 through 2013, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report—

''(A) describing each Sector Partnership Grant awarded to an eligible partnership during the preceding fiscal year; and

''(B) assessing the impact of each Sector Partnership Grant awarded in a fiscal year preceding the fiscal year referred to in subparagraph (A) on workers and employers in communities impacted by trade.

''SEC. 279B. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Labor $40,000,000 for each of the fiscal years 2009 and 2010, and $10,000,000 for the period beginning October 1, 2010, and ending December 31, 2010, to carry out the Sector Partnership Grant program under section 279A. Funds appropriated pursuant to this section shall remain available until expended, except that no such funds may be expended after December 31, 2010.

''(b) SUPPLEMENT NOT SUPPLANT.—Funds appropriated pursuant to this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to support the economic development of local communities.

''(c) ADMINISTRATIVE COSTS.—The Secretary may retain not more than 5 percent of the funds appropriated pursuant to the authorization of appropriations under this section for each fiscal year to administer the Sector Partnership Grant program under section 279A.

''Subchapter D—General Provisions

''SEC. 279C. RULE OF CONSTRUCTION.

''Nothing in this title prevents a worker from receiving trade adjustment assistance under chapter 2 of this title at the same time the worker is receiving assistance in any manner from—

''(1) a community receiving a community grant under subchapter A;

''(2) an eligible institution receiving a Community College and Career Training Grant under subchapter B; or

''(3) an eligible partnership receiving a Sector Partnership Grant under subchapter C.''.

SEC. 1773. CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—The table of contents of the Trade Act of 1974 is amended by striking the items relating to chapter 4 of title II and inserting the following:

''CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

''Subchapter A—Trade Adjustment Assistance for Communities

''Sec. 271. Definitions.
''Sec. 272. Establishment of trade adjustment assistance for communities program.
''Sec. 273. Eligibility; notification.
''Sec. 274. Technical assistance.
''Sec. 275. Grants for eligible communities.
''Sec. 276. Strategic plans.
''Sec. 277. General provisions.

''Subchapter B—Community College and Career Training Grant Program

''Sec. 278. Community college and career training grant program.
''Sec. 279. Authorization of appropriations.

''Subchapter C—Industry or Sector Partnership Grant Program for Communities Impacted by Trade

''Sec. 279A. Industry or sector partnership grant program for communities impacted by trade.
''Sec. 279B. Authorization of appropriations.

''Subchapter D—General Provisions

''Sec. 279C. Rule of construction.''

(b) JUDICIAL REVIEW.—

(1) Section 284(a) of the Trade Act of 1974 (19 U.S.C. 2395(a)) is amended—

(A) by inserting ''or 296'' after ''section 293'';

(B) by striking ''or any other interested domestic party'' and inserting ''or authorized representative of a community''; and

(C) by striking ''section 271'' and inserting ''section 273''.

(2) Section 1581(d) of title 28, United States Code, is amended—

(A) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (3)—

(i) by striking ''271'' and inserting ''273''; and

(ii) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) any final determination of the Secretary of Agriculture under section 293 or 296 of the Trade Act of 1974 (19 U.S.C. 2401b) with respect to the eligibility of a group of agricultural commodity producers for adjustment assistance under such Act.''.

PART IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

SEC. 1781. DEFINITIONS.

Section 291 of the Trade Act of 1974 (19 U.S.C. 2401) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' means—

''(A) any agricultural commodity (including livestock) in its raw or natural state; and

''(B) any class of goods within an agricultural commodity.'';

(2) by amending paragraph (2) to read as follows:

''(2) AGRICULTURAL COMMODITY PRODUCER.—The term 'agricultural commodity producer' means—

''(A) a person that shares in the risk of producing an agricultural commodity and that is entitled to a share of the commodity for marketing, including an operator, a sharecropper, or a person that owns or rents the land on which the commodity is produced; or

''(B) a person that reports gain or loss from the trade or business of fishing on the person's annual Federal income tax return for the taxable year that most closely corresponds to the marketing year with respect to which a petition is filed under section 292.''; and

(3) by adding at the end the following:

''(7) MARKETING YEAR.—The term 'marketing year' means—

''(A) a marketing year designated by the Secretary with respect to an agricultural commodity; or

''(B) in the case of an agricultural commodity with respect to which the Secretary does not designate a marketing year, a calendar year.''.

SEC. 1782. ELIGIBILITY.

(a) IN GENERAL.—Section 292 of the Trade Act of 1974 (19 U.S.C. 2401a) is amended by striking subsections (c) through (e) and inserting the following:

''(c) GROUP ELIGIBILITY REQUIREMENTS.—The Secretary shall certify a group of agricultural commodity producers as eligible to apply for adjustment assistance under this chapter if the Secretary determines that—

''(1)(A) the national average price of the agricultural commodity produced by the group during the most recent marketing year for which data are available is less than 85 percent of the average of the national average price for the commodity in the 3 marketing years preceding such marketing year;

''(B) the quantity of production of the agricultural commodity produced by the group during such marketing year is less than 85 percent of the average of the quantity of production of the commodity produced by the group in the 3 marketing years preceding such marketing year;

''(C) the value of production of the agricultural commodity produced by the group during such marketing year is less than 85 percent of the average value of production of the commodity produced by the group in the 3 marketing years preceding such marketing year; or

''(D) the cash receipts for the agricultural commodity produced by the group during such marketing year are less than 85 percent of the average of the cash receipts for the commodity produced by the group in the 3 marketing years preceding such marketing year;

''(2) the volume of imports of articles like or directly competitive with the agricultural commodity produced by the group in the marketing year with respect to which the group files the petition increased compared to the average volume of such imports during the 3 marketing years preceding such marketing year; and

''(3) the increase in such imports contributed importantly to the decrease in the national average price, quantity of production, or value of production of, or cash receipts for, the agricultural commodity, as described in paragraph (1).

''(d) ELIGIBILITY OF CERTAIN OTHER PRODUCERS.—An agricultural commodity producer or group of producers that resides outside of the State or region identified in the petition filed under subsection (a) may file a request to become a party to that petition not later than 15 days after the date the notice is published in the Federal Register under subsection (a) with respect to that petition.

''(e) TREATMENT OF CLASSES OF GOODS WITHIN A COMMODITY.—In any case in which there are separate classes of goods within an agricultural commodity, the Secretary shall treat each class as a separate commodity in determining under subsection (c)—

''(1) group eligibility;

''(2) the national average price, quantity of production, or value of production, or cash receipts; and

''(3) the volume of imports.''.

(b) CONFORMING AMENDMENTS.—Section 293 of the Trade Act of 1974 (19 U.S.C. 2401b) is amended—

(1) in subsection (a), by striking ''section 292 (c) or (d), as the case may be,'' and inserting ''section 292(c)''; and

(2) in subsection (c), by striking ''decline in price for'' and inserting ''decrease in the national average price, quantity of production, or value of production of, or cash receipts for,''.

SEC. 1783. BENEFITS.

(a) IN GENERAL.—Section 296 of the Trade Act of 1974 (19 U.S.C. 2401e) is amended to read as follows:

''SEC. 296. QUALIFYING REQUIREMENTS AND BENEFITS FOR AGRICULTURAL COMMODITY PRODUCERS.

''(a) IN GENERAL.—

''(1) REQUIREMENTS.—

''(A) IN GENERAL.—Benefits under this chapter shall be available to an agricultural commodity producer covered by a certification under this chapter who files an application for such benefits not later than 90 days after the date on which the Secretary makes a determination and issues a certification of eligibility under section 293, if the producer submits to the Secretary sufficient information to establish that—

''(i) the producer produced or harvested the agricultural commodity covered by the application filed under this subsection in the marketing year with respect to which the petition is filed and in at least 1 of the 3 marketing years preceding that marketing year;

''(ii)(I) there has been a decrease in the amount of the agricultural commodity produced by the producer based on the amount of the agricultural commodity that was produced by the producer in the marketing year with respect to which the petition is filed and the most recent marketing year preceding that marketing year for which data are available; or

''(II) there has been a decrease in the price of the agricultural commodity based on—

''(aa) the price received for the agricultural commodity by the producer during the marketing year with respect to which the petition is filed and the average price for the commodity received by the producer in the 3 marketing years preceding that marketing year; or

''(bb) the county level price maintained by the Secretary for the agricultural commodity on the date on which the petition is filed and the average county level price for the commodity in the 3 marketing years preceding the date on which the petition is filed; and

''(iii) the producer is not receiving—

''(I) cash benefits under chapter 2 or 3; or

''(II) benefits based on the production of an agricultural commodity covered by another petition filed under this chapter.

''(B) SPECIAL RULE WITH RESPECT TO CROPS NOT GROWN EVERY YEAR.—For purposes of subparagraph (A)(ii)(II)(aa), if a petition is filed with respect to an agricultural commodity that is not produced by the producer every year, an agricultural commodity producer producing that commodity may establish the average price received for the commodity by the producer in the 3 marketing years preceding the year with respect to which the petition is filed by using average price data for the 3 most recent marketing years in which the producer produced the commodity and for which data are available.

''(2) LIMITATIONS BASED ON ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—Notwithstanding any other provision of this chapter, an agricultural commodity producer shall not be eligible for assistance under this chapter in any year in which the average adjusted gross income (as defined in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(a)) of the producer exceeds the level set forth in subparagraph (A) or (B) of section 1001D(b)(1) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)(1)), whichever is applicable.

''(B) DEMONSTRATION OF COMPLIANCE.—An agricultural commodity producer shall provide to the Secretary such information as the Secretary determines necessary to demonstrate that the producer is in compliance with the limitation under subparagraph (A).

''(C) COUNTER-CYCLICAL AND ACRE PAYMENTS.—The total amount of payments made to an agricultural commodity producer under this chapter during any crop year may not exceed the limitations on payments set forth in subsections (b)(2), (b)(3), (c)(2), and (c)(3) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).

''(b) TECHNICAL ASSISTANCE.—

''(1) INITIAL TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—An agricultural commodity producer that files an application and meets the requirements under subsection (a)(1) shall be entitled to receive initial technical assistance designed to improve the competitiveness of the production and marketing of the agricultural commodity with respect to which the producer was certified under this chapter. Such assistance shall include information regarding—

''(i) improving the yield and marketing of that agricultural commodity; and

''(ii) the feasibility and desirability of substituting one or more alternative agricultural commodities for that agricultural commodity.

''(B) TRANSPORTATION AND SUBSISTENCE EXPENSES.—

''(i) IN GENERAL.—The Secretary may authorize supplemental assistance necessary to defray reasonable transportation and subsistence expenses incurred by an agricultural commodity producer in connection with initial technical assistance under subparagraph (A) if such assistance is provided at facilities that are not within normal commuting distance of the regular place of residence of the producer.

''(ii) EXCEPTIONS.—The Secretary may not authorize payments to an agricultural commodity producer under clause (i)—

''(I) for subsistence expenses that exceed the lesser of—

''(aa) the actual per diem expenses for subsistence incurred by a producer; or

''(bb) the prevailing per diem allowance rate authorized under Federal travel regulations; or

''(II) for travel expenses that exceed the prevailing mileage rate authorized under the Federal travel regulations.

''(2) INTENSIVE TECHNICAL ASSISTANCE.—A producer that has completed initial technical assistance under paragraph (1) shall be eligible to participate in intensive technical assistance. Such assistance shall consist of—

''(A) a series of courses to further assist the producer in improving the competitiveness of the producer in producing—

''(i) the agricultural commodity with respect to which the producer was certified under this chapter; or

''(ii) another agricultural commodity; and

''(B) assistance in developing an initial business plan based on the courses completed under subparagraph (A).

''(3) INITIAL BUSINESS PLAN.—

''(A) APPROVAL BY SECRETARY.—The Secretary shall approve an initial business plan developed under paragraph (2)(B) if the plan—

''(i) reflects the skills gained by the producer through the courses described in paragraph (2)(A); and

''(ii) demonstrates how the producer will apply those skills to the circumstances of the producer.

''(B) FINANCIAL ASSISTANCE FOR IMPLEMENTING INITIAL BUSINESS PLAN.—Upon approval of the producer's initial business plan by the Secretary under subparagraph (A), a producer shall be entitled to an amount not to exceed $4,000 to—

''(i) implement the initial business plan; or

''(ii) develop a long-term business adjustment plan under paragraph (4).

''(4) LONG-TERM BUSINESS ADJUSTMENT PLAN.—

''(A) IN GENERAL.—A producer that has completed intensive technical assistance under paragraph (2) and whose initial business plan has been approved under paragraph (3)(A) shall be eligible for, in addition to the amount under subparagraph (C), assistance in developing a long-term business adjustment plan.

''(B) APPROVAL OF LONG-TERM BUSINESS ADJUSTMENT PLANS.—The Secretary shall approve a long-term business adjustment plan developed under subparagraph (A) if the Secretary determines that the plan—

''(i) includes steps reasonably calculated to materially contribute to the economic adjustment of the producer to changing market conditions;

''(ii) takes into consideration the interests of the workers employed by the producer; and

''(iii) demonstrates that the producer will have sufficient resources to implement the business plan.

''(C) PLAN IMPLEMENTATION.—Upon approval of the producer's long-term business adjustment plan under subparagraph (B), a

producer shall be entitled to an amount not to exceed $8,000 to implement the long-term business adjustment plan.

''(c) MAXIMUM AMOUNT OF ASSISTANCE.—An agricultural commodity producer may receive not more than $12,000 under paragraphs (3) and (4) of subsection (b) in the 36-month period following certification under section 293.

''(d) LIMITATIONS ON OTHER ASSISTANCE.—An agricultural commodity producer that receives benefits under this chapter (other than initial technical assistance under subsection (b)(1)) shall not be eligible for cash benefits under chapter 2 or 3.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 296 and inserting the following:

''Sec. 296. Qualifying requirements and benefits for agricultural commodity producers.''.

SEC. 1784. REPORT.

Section 293 of the Trade Act of 1974 (19 U.S.C. 2401b) is amended by adding at the end the following:

''(d) REPORT BY THE SECRETARY.—Not later than January 30, 2010, and annually thereafter, the Secretary of Agriculture 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 following information with respect to adjustment assistance provided under this chapter during the preceding fiscal year:

''(1) A list of the agricultural commodities covered by a certification under this chapter.

''(2) The States or regions in which such commodities are produced and the aggregate amount of such commodities produced in each such State or region.

''(3) The total number of agricultural commodity producers, by congressional district, receiving benefits under this chapter.

''(4) The total number of agricultural commodity producers, by congressional district, receiving technical assistance under this chapter.''.

SEC. 1785. FRAUD AND RECOVERY OF OVERPAYMENTS.

Section 297(a)(1) of the Trade Act of 1974 (19 U.S.C. 2401f(a)(1)) is amended by inserting ''or has expended funds received under this chapter for a purpose that was not approved by the Secretary,'' after ''entitled,''.

SEC. 1786. DETERMINATION OF INCREASES OF IMPORTS FOR CERTAIN FISHERMEN.

Notwithstanding any other provision of law, for purposes of chapters 2 and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), in the case of an agricultural commodity producer that—

(1) is a fisherman or aquaculture producer, and

(2) is otherwise eligible for adjustment assistance under chapter 2 or 6, as the case may be,

the increase in imports of articles like or directly competitive with the agricultural commodity produced by such producer may be based on imports of wild-caught seafood, farm-raised seafood, or both.

SEC. 1787. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.

Section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended by striking ''fiscal years 2003 through 2007'' and all that follows through the end period and inserting ''fiscal years 2009 and 2010 and $22,500,000 for the period beginning October 1, 2010, and ending December 31, 2010, to carry out the purposes of this chapter, including administrative costs, and salaries and expenses of employees of the Department of Agriculture.''.

PART V—GENERAL PROVISIONS

SEC. 1791. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this subtitle, and subsection (b) of this section, this subtitle and the amendments made by this subtitle—

(1) shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act; and

(2) shall apply to—

(A) petitions for certification filed under chapter 2, 3, or 6 of title II of the Trade Act of 1974 on or after the effective date described in paragraph (1); and

(B) petitions for assistance filed under chapter 4 of title II of the Trade Act of 1974 on or after such effective date.

(b) CERTIFICATIONS MADE BEFORE EFFECTIVE DATE.—Notwithstanding subsection (a)—

(1) a worker shall continue to receive (or be eligible to receive) trade adjustment assistance and other benefits under subchapter B of chapter 2 of title II of the Trade Act of 1974, as in effect on the day before the effective date described in subsection (a)(1), for any week for which the worker meets the eligibility requirements of such chapter 2 as in effect on the day before such effective date, if the worker—

(A) is certified as eligible for trade adjustment assistance benefits under such chapter 2 pursuant to a petition filed under section 221 of the Trade Act of 1974 on or before such effective date; and

(B) would otherwise be eligible to receive trade adjustment assistance benefits under such chapter as in effect on the day before such effective date;

(2) a worker shall continue to receive (or be eligible to receive) benefits under section 246(a)(2) of the Trade Act of 1974, as in effect on the day before the effective date described in subsection (a)(1), for such period for which the worker meets the eligibility requirements of section 246 of that Act as in effect on the day before such effective date, if the worker—

(A) is certified as eligible for benefits under such section 246 pursuant to a petition filed under section 221 of the Trade Act of 1974 on or before such effective date; and

(B) would otherwise be eligible to receive benefits under such section 246(a)(2) as in effect on the day before such effective date; and

(3) a firm shall continue to receive (or be eligible to receive) adjustment assistance under chapter 3 of title II of the Trade Act if 1974, as in effect on the day before the effective date described in subsection (a)(1), for such period for which the firm meets the eligibility requirements of such chapter 3 as in effect on the day before such effective date, if the firm—

(A) is certified as eligible for benefits under such chapter 3 pursuant to a petition filed under section 251 of the Trade Act of 1974 on or before such effective date; and

(B) would otherwise be eligible to receive benefits under such chapter 3 as in effect on the day before such effective date.

SEC. 1792. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE PROGRAMS.

(a) FOR WORKERS.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2010''.

(b) TERMINATION.—Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note prec.) is amended—

(1) by striking ''December 31, 2007'' each place it appears (other than subsection (b)(1)) and inserting ''December 31, 2010''; and

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

''(1) ASSISTANCE FOR FIRMS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), technical assistance and grants may not be provided under chapter 3 after December 31, 2010.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), any technical assistance or grant approved under chapter 3 on or before December 31, 2010, may be provided—

''(i) to the extent funds are available pursuant to such chapter for such purpose; and

''(ii) to the extent the recipient of the technical assistance or grant is otherwise eligible to receive such technical assistance or grant, as the case may be.''; and

(B) by adding at the end the following:

''(3) ASSISTANCE FOR COMMUNITIES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), technical assistance and grants may not be provided under chapter 4 after December 31, 2010.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), any technical assistance or grant approved under chapter 4 on or before December 31, 2010, may be provided—

''(i) to the extent funds are available pursuant to such chapter for such purpose; and

''(ii) to the extent the recipient of the technical assistance or grant is otherwise eligible to receive such technical assistance or grant, as the case may be.''.

SEC. 1793. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.

Not later than September 30, 2012, the Comptroller General of the United States shall prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a comprehensive report on the operation and effectiveness of the amendments made by this subtitle to chapters 2, 3, 4, and 6 of the Trade Act of 1974.

SEC. 1794. EMERGENCY DESIGNATION.

Amounts appropriated pursuant to this subtitle 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.

PART VI—HEALTH COVERAGE IMPROVEMENT

SEC. 1799. SHORT TITLE.

This part may be cited as the ''TAA Health Coverage Improvement Act of 2009''.

SEC. 1799A. IMPROVEMENT OF THE AFFORDABILITY OF THE CREDIT.

(a) IMPROVEMENT OF AFFORDABILITY.—

(1) IN GENERAL.—Section 35(a) of the Internal Revenue Code of 1986 (relating to credit for health insurance costs of eligible individuals) is amended by striking ''65'' and inserting ''80''.

(2) CONFORMING AMENDMENT.—Section 7527(b) of such Code (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by striking ''65'' and inserting ''80''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning on or after the first day of the first month beginning 60 days after the date of the enactment of this Act.

SEC. 1799B. PAYMENT FOR MONTHLY PREMIUMS PAID PRIOR TO COMMENCEMENT OF ADVANCE PAYMENTS OF CREDIT.

(a) PAYMENT FOR PREMIUMS DUE PRIOR TO COMMENCEMENT OF ADVANCE PAYMENTS OF CREDIT.—Section 7527 of the Internal Revenue Code of 1986 (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by adding at the end the following new subsection:

''(e) PAYMENT FOR PREMIUMS DUE PRIOR TO COMMENCEMENT OF ADVANCE PAYMENTS.—

''(1) IN GENERAL.—The program established under subsection (a) shall provide that the

Secretary shall make 1 or more retroactive payments on behalf of a certified individual in an aggregate amount equal to 80 percent of the premiums for coverage of the taxpayer and qualifying family members under qualified health insurance for eligible coverage months (as defined in section 35(b)) occurring prior to the first month for which an advance payment is made on behalf of such individual under subsection (a).

''(2) REDUCTION OF PAYMENT FOR AMOUNTS RECEIVED UNDER NATIONAL EMERGENCY GRANTS.—The amount of any payment determined under paragraph (1) shall be reduced by the amount of any payment made to the taxpayer for the purchase of qualified health insurance under a national emergency grant pursuant to section 173(f) of the Workforce Investment Act of 1998 for a taxable year including the eligible coverage months described in paragraph (1).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to eligible coverage months beginning on the date that is 9 months after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 1799C. TAA RECIPIENTS NOT ENROLLED IN TRAINING PROGRAMS ELIGIBLE FOR CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 35(c) of the Internal Revenue Code of 1986 (defining eligible TAA recipient) is amended to read as follows:

''(2) ELIGIBLE TAA RECIPIENT.—The term 'eligible TAA recipient' means, with respect to any month, any individual who—

''(A) is receiving for any day of such month a trade adjustment allowance under chapter 2 of title II of the Trade Act of 1974,

''(B) would be eligible to receive such allowance except that such individual is in a break in training provided under a training program approved under section 236 of such Act that exceeds the period specified in section 233(e) of such Act, but is within the period for receiving such allowances provided under section 233(a) of such Act, or

''(C) is receiving unemployment compensation (as defined in section 85(b)) for such month and who would be eligible to receive such allowance for such month if section 231 of such Act were applied without regard to subsections (a)(3)(B) and (a)(5) thereof.

An individual shall continue to be treated as an eligible TAA recipient during the first month that such individual would otherwise cease to be an eligible TAA recipient by reason of the preceding sentence.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to months beginning after the date of the enactment of this Act in taxable years ending after such date.

SEC. 1799D. TAA PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.

(a) IRC AMENDMENT.—Section 9801(c)(2) of the Internal Revenue Code of 1986 (relating to not counting periods before significant breaks in creditable coverage) is amended by adding at the end the following new subparagraph:

''(D) TAA-ELIGIBLE INDIVIDUALS.—

''(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date which is 5 days after the date of the issuance by the Secretary (or by any person or entity designated by the Secretary) of a qualified health insurance costs credit eligibility certificate for such individual for purposes of section 7527 shall not be taken into account in determining the continuous period under subparagraph (A).

''(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 4980B(f)(5)(C)(iv).''.

(b) ERISA AMENDMENT.—Section 701(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) TAA-ELIGIBLE INDIVIDUALS.—

''(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date that is 5 days after the date of the issuance by the Secretary (or by any person or entity designated by the Secretary) of a qualified health insurance costs credit eligibility certificate for such individual for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

''(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 605(b)(4).''.

(c) PHSA AMENDMENT.—Section 2701(c)(2) of the Public Health Service Act (42 U.S.C. 300gg(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) TAA-ELIGIBLE INDIVIDUALS.—

''(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date that is 5 days after the date of the issuance by the Secretary (or by any person or entity designated by the Secretary) of a qualified health insurance costs credit eligibility certificate for such individual for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

''(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 2205(b)(4).''.

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

SEC. 1799E. CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.

(a) IN GENERAL.—Subsection (g) of section 35 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (9) as paragraph (10) and inserting after paragraph (8) the following new paragraph:

''(9) CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.—

''(A) ELIGIBLE INDIVIDUAL BECOMES MEDICARE ELIGIBLE.—In the case of a month which would be an eligible coverage month with respect to an eligible individual described in subparagraph (A) or (B) of subsection (c)(1) but for subsection (f)(2)(A), such month shall be treated as an eligible coverage month with respect to such eligible individual solely for purposes of determining the amount of the credit under this section with respect to any qualifying family member of such individual.

''(B) DIVORCE.—In the case of a month which would be an eligible coverage month with respect to a former spouse of a taxpayer but for the finalization of a divorce between the spouse and the taxpayer that occurs during the period in which the taxpayer is an eligible individual, such month shall be treated as an eligible coverage month with respect to such former spouse.

''(C) DEATH.—In the case of a month which occurs after the death of an eligible individual and which would be an eligible coverage month with respect to such eligible individual if the individual had survived and met any applicable eligibility requirements for the maximum permissible period, such month shall be treated as an eligible coverage month with respect to any qualifying family member of such eligible individual.''.

(b) CONFORMING AMENDMENT.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended by adding at the end the following new paragraph:

''(8) CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.—

''(A) ELIGIBLE INDIVIDUAL BECOMES MEDICARE ELIGIBLE.—In the case of a month which would be an eligible coverage month with respect to an eligible individual described in subparagraph (A) or (B) of paragraph (4) but for paragraph (7)(B)(i), such month shall be treated as an eligible coverage month with respect to such eligible individual solely for purposes of determining the amount of the credit under this section with respect to any qualifying family member of such individual.

''(B) DIVORCE.—In the case of a month which would be an eligible coverage month with respect to a former spouse of a taxpayer but for the finalization of a divorce between the spouse and the taxpayer that occurs during the period in which the taxpayer is an eligible individual, such month shall be treated as an eligible coverage month with respect to such former spouse.

''DEATH.—In the case of a month which occurs after the death of an eligible individual and which would be an eligible coverage month with respect to such eligible individual if the individual had survived and met any applicable eligibility requirements for the maximum permissible period, such month shall be treated as an eligible coverage month with respect to the spouse of such eligible individual.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2009.

SEC. 1799F. ALIGNMENT OF COBRA COVERAGE WITH TAA PERIOD FOR TAA-ELIGIBLE INDIVIDUALS.

(a) INTERNAL REVENUE CODE OF 1986.—Section 4980B(f)(5)(C) of the Internal Revenue Code of 1986 is amended—

(1) in the subparagraph heading, by inserting ''AND COVERAGE'' after ''ELECTION''; and

(2) in clause (ii)—

(A) in the clause heading, by inserting ''AND PERIOD'' after ''COMMENCEMENT''; and

(B) by adding at the end the following new sentence: ''In no event shall the maximum period required under paragraph (2)(B)(i) with respect to such continuation coverage be less than the period during which the individual is a TAA-eligible individual.''.

(b) ERISA.—Section 605(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1165(b)) is amended—

(1) in the subsection heading, by inserting ''AND COVERAGE'' after ''ELECTION''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting ''AND PERIOD'' after ''COMMENCEMENT''; and

(B) by adding at the end the following new sentence: ''In no event shall the maximum period required under section 602(2)(A) with respect to such continuation coverage be less than the period during which the individual is a TAA-eligible individual.''.

(c) PUBLIC HEALTH SERVICE ACT.—Section 2205(b) of the Public Health Service Act (42 U.S.C. 300bb–5(b)) is amended—

(1) in the subsection heading, by inserting ''AND COVERAGE'' after ''ELECTION''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting ''AND PERIOD'' after ''COMMENCEMENT''; and

(B) by adding at the end the following new sentence: ''In no event shall the maximum period required under section 2202(2)(A) with respect to such continuation coverage be less

than the period during which the individual is a TAA-eligible individual.''.

SEC. 1799G. ADDITION OF COVERAGE THROUGH VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATIONS.

Paragraph (1) of section 35(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(K) Coverage under an employee benefit plan funded by a voluntary employees' beneficiary association (as defined in section 501(c)(9)) established pursuant to an order of a bankruptcy court, or by agreement with an authorized representative, as provided in section 1114 of title 11, United States Code.''.

SEC. 1799H. NOTICE REQUIREMENTS.

(a) IN GENERAL.—Subsection (d) of section 7527 of the Internal Revenue Code of 1986 (relating to qualified health insurance costs credit eligibility certificate) is amended to read as follows:

''(d) QUALIFIED HEALTH INSURANCE COSTS ELIGIBILITY CERTIFICATE.—

''(1) IN GENERAL.—For purposes of this section, the term 'qualified health insurance costs eligibility certificate' means any written statement that an individual is an eligible individual (as defined in section 35(c)) if such statement provides the information described in paragraph (2) and—

''(A) in the case of an eligible TAA recipient (as defined in section 35(c)(2)) or an eligible alternative TAA recipient (as defined in section 35(c)(3)), is certified by the Secretary of Labor (or by any other person or entity designated by the Secretary), or

''(B) in the case of an eligible PBGC pension recipient (as defined in section 35(c)(4)), is certified by the Pension Benefit Guaranty Corporation (or by any other person or entity designated by the Secretary).

''(2) INCLUSION OF CERTAIN INFORMATION.—The qualified health insurance costs credit eligibility certificate described in paragraph (1) with respect to an eligible individual shall include—

''(A) the name, address, and telephone number of the State office or offices responsible for providing the individual with assistance with enrollment in qualified health insurance (as defined in section 35(e)),

''(B) a list of the coverage options that are treated as qualified health insurance (as so defined) by the State in which the individual resides,

''(C) in the case of a TAA-eligible individual (as defined in section 4980B(f)(5)(C)(iv)(II)), a statement informing the individual that the individual has 63 days from the date that is 5 days after the date of the issuance of such certificate to enroll in such insurance without a lapse in creditable coverage (as defined in section 9801(c)), and

''(D) such other information as the Secretary may require.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to certificates issued after the date that is 6 months after the date of the enactment of this Act.

SEC. 1799I. SURVEY AND REPORT ON ENHANCED HEALTH COVERAGE TAX CREDIT PROGRAM.

(a) SURVEY.—

(1) IN GENERAL.—The Secretary of the Treasury shall conduct a biennial survey of eligible individuals (as defined in section 35(c) of the Internal Revenue Code of 1986) relating to the health coverage tax credit under section 35 of the Internal Revenue Code of 1986 (hereinafter in this section referred to as the ''health coverage tax credit'').

(2) INFORMATION OBTAINED.—The survey conducted under subsection (a) shall obtain the following information:

(A) HCTC PARTICIPANTS.—In the case of eligible individuals receiving the health coverage tax credit (including individuals participating in the health coverage tax credit program under section 7527 of such Code, hereinafter in this section referred to as the ''HCTC program'')—

(i) demographic information of such individuals, including income and education levels,

(ii) satisfaction of such individuals with the enrollment process in the HCTC program,

(iii) satisfaction of such individuals with available health coverage options under the credit, including level of premiums, benefits, deductibles, cost-sharing requirements, and the adequacy of provider networks, and

(iv) any other information that the Secretary determines is appropriate.

(B) NON-HCTC PARTICIPANTS.—In the case of eligible individuals not receiving the health coverage tax credit—

(i) demographic information of each individual, including income and education levels,

(ii) whether the individual was aware of the health coverage tax credit or the HCTC program,

(iii) the reasons the individual has not enrolled in the HCTC program, including whether such reasons include the burden of the process of enrollment and the affordability of coverage,

(iv) whether the individual has health insurance coverage, and, if so, the source of such coverage, and

(v) any other information that the Secretary determines is appropriate.

(3) REPORT.—Not later than December 31 of each year in which a survey is conducted under paragraph (1) (beginning in 2010), the Secretary of the Treasury shall report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives the findings of the most recent survey conducted under subsection (a).

(b) REPORT.—Not later than October 1 of each year (beginning in 2010), the Secretary of the Treasury (after consultation with the Secretary of Labor, in the case of the information required under paragraph (7)) shall report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives the following information with respect to the most recent taxable year ending before such date:

(1) In each State and nationally—

(A) the total number of eligible individuals (as defined in section 35(c) of the Internal Revenue Code of 1986) and the number of eligible individuals receiving the health coverage tax credit,

(B) the total number of such eligible individuals who receive an advance payment of the health coverage tax credit through the HCTC program,

(C) the average length of the time period of the participation of eligible individuals in the HCTC program, and

(D) the total number of participating eligible individuals in the HCTC program who are enrolled in each category of coverage as described in section 35(e)(1) of such Code,

with respect to each category of eligible individuals described in section 35(c)(1) of such Code.

(2) In each State and nationally, an analysis of—

(A) the range of monthly health insurance premiums, for self-only coverage and for family coverage, for individuals receiving the health coverage tax credit, and

(B) the average and median monthly health insurance premiums, for self-only coverage and for family coverage, for individuals receiving the health coverage tax credit,

with respect to each category of coverage as described in section 35(e)(1) of such Code.

(3) In each State and nationally, an analysis of the following information with respect to the health insurance coverage of individuals receiving the health coverage tax credit who are enrolled in coverage described in subparagraphs (B) through (H) of section 35(e)(1) of such Code:

(A) Deductible amounts.

(B) Other out-of-pocket cost-sharing amounts.

(C) A description of any annual or lifetime limits on coverage or any other significant limits on coverage services, or benefits.

The information required under this paragraph shall be reported with respect to each category of coverage described in such subparagraphs.

(4) In each State and nationally, the gender and average age of eligible individuals (as defined in section 35(c) of such Code) who receive the health coverage tax credit, in each category of coverage described in section 35(e)(1) of such Code, with respect to each category of eligible individuals described in such section.

(5) The steps taken by the Secretary of the Treasury to increase the participation rates in the HCTC program among eligible individuals, including outreach and enrollment activities.

(6) The cost of administering the HCTC program by function, including the cost of subcontractors, and recommendations on ways to reduce administrative costs, including recommended statutory changes.

(7) The number of States applying for and receiving national emergency grants under section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)), the activities funded by such grants on a State-by-State basis, and the time necessary for application approval of such grants.

SEC. 1799J. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $80,000,000 for the period of fiscal years 2009 through 2010 to implement the amendments made by, and the provisions of, sections 1799 through 1799I of this part.

SEC. 1799K. EXTENSION OF NATIONAL EMERGENCY GRANTS.

(a) IN GENERAL.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)), as amended by this Act, is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

''(1) USE OF FUNDS.—

''(A) HEALTH INSURANCE COVERAGE FOR ELIGIBLE INDIVIDUALS IN ORDER TO OBTAIN QUALIFIED HEALTH INSURANCE THAT HAS GUARANTEED ISSUE AND OTHER CONSUMER PROTECTIONS.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) may be used to provide an eligible individual described in paragraph (4)(C) and such individual's qualifying family members with health insurance coverage for the 3-month period that immediately precedes the first eligible coverage month (as defined in section 35(b) of the Internal Revenue Code of 1986) in which such eligible individual and such individual's qualifying family members are covered by qualified health insurance that meets the requirements described in clauses (i) through (v) of section 35(e)(2)(A) of the Internal Revenue Code of 1986 (or such longer minimum period as is necessary in order for such eligible individual and such individual's qualifying family members to be

covered by qualified health insurance that meets such requirements).

''(B) ADDITIONAL USES.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) may be used by the State or entity for the following:

''(i) HEALTH INSURANCE COVERAGE.—To assist an eligible individual and such individual's qualifying family members with enrolling in health insurance coverage and qualified health insurance or paying premiums for such coverage or insurance.

''(ii) ADMINISTRATIVE EXPENSES AND START-UP EXPENSES TO ESTABLISH GROUP HEALTH PLAN COVERAGE OPTIONS FOR QUALIFIED HEALTH INSURANCE.—To pay the administrative expenses related to the enrollment of eligible individuals and such individuals' qualifying family members in health insurance coverage and qualified health insurance, including—

''(I) eligibility verification activities;

''(II) the notification of eligible individuals of available health insurance and qualified health insurance options;

''(III) processing qualified health insurance costs credit eligibility certificates provided for under section 7527 of the Internal Revenue Code of 1986;

''(IV) providing assistance to eligible individuals in enrolling in health insurance coverage and qualified health insurance;

''(V) the development or installation of necessary data management systems; and

''(VI) any other expenses determined appropriate by the Secretary, including start-up costs and on going administrative expenses, in order for the State to treat the coverage described in subparagraphs (C) through (H) of section 35(e)(1) of the Internal Revenue Code of 1986 as qualified health insurance under that section.

''(iii) OUTREACH.—To pay for outreach to eligible individuals to inform such individuals of available health insurance and qualified health insurance options, including outreach consisting of notice to eligible individuals of such options made available after the date of enactment of this clause and direct assistance to help potentially eligible individuals and such individual's qualifying family members qualify and remain eligible for the credit established under section 35 of the Internal Revenue Code of 1986 and advance payment of such credit under section 7527 of such Code.

''(iv) BRIDGE FUNDING.—To assist potentially eligible individuals to purchase qualified health insurance coverage prior to issuance of a qualified health insurance costs credit eligibility certificate under section 7527 of the Internal Revenue Code of 1986 and commencement of advance payment, and receipt of expedited payment, under subsections (a) and (e), respectively, of that section.

''(C) RULE OF CONSTRUCTION.—The inclusion of a permitted use under this paragraph shall not be construed as prohibiting a similar use of funds permitted under subsection (g).''; and

(2) by striking paragraph (2) and inserting the following new paragraph:

''(2) QUALIFIED HEALTH INSURANCE.—For purposes of this subsection and subsection (g), the term 'qualified health insurance' has the meaning given that term in section 35(e) of the Internal Revenue Code of 1986.''.

(b) FUNDING.—Section 174(c)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2919(c)(1)) is amended—

(1) in the paragraph heading, by striking ''AUTHORIZATION AND APPROPRIATION FOR FISCAL YEAR 2002'' and inserting ''APPROPRIATIONS''; and

(2) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) to carry out subsection (a)(4)(A) of section 173—

''(i) $10,000,000 for fiscal year 2002; and

''(ii) $150,000,000 for the period of fiscal years 2009 through 2010; and''.

SA 405. Mr. HARKIN 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 176, line 18, strike ''0.75 percent'' and insert ''75 percent''.

SA 406. 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 40, between lines 17 and 18, insert the following:

For an additional amount for implementation of the Magnuson-Stevens Fishery Conservation and Management Act by the National Marine Fisheries Service, $39,800,000, to remain available until September 30, 2010.

SA 407. Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. DODD, Mr. KERRY, Mr. LIEBERMAN, 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 698, after line 25, insert the following:

SEC. 4204A. CONTINUED APPLICATION OF BUDGET NEUTRALITY ON A NATIONAL BASIS IN CALCULATION OF THE MEDICARE URBAN HOSPITAL WAGE FLOOR.

(a) IN GENERAL.—In the case of discharges occurring on or after the date of the enactment of this Act, the Secretary of Health and Human Services shall continue to administer section 4410(b) of the Balanced Budget Act of 1997 (42 U.S.C. 1395ww note) and section 412.64(e) of title 42, Code of Federal Regulations, in the same manner as the Secretary administered such sections for discharges occurring during fiscal year 2008 (through a uniform, national adjustment to the area wage index).

(b) HOLD HARMLESS FOR FISCAL YEAR 2009.—Notwithstanding any other provision of law, in the case of discharges occurring on or after the date of the enactment of this Act and before October 1, 2009, if the application of subsection (a) would otherwise result in the area wage index applicable to a hospital under section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) being reduced, the area wage index for such hospital shall be the area wage index for such hospital that was applicable to discharges occurring on the day before the date of the enactment of this Act.

SA 408. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 353 proposed by Mr. ENSIGN (for himself, Mr. MCCONNELL, and Mr. ALEXANDER) to the amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, between lines 10 and 11, insert the following:

SEC. 1203. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2008) is amended—

(1) by striking ''or 2008'' and inserting ''2008, or 2009'', and

(2) by striking ''2008'' in the heading thereof and inserting ''2009''.

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

SEC. 1204. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($69,950 in the case of taxable years beginning in 2008)'' in subparagraph (A) and inserting ''($70,950 in the case of taxable years beginning in 2009)'', and

(2) by striking ''($46,200 in the case of taxable years beginning in 2008)'' in subparagraph (B) and inserting ''($46,700 in the case of taxable years beginning in 2009)''.

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

SA 409. 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:

Beginning on page 73, line 18, strike ''regional transmission'' and all that follows through ''formation of'' on page 74, line 2, and insert ''transmission plans, including regional transmission plans, the Office of Electricity Delivery and Energy Reliability within the Department of Energy is provided $80,000,000 within the available funds to conduct a resource assessment and an analysis of future demand and transmission requirements: *Provided further*, That the Office of

Electricity Delivery and Energy Reliability will provide technical assistance to the North American Electric Reliability Corporation, the regional reliability entities, the States, and other transmission owners and operators for the formation of transmission plans, including''.

SA 410. 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, after ''That'', insert the following: ''$180,000,000 shall be available for renewable energy construction grants under section 803 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17282), geothermal energy programs and grants under sections 613, 614, 615, and 625 of that Act (42 U.S.C. 17192, 17193, 17194, 17204), and the marine and hydrokinetic renewable energy technologies program established under section 633 of that Act (42 U.S.C. 17212): *Provided further*,''.

SA 411. Mr. VITTER 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 184, between lines 8 and 9, insert the following:

(4) SPECIAL RULES REGARDING PRIVATE SCHOOLS.—

(A) DETERMINATION OF NUMBER OF POOR CHILDREN.—The Secretary shall, in determining the number of poor children for purposes of paragraph (2)(A), include in such number for each local educational agency, the total number of poor children who are served by private schools located in the school attendance area served by the local educational agency.

(B) FUNDS AVAILABLE FOR PRIVATE SCHOOLS.—

(i) IN GENERAL.—Notwithstanding paragraph (2)(C) or any other provision of this section, each local educational agency that receives funds under paragraph (2) or (3) shall collaborate with private schools located in the school attendance area of the local educational agency, in order to use the amount described in clause (ii) to carry out school construction, repair, and renovation projects, consistent with subsection (c) and the first amendment to the Constitution, for such private schools.

(ii) AMOUNT FOR PRIVATE SCHOOLS.—For each local educational agency that receives funds under paragraph (2) or paragraph (3), the amount described in this clause shall be an amount that bears the same relation to the total amount of such funds received by the local educational agency, as the number of poor children served by private schools located in the school attendance area served by the local educational agency for the most recent school year for which data are available, bears to the total number of poor children served by the local educational agency and by such private schools for such school year.

(C) REGULATIONS.—The Secretary shall promulgate regulations as necessary to carry out this paragraph.

SA 412. Mr. BINGAMAN (for himself and Mr. WHITEHOUSE) 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 93, line 15, after ''*Provided,*'', insert the following: ''That, to the maximum extent practicable, a portion of the funds made available under this heading may be used for comprehensive projects to promote energy efficiency, water conservation, and renewable energy carried out in a manner that leverages private sector financing and measures and verifies savings: *Provided further,*''.

SA 413. 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 70, lines 15 and 16, strike ''*Provided,*'' and insert: ''*Provided,* That not less than $100,000,000 shall be for the building codes training and technical assistance program of the Department of Energy, including section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833): *Provided further,*''.

SA 414. 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 60, between lines 4 and 5, insert the following:

GENERAL PROVISIONS—THIS TITLE

IMPLEMENTATION OF ACQUISITION WORKFORCE DEVELOPMENT PLANS

SEC. 301. (a) AMOUNT FOR OFFICE OF FEDERAL PROCUREMENT POLICY.—

(1) AMOUNT.—For an additional amount for ''OFFICE OF MANAGEMENT AND BUDGET'', $40,000,000, to remain available until September 30, 2010.

(2) AVAILABILITY.—The amount provided by paragraph (1) shall be available to the Office of Federal Procurement Policy for purposes of the implementation of the Acquisition Workforce Development Strategic Plan under section 869 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4553).

(3) EXERCISE OF AUTHORITY.—In implementing the Acquisition Workforce Development Strategic Plan utilizing the amount provided by paragraph (1), the Administrator of the Office of Federal Procurement Policy may, in consultation with the Director of the Office of Management and Budget and the Associate Director of the Office of Management and Budget for Acquisition Workforce Programs—

(A) allocate amounts provided by paragraph (1) to departments and agencies of the Federal Government implementing the Acquisition Workforce Development Strategic Plan for purposes of hiring, training, and developing contract officers, contract auditors, and contract investigators; and

(B) set priorities in the allocation of amounts under subparagraph (A) to departments and agencies in which contracting activities are high or shortfalls in the acquisition workforce are most severe.

(b) AMOUNT FOR SECRETARY OF DEFENSE.—

(1) AMOUNT.—For an additional amount for ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', $20,500,000, to remain available until September 30, 2010.

(2) AVAILABILITY.—The amount provided by paragraph (1) shall be available to the Secretary of Defense to support the Department of Defense Acquisition Workforce Development Fund under section 1705 of title 10, United States Code.

(3) EXERCISE OF AUTHORITY.—In supporting the Department of Defense Acquisition Workforce Development Fund utilizing the amount provided by paragraph (1), the Secretary—

(A) shall utilize such amount for purposes of hiring, training, and developing contract officers, contract auditors, and contract investigators, including the allocation of funds to the military departments for such purposes; and

(B) in so utilizing such amount, should consider the requirements and needs identified in the most current strategic human capital plan under section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3452; 10 U.S.C. prec. 1580 note), including the requirements and needs identified pursuant to the provisions of section 851 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 247; 10 U.S.C. prec. 1580 note).

(c) OFFSET.—The amount appropriated by title XI under the heading ''DIPLOMATIC AND CONSULAR AFFAIRS'' is hereby reduced by $60,500,000, with the amount of the reduction allocated to amounts available under that heading to improve the efficiency of human resources and diplomatic support functions.

SA 415. 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 143, between lines 9 and 10, insert the following:

ENGLISH LANGUAGE ACQUISITION

For an additional amount for carrying out part A of title III of the Elementary and Secondary Education Act of 1965, $500,000,000: *Provided,* That such amount shall be 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 416. 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 124, after line 24, insert the following:

(6) $50,000,000 for Migrant and Seasonal Farmworker programs under section 167 of the WIA: *Provided,* That such funds shall be 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;

(7) $50,000,000 for section 171 of the WIA: *Provided,* That these funds shall be for integrated job training programs which provide occupational skills training to be combined with English language acquisition for limited English proficient adults: *Provided further,* That these funds shall be 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; and

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SA 417. Mrs. FEINSTEIN 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 56, between lines 23 and 24, insert the following:

(11) Nothing in this section shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SA 418. 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:

At the appropriate place, insert the following:

SEC. _____. REQUIRING USE OF STATE EXCESS END OF YEAR GENERAL FUND BALANCES.

A State may not receive any funding under this Act for State fiscal year 2010 or 2011 unless the Governor of the State prior to the beginning of that fiscal year certifies that for such fiscal year any end of year general fund balance, which includes budget stabilization or rainy day funds, maintained by the State does not exceed 7 prevent of total State general funds.

SA 419. Mr. COCHRAN 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 20 and 21, insert the following:

OFFICE OF THE CHIEF INFORMATION OFFICER

For an additional amount for the Office of the Chief Information Officer, $100,000,000, to remain available until September 30, 2010, for the highest data center development and security activities priorities: *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.

On page 107, line 3, strike ''$800,000,000'' and insert ''$700,000,000''.

SA 420. Mr. HATCH 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 20 and 21, insert the following:

OFFICE OF THE CHIEF INFORMATION OFFICER

For an additional amount for the Office of the Chief Information Officer, $100,000,000, to remain available until September 30, 2010, for the highest data center development and security activities priorities: *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.

On page 109, line 22, strike ''$950,000,000'' and insert ''$850,000,000''.

On page 110, line 19, strike ''$500,000,000'' and insert ''$400,000,000''.

SA 421. 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 145, between lines 2 and 3, insert the following:

CAREER, TECHNICAL, AND ADULT EDUCATION

For an additional amount for carrying out Adult Education State Grants under section 211 of the Adult Education and Family Literacy Act, $250,000,000: *Provided,* That eligible agencies receiving such grants shall give priority to programs providing services for English as a second language: *Provided further,* That this amount shall be 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 422. 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 123, line 9, strike ''$3,250,000,000,'' and insert ''$3,350,000,000, which amount shall be 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, and''.

SA 423. Mr. PRYOR (for himself 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:

On page 8, line 10, before the period, insert the following: '': *Provided,* That, in making loans, loan guarantees, and grants using funds made available under this heading, the Secretary of Agriculture may waive the application requirements related to population, income, and project development cost ratios, if the waiver is appropriate to expedite use of the funds, the project still applies to communities that are rural in character with a population of less than 20,000, and the median household income of the community served does not exceed the estimated national real median income for households outside metropolitan statistical areas according to United States Census Bureau current population survey data for 2007''.

SA 424. Mr. GRASSLEY (for himself and Mr. HARKIN) 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 134, lines 12 and 13, strike ''funds shall be allocated to all States on the basis of unemployment'' and insert ''$200,000,000 of such funds shall be allocated to all States on the basis of unemployment and $200,000,000 of such funds shall be allocated only to those States that suffered hurricanes, floods, or other natural disasters occurring during 2008 for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974: *Provided further*, That the funds allocated to those States that suffered such natural disasters during 2008 shall be distributed on the basis of an approved application and a formula established by the Secretary of Health and Human Services that is based on the number of approved applications for individual assistance in a State under such Act, the population of the counties in the State declared eligible for individual assistance under such Act, and the duration of the natural disaster event as it relates to the severity of the impact of the event on individuals living in disaster-affected areas''.

SA 425. Mr. ROCKEFELLER (for himself and Mr. CARPER) 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 MAINTAINING ACCESS TO MEDICAID DURING AN ECONOMIC DOWNTURN.

(a) FINDINGS.—The Senate makes the following findings:

(1) Medicaid is a vital safety-net for nearly 60,000,000 low-income Americans. In times of economic downturn, Medicaid becomes even more important for working families.

(2) The current national unemployment rate is 7.2 percent, and many States are above the national average. Experts believe that unemployment could rise to 9 percent or even higher before the economy turns around.

(3) If the unemployment rate averages between 8 and 9 percent during the next 2½ years as is currently projected, States will face an estimated funding gap of approximately $94,000,000,000 in Medicaid and the Children's Health Insurance Program (CHIP) during that period, according to the most recent Urban Institute and Kaiser Family Foundation study.

(4) States are struggling to cope with increasing Medicaid enrollment and decreasing State revenues. The Congressional Budget Office has projected Medicaid enrollment growth of nearly 9 percent in fiscal year 2009 alone.

(5) According to the Government Accountability Office, State and local fiscal pressures have led to an estimated $312,000,000,000 operating deficit in State and local governments over the next 2 years, which will disproportionately impact Medicaid.

(6) States need greater financial support from the Federal Government, not less financial support and more restrictions that make providing quality care to those most in need more difficult.

(7) This Act includes $90,000,000,000 in Medicaid relief to States, $87,000,000,000 in relief through an increase in the Federal medical assistance percentage (FMAP) and $3,000,000,000 in reimbursement to States for expenditures for providing medical assistance to disabled individuals that should have been paid for by the Medicare program.

(8) The Medicaid relief in the Act will fill a significant portion of the expected gaps in Medicaid funding over the next 27 months and allow States to protect eligibility, benefits and provider payments.

(9) Adding additional restrictions on a State's ability to receive Medicaid relief moves in the wrong direction.

(10) Any maintenance of effort for eligibility should be straightforward, as it was in the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108–27), so that States and the Federal Government can avoid conflicts over questions related to applicable aspects of eligibility policies and so that States may still undertake activities intended to streamline eligibility procedures which in turn could result in cost efficiencies.

(11) Requiring States to ensure certain provider payment and benefit levels, in addition to the income eligibility requirements already in the Act, means that some States will simply decline the Federal help and cut their Medicaid programs even more drastically than they already have.

(12) According to the Congressional Budget Office, adding provider payment and benefit maintenance of effort provisions will either reduce the overall FMAP amount to States by more than $12,000,000,000 or increase the amount that States have to spend on Medicaid.

(13) It is inefficient to spend vital coverage dollars on provider payment and benefit restorations that States are likely to do on their own, without such additional requirements.

(14) Medicaid provider payment issues require a longer-term solution that addresses the historical problems with Medicaid provider payments, which is why Congress created the Medicaid and CHIP Payment and Access Commission (MACPAC) in the Children's Health Insurance Program Reauthorization Act of 2009.

(15) Any additional maintenance of effort requirements will penalize States in desperate need of relief to keep their Medicaid programs operating and will reduce the number of families covered during this economic downturn.

(16) Providers, including physicians, community health centers, and hospitals, are already receiving significant relief in other areas of this Act.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Medicaid relief is an essential part of economic recovery;

(2) States are required, as a condition for receiving FMAP relief, to report to the Secretary of Health and Human Services on the use of the FMAP relief funds, which will alert the Secretary to any ongoing problems with access to benefits;

(3) Congress created the Medicaid and CHIP Payment and Access Commission (MACPAC) to take a longer-term look at Medicaid benefits and access; and

(4) additional Medicaid maintenance of effort provisions, as requirements for receiving FMAP relief, are unnecessary and should not be added to the Act.

SA 426. 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 247, line 9, strike ''$3,000,000,000'' and insert ''$4,000,000,000''.

On page 247, line 15, strike ''$2,000,000,000'' and insert ''$1,000,000,000''.

SA 427. Mr. DODD (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. —. MODIFICATION OF RULES RELATING TO CANCELLATION OF QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.

(a) INCLUSION OF ALL MORTGAGE INDEBTEDNESS.—Paragraph (2) of section 108(h) is amended by inserting ''and home equity indebtedness (within the meaning of section 163(h)(3)(C), applied by inserting 'as of the date such indebtedness was secured by such residence' after 'qualified residence' in clause (i)(I) thereof and by substituting '$250,000 ($125,000' for '$100,000 ($50,000' in clause (ii) thereof)'' before ''with respect to the principal residence of the taxpayer''.

(b) SIMPLIFICATION OF RULES RELATING TO CERTAIN DISCHARGES.—Paragraph (3) of section 108(h) is amended—

(1) by striking ''or any other factor'' and all that follows and inserting ''or is in any other way compensation or in lieu of compensation.'', and

(2) by striking ''NOT RELATED TO TAXPAYER'S FINANCIAL CONDITION'' in the heading.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness made on or after January 1, 2009.

SA 428. Mr. CARPER 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 37, strike lines 3 through 5, and insert the following:

For necessary expenses of the Bureau of the Census related to ''Periodic Censuses and Programs'', $1,000,000,000, to remain available until September 30, 2010: *Provided*, That the Bureau of the Census submits to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report on the intended allocation of these funds within 60 days of the date of enactment of this Act: *Provided further*, That the report shall (1) identify objectives and outcome-related goals of planned spending; (2) justify how the spending is necessary to achieve the goals; and (3) identify how performance measures will be used to measure achievement of goals: *Provided further*, That the report is subject to review by the Government Accountability Office.

SA 429. Mr. BINGAMAN (for himself, Mr. MENENDEZ, 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 90, between lines 14 and 15, insert the following:

SEC. 4___. FEDERAL PURCHASES OF ELECTRICITY GENERATED BY RENEWABLE ENERGY.

(a) IN GENERAL.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended by adding at the end the following:

''(e) CONTRACT PERIOD.—

''(1) IN GENERAL.—Notwithstanding section 501(b)(1)(B) of title 40, United States Code, a contract entered into by a Federal agency to acquire renewable energy may be made for a period of not more than 30 years.

''(2) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Federal agencies to enter into contracts under this subsection.

''(3) STANDARDIZED RENEWABLE ENERGY PURCHASE AGREEMENT.—Not later than 90 days after the date of enactment of this subsection, the Secretary, acting through the Federal Energy Management Program, shall publish a standardized renewable energy purchase agreement setting forth commercial terms and conditions that can be used by Federal agencies to acquire renewable energy.''.

(b) EMERGENCY DESIGNATION.—Each amount provided as a result of the amendment made by 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 430. 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.

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*,

On page 115, line 26, strike ''$40,000,000'' and insert ''$90,000,000''.

On page 116, line 2, insert ''; and of which $50,000,000 shall be for contract support costs, in accordance with section 106(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j–1(a))'' before the period at the end.

On page 116, line 9, strike ''$10,000,000'' and insert ''$40,000,000''.

On page 116, between lines 10 and 11, insert the following:

TRIBAL SCHOOLS

For an additional amount for schools operated by tribal organizations or the Bureau of Indian Affairs for the education of Indian children that receive financial assistance from the Bureau under a contract, grant, or agreement, or (for a Bureau-operated school) under section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(a), and 458d) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), $100,000,000, to remain available under September 30, 2010, of which not less than $50,000,000 shall be used for the construction of new schools, not less than $25,000,000 shall be used for the repair and improvement of existing tribal schools, and not less than $25,000,000 shall be used for administrative costs of tribal schools.

ROAD MAINTENANCE

For an additional amount for the Road Maintenance Program of the Bureau of Indian Affairs under subpart G of chapter I of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act), $75,000,000, to be used for maintenance and improvement of existing tribal infrastructure, to remain available until September 30, 2010.

TRIBAL DETENTION FACILITIES

For an additional amount for tribal detention facilities under part 10 of chapter I of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act), $25,000,000, to be used for maintenance and repair of existing tribal detention facilities, to remain available until September 30, 2010.

On page 119, line 17, strike ''may'' and insert ''shall''.

On page 121, line 10, strike ''$135,000,000'' and insert ''$230,000,000''.

On page 121, line 11, strike ''$50,000,000'' and insert ''$125,000,000''.

On page 121, line 12, insert ''; and of which not less than $20,000,000 shall be used to provide health services to urban Indians (as defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603))'' before the semicolon.

On page 121, line 24, strike ''$410,000,000'' and insert ''$510,000,000, to remain available until September 30, 2010, of which not less than $100,000,000 shall be used for contract support costs of those facilities, in accordance with section 106(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j–1(a))''.

SA 431. Mr. COCHRAN (for himself, Ms. LANDRIEU, Mr. VITTER, 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 242, line 16, strike ''$100,000,000'' and insert ''$50,000,000''.

On page 242, after line 25, add the following:

LOAN GUARANTEES FOR SHIPBUILDING AND OTHER AUTHORIZED ACTIVITIES

To provide loan guarantees authorized under chapter 537 of title 46, United States Code, $50,000,000.

SA 432. Mr. HATCH 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 648, immediately before line 10, insert the following:

(c) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall submit to Congress and the Secretary of Health and Human Services a report on the impact of any of the amendments made by this title that are related to the Health Insurance Portability and Accountability Act of 1996 and section 552a of title 5, United States Code, on health insurance premiums and overall health care costs.

SA 433. Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. WHITEHOUSE) 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 361, line 7, strike ''and'' and all that follows through line 10, and insert the following: '', subject to any regulation that the Secretary may promulgate to prevent protected health information from inappropriate access, use, or disclosure.''.

SA 434. 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 698, after line 25, insert the following:

SEC. 4204A. MINIMUM UPDATE FOR PHYSICIANS' SERVICES FOR 2010 AND 2011.

(a) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended by adding at the end the following new paragraphs:

''(10) UPDATE FOR 2010.—

''(A) IN GENERAL.—The update to the single conversion factor established in paragraph (1)(C) for 2010 shall not be less than 3 percent.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2011 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2011 and subsequent years as if subparagraph (A) had never applied.

''(11) UPDATE FOR 2011.—

''(A) IN GENERAL.—The update to the single conversion factor established in paragraph (1)(C) for 2011 shall not be less than 1 plus the Secretary's estimate of the percentage change in the value of the input price index (as provided under subparagraph (B)(ii)) for 2011 (divided by 100).

''(B) INPUT PRICE INDEX.—

''(i) ESTABLISHMENT.—Taking into account the mix of goods and services included in computing the medicare economic index (referred to in the fourth sentence of section 1842(b)(3)), the Secretary shall establish an index that reflects the weighted-average input prices for physicians' services for 2010. Such index shall only account for input prices and not changes in costs that may result from other factors (such as productivity).

''(ii) ANNUAL ESTIMATE OF CHANGE IN INDEX.—The Secretary shall estimate, before the beginning of 2011, the change in the value of the input price index under clause (i) from 2010 to 2011.

''(C) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2012 and subsequent years as if subparagraphs (A) and (B) had never applied.''.

(b) PREMIUM TRANSITION RULE.—Notwithstanding any other provision of law—

(1) 2010.—

(A) PREMIUM.—Nothing in this section shall be construed as modifying the premium previously computed under section 1839 of the Social Security Act for months in 2010.

(B) GOVERNMENT CONTRIBUTION.—In computing the amount of the Government contribution under section 1844(a) of the Social Security Act for months in 2010, the Secretary of Health and Human Services shall compute and apply a new actuarially adequate rate per enrollee age 65 and over under section 1839(a)(1) of such Act taking into account the provisions of this section.

(2) 2011.—

(A) PREMIUM.—The monthly premium under section 1839 of the Social Security Act for months in 2011 shall be computed as if this section had not been enacted.

(B) GOVERNMENT CONTRIBUTION.—The Government contribution under section 1844(a) of the Social Security Act for months in 2011 shall be computed taking into account the provisions of this section, including subparagraph (A).

(c) FUNDING.—Notwithstanding any other provision of this division or division A, amounts made available by this division or division A for Mandatory provisions, excluding provisions relating to Veterans, are reduced by the pro rata percentage required to carry out the provisions of, and amendments made by, subsections (a) and (b).

SA 435. 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:

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

SEC. _____. AMENDMENTS TO SECTION 3 OF PUBLIC LAW 110-428.

(a) IN GENERAL.—Section 3(c)(2)(A) of Public Law 110-428 is amended—

(1) in the matter before clause (i), by striking ''4-year'' and inserting ''5-year''; and

(2) in clause (i), by striking ''1-year'' and inserting ''2-year''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of Public law 110–428.

SA 436. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 218 submitted by Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. BROWN, Ms. STABENOW, Mr. SANDERS, and Mr. REED) and intended to be proposed to the amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 2, strike ''$1,675,000,000'' and insert ''$1,775,000,000''.

On page 2, line 8, strike ''$375,000,000)'' and insert ''$475,000,000) of which $100,000,000 shall be under the dislocated worker national reserve for competitive grants for integrated job training programs that combine English language acquisition with occupational skills training in emerging and viable industries, and that are administered by eligible partnerships that include entities with experience in serving limited English proficient workers, and the remainder of the funds made available under this paragraph shall be''.

SA 437. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 218 submitted by Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. BROWN, Ms. STABENOW, Mr. SANDERS, and Mr. REED) and intended to be proposed to the amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 2, strike ''$1,675,000,000'' and insert ''$1,700,000,000''.

On page 2, line 4, strike ''$500,000,000)'' and insert ''$525,000,000) of which $25,000,000 shall be for programs of veterans' workforce investment activities under section 168 of WIA and the remainder shall be''.

SA 438. Ms. CANTWELL 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, line 7, before the period, insert the following: '': *Provided,* That $10,000,000 of the funds made available under this heading shall be used to support the development of smart grid interoperability framework and standards in accordance with section 1305 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17385)''.

SA 439. Ms. CANTWELL 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 292, strike lines 4 through 12, and insert the following:

''SEC. 3007. FEDERAL HEALTH INFORMATION TECHNOLOGY.

''(a) IN GENERAL.—The National Coordinator shall support the development and routine updating of qualified electronic health record technology (as defined in section 3000) consistent with subsections (b) and (c) and make available such qualified electronic health record technology unless the Secretary determines through an assessment that the needs and demands of providers are being substantially and adequately met through the marketplace.''.

SA 440. 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 118, line 15, strike '', as amended'' and insert ''(42 U.S.C. 9604(k)(3)), and for supplemental response program grants under section 128(a) of that Act (42 U.S.C. 9628(a)) if the funds are used to perform cleanup work at eligible brownfield sites or assessment work necessary to make brownfield sites eligible for assistance under section 104(k) of that Act (42 U.S.C. 9604(k))''.

SA 441. Mr. REID (for himself, Mr. ENSIGN, and Mr. CONRAD) 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 487, beginning with line 1, strike all through page 488, line 22, and insert the following:

PART IV—RULES RELATING TO DEBT INSTRUMENTS

SEC. 1231. DEFERRAL AND RATABLE INCLUSION OF INCOME ARISING FROM INDEBTEDNESS DISCHARGED BY THE REACQUISITION 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 REACQUISITION OF A DEBT INSTRUMENT.—

''(1) IN GENERAL.—At the election of the taxpayer, income from the discharge of indebtedness in connection with the reacquisition 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 reacquisition occurring in 2009, the fifth taxable year following the taxable year in which the reacquisition occurs, and

''(B) in the case of a reacquisition occurring in 2010, the fourth taxable year following the taxable year in which the reacquisition occurs.

''(2) DEFERRAL OF DEDUCTION FOR ORIGINAL ISSUE DISCOUNT IN DEBT FOR DEBT EXCHANGES.—

''(A) IN GENERAL.—If, as part of a reacquisition to which paragraph (1) applies, any debt instrument is issued for the debt instrument being reacquired (or is treated as so issued under subsection (e)(4) and the regulations thereunder) 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 reacquisition 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 reacquired, 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 reacquired, 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 reacquire a debt instrument of the issuer, the debt instrument so issued shall be treated as issued for the debt instrument being reacquired. 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 reacquire 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) REACQUISITION.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'reacquisition' means, with respect to any debt instrument, any acquisition of the debt instrument by—

''(i) the debtor which issued (or is otherwise the obligor under) the debt instrument, or

''(ii) any person related to such debtor.

Such term shall also include the complete forgiveness of the indebtedness by the holder of the debt instrument.

''(B) ACQUISITION.—The term 'acquisition' shall, with respect to any debt instrument, include an acquisition of the debt instrument for cash, the exchange of the debt instrument for another debt instrument (including an exchange resulting from a modification of the debt instrument), the exchange of the debt instrument for corporate stock or a partnership interest, and the contribution of the debt instrument to capital.

''(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 reacquisition 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 OTHER EXCLUSIONS.—If a taxpayer elects to have this subsection apply to a debt instrument, subparagraphs (A), (B), (C), (D), and (E) 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.

SEC. 1232. MODIFICATIONS OF RULES FOR ORIGINAL ISSUE DISCOUNT ON CERTAIN HIGH YIELD OBLIGATIONS.

(a) SUSPENSION OF SPECIAL RULES.—Section 163(e)(5) (relating to special rules for original issue discount on certain high yield obligations) is amended by redesignating subparagraph (F) as subparagraph (G) and by inserting after subparagraph (E) the following new subparagraph:

''(F) SUSPENSION OF APPLICATION OF PARAGRAPH.—

''(i) TEMPORARY SUSPENSION.—

''(I) IN GENERAL.—This paragraph shall not apply to any applicable high yield discount obligation issued after August 31, 2008, and before January 1, 2010. The preceding sentence shall not apply to any obligation the interest on which is interest described in section 871(h)(4) (without regard to subparagraph (D) thereof) or to any obligation issued to a related person (within the meaning of section 108(e)(4)).

''(ii) SECRETARIAL AUTHORITY TO SUSPEND APPLICATION.—The Secretary may suspend the application of this paragraph with respect to debt instruments issued after December 31, 2009, if the Secretary determines that such suspension is appropriate in light of distressed conditions in the debt capital markets.''.

(b) INTEREST RATE USED IN DETERMINING HIGH YIELD OBLIGATIONS.—The last sentence of section 163(i)(1) is amended—

(1) by inserting ''(i)'' after ''regulation'', and

(2) by inserting '', or (ii) permit, on a temporary basis, a rate to be used with respect to any debt instrument which is higher than the applicable Federal rate if the Secretary determines that such rate is appropriate in light of distressed conditions in the debt capital markets'' before the period at the end.

(c) EFFECTIVE DATE.—

(1) SUSPENSION.—The amendments made by subsection (a) shall apply to obligations issued after August 30, 2008, in taxable years ending after such date.

(2) INTEREST RATE AUTHORITY.—The amendments made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act, in taxable years ending after such date.

SA 442. Mr. BAUCUS (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 698, after line 25, insert the following:

SEC. 4204A. SENSE OF THE SENATE REGARDING COMPREHENSIVE HEALTH CARE REFORM.

It is the Sense of the Senate that—

(1) comprehensive health care reform legislation, which provides coverage to all Americans, improves the quality of health care in America, and contains the costs in our health care system, is the most effective way to address our Federal deficits and truly secure our economic stability; and

(2) reform of health care is an essential element of economic recovery and will bring down the cost of entitlements as it brings down health care costs.

SA 443. 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 351, between lines 17 and 18, insert the following:

SEC. 13403. PRESERVATION OF PARENTAL RIGHTS IN CERTAIN CASES AND PROSECUTION OF PERPETRATORS OF CRIMES AGAINST CHILDREN.

Notwithstanding any other provision of this title, in applying part 164 of title 45, Code of Federal Regulations, with respect to protected health information—

(1) parents and legal guardians shall have the right to access all of their unemancipated minor child's reproductive health information, except in cases of child abuse, child molestation, sexual abuse, and incest; and

(2) law enforcement officials may subpoena health information for State or Federal criminal investigations of child abuse, child molestation, sexual abuse, rape, statutory rape, and incest.

SA 444. Mr. DEMINT 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. ____. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used to support smoking cessation activities, including laboratory testing and equipment.

SA 445. Mr. DEMINT 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. SUPPLEMENTAL CAPITAL GRANTS FOR AMTRAK.

None of the funds appropriated or otherwise made available by this Act may be allocated to the National Railroad Passenger Corporation (Amtrak).

SA 446. Mr. DEMINT 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:

HIGH-PERFORMANCE GREEN BUILDINGS

SEC. 16____. None of the funds appropriated or otherwise made available by this Act may be used to carry out any measure necessary to convert a facility of the General Services Administration into a high-performance green building (as defined in section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

SA 447. Mr. DEMINT 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 2 through 5, and insert the following:

None of the funds appropriated or otherwise made available by this Act may be used for the 2010 Census.

SA 448. Mr. DEMINT 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. _____. PROHIBITION ON USE FOR GAMING FACILITIES.

Notwithstanding any other provision of law, none of the funds made available by this Act may be used for any building or other facility (including a casino) at which class I gaming, class II gaming, or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) is conducted.

SA 449. Mr. DEMINT 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 title III, add the following:

GENERAL PROVISIONS—THIS TITLE

SEC. 301. Notwithstanding any other provision of this Act, no provision of this Act may construed or interpreted as requiring the procurement of alternative fuel vehicles by the Department of Defense.

SA 450. Mr. DEMINT 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 title II, add the following:

SEC. _____. No funds appropriated or otherwise made available by this title for the Department of Commerce may be used to renovate the headquarters of the Department of Commerce.

SA 451. Mr. DEMINT 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 title XVI, add the following:

SEC. _____. No funds appropriated or otherwise made available by this Act may be used to construct, maintain, or renovate a swimming pool.

SA 452. Mr. DEMINT 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 107, line 11, strike ''$572,500,000'' and insert ''$485,000,000''.

On page 107, strike line 16 and all that follows through ''polar icebreakers;'' on line 19.

SA 453. Mr. DEMINT 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. ____. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used to support stem cell research, in accordance with Executive Order 13435, ''Expanding Approved Stem Cell Lines in Ethically Responsible Ways'' (June 22, 2007; 72 Fed. Reg. 34591) and the presidential policy decision of August 9, 2001.

SA 454. Mr. DEMINT 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. ____. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used for the screening and prevention of sexually-transmitted diseases, including HIV/AIDS.

SA 455. Mr. DEMINT 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. _____. BAN ON EARMARKS.

Title III of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.) is amended by adding at the end thereof the following:

''SEC. 316. BAN ON EARMARKS.

''(a) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any bill, resolution, amendment, or conference report that includes an earmark.

''(b) MATTER STRICKEN.—If the point of order prevails under subsection (a), the earmark provision shall be stricken in accordance with the procedures provided in section 313 of the Congressional Budget Act of 1974.

''(c) DEFINITION.—In this section, the term 'earmark' shall include the meaning of the term 'congressionally directed spending item' in paragraph 5 of rule XLIV of the Standing Rules of the Senate and the term 'congressional earmark' in paragraph 9 of rule XXI of the Rules of the House of Representatives.

''(d) SUPERMAJORITY.—Subsection (a) may be waived only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).''.

SA 456. Mr. DEMINT 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 title XVI, add the following:

SEC. _____. No funds appropriated or otherwise made available by this Act may be used—

(1) to construct, maintain, or renovate any facility named for a member or former member of Congress; or

(2) to carry out any program named for a member or former member of Congress.

SA 457. Mr. DEMINT 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 title XVI, add the following:

SEC. _____. No funds appropriated or otherwise made available by this Act may be used to construct, maintain, or renovate a golf course.

SA 458. Mr. DEMINT 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 title XVI, add the following:

SEC. _____. No funds appropriated or otherwise made available by this Act may be used to construct, maintain, or renovate a field used for sporting purposes.

SA 459. Mr. DEMINT 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 title XVI, add the following:

SEC. _____. No funds appropriated or otherwise made available by this Act may be used to construct, maintain, or renovate an aquarium or a zoo.

SA 460. Mr. DEMINT 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. ____. None of the funds appropriated or otherwise made available by this Act shall be used to make grants to States 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 plug-in electric drive vehicles or for near-term, large-scale electrification projects aimed at the transportation sector.

SA 461. Mr. DEMINT 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. _____. PROHIBITION ON USE OF FUNDS FOR TRAILS AND OFF-ROAD VEHICLE ROUTES.

None of the funds made available under this Act shall be used for bicycle, walking, or wilderness trails or off-road vehicle routes.

SA 462. Mr. DEMINT 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. ACQUISITION OF HIGHER FUEL ECONOMY MOTOR VEHICLES.— None of the funds appropriated or otherwise made available by this Act may be used by the Federal Government to acquire motor vehicles with higher fuel economy if the savings realized from increased fuel efficiency do not exceed the additional costs incurred to purchase such vehicles.

SA 463. Mr. DEMINT 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. _____. BAN ON EXECUTIVE IMPLEMENTATION OF EARMARKS.

(a) REGULATIONS.—Not later than 60 days after the date of enactment of this section, the head of each Federal department or agency shall promulgate regulations to—

(1) prohibit their department or agency from making decisions to commit, obligate, or expend funds for any earmark this is not based on the text of laws, including in any report of a committee of Congress, joint explanatory statement of a committee of conference of the Congress, statement of managers concerning a bill in the Congress, or any other non-statutory statement or indication of views of the Congress, or a House, committee, Member, officer, or staff thereof; and

(2) prohibit their staff from allowing oral or written communications concerning earmarks to supersede statutory criteria, competitive awards, or merit-based decision making.

(b) PUBLIC AVAILABILITY OF REQUESTS.—Not later than 15 days after receipt, the head of a Federal department or agency shall make publicly available on the Internet any written communications (or a transcription or summary of an oral communication) from the Congress, or a House, committee, Member, officer, or staff thereof, recommending that funds be committed, obligated, or expended by the agency or department on any earmark.

(c) DEFINITION.—In this section, the term ''earmark'' shall include the meaning of the term ''congressionally directed spending item'' in paragraph 5 of rule XLIV of the Standing Rules of the Senate and the term ''congressional earmark'' in paragraph 9 of rule XXI of the Rules of the House of Representatives.

SA 464. 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 242, line 16, strike ''$100,000,000:'' and insert ''$70,000,000:''.

On page 242, between lines line 25 and 26, insert the following:

UNITED STATES MERCHANT MARINE ACADEMY CAPITAL IMPROVEMENT PROGRAM

For an additional amount to carry out the capital improvement program at the United States Merchant Marine Academy, $30,000,000.

SA 465. 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 600, between lines 4 and 5, insert the following:

SEC. 2105. TEMPORARY SUSPENSION OF REQUIREMENT FOR STATES TO IMPOSE MANDATORY FEE FOR SUCCESSFUL CHILD SUPPORT COLLECTION FOR FAMILY THAT HAS NEVER RECEIVED TANF.

During the period that begins on April 1, 2009, and ends on December 31, 2010, section 454(6)(B) of the Social Security Act (42 U.S.C. 654(6)(B)) shall be applied without regard to clause (ii) of that section. In the case of a State that has been paid (including out of its own funds) all or part of the annual fee imposed under that clause during the period that begins on October 1, 2008, and ends on March 31, 2009, the State shall not be required, as a result of the application of the preceding sentence to the State, to refund any portion of such annual fee so paid but the State shall cease from collecting any portion of such annual fee that is unpaid as of April 1, 2009.

SA 466. 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:

On page 453, beginning on line 12, strike through line 16 and insert the following:

(c) MODIFICATIONS TO BIOMASS CREDIT.—

(1) CREDIT ALLOWED FOR ELECTRICITY PRODUCED FROM BIOMASS FOR ON-SITE USE.—Subsection (e) of section 45 is amended by adding at the end the following new paragraph:

''(12) CREDIT ALLOWED FOR ELECTRICITY PRODUCED FROM BIOMASS FOR ON-SITE USE.—In the case of electricity produced after December 31, 2008, and before January 1, 2011, at any facility described in paragraph (2) or (3) of subsection (d) which is equipped with a metering device to determine electricity consumption or sale, subsection (a)(2) shall be applied without regard to subparagraph (B) thereof with respect to such electricity produced and consumed at such facility.''.

(2) CREDIT PERIOD FOR CERTAIN OPEN-LOOP BIOMASS.—Clause (ii) of section 45(b)(4)(B) is amended by striking ''5-year period'' and inserting ''6-year period''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (c)(2) shall apply to property placed in service after the date of the enactment of this Act.

(2) ELECTRICITY PRODUCED FROM BIOMASS FOR ON-SITE USE.—The amendment made by subsection (c)(1) shall apply to electricity produced and consumed after December 31, 2008.

(3) TECHNICAL AMENDMENT.—The amendment

SA 467. 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 70, lines 14 through 16, strike ''$14,398,000,000, for necessary expenses, to remain available until September 30, 2010: *Provided,*'' and insert ''$15,398,000,000, for necessary expenses, to remain available until September 30, 2010: *Provided,* That $1,000,000,000 shall be used for the Federal Energy Management Program for energy efficiency, water conservation, and renewable energy use by Federal agencies in a manner that leverages private sector financing to ensure comprehensive projects and that measures and verifies energy and water savings and complies with paragraphs (1) through (7) of section 543(f) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)): *Provided further,*''.

SA 468. Mr. WYDEN (for himself 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:

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

SEC. 1903. TREATMENT OF EXCESSIVE BONUSES BY TARP RECIPIENTS.

(a) IN GENERAL.—If, before the date of enactment of this Act, the preferred stock of a financial institution was purchased by the Government using funds provided under the Troubled Asset Relief Program established pursuant to the Emergency Economic Stabilization Act of 2008, then, notwithstanding any otherwise applicable restriction on the redeemability of such preferred stock, such financial institution shall redeem an amount of such preferred stock equal to the aggregate amount of all excessive bonuses paid or payable to all covered individuals.

(b) TIMING.—Each financial institution described in subsection (a) shall comply with the requirements of subsection (a)—

(1) not later than 120 days after the date of enactment of this Act, with respect to excessive bonuses (or portions thereof) paid before the date of enactment of this Act; and

(2) not later than the day before an excessive bonus (or portion thereof) is paid, with respect to any excessive bonus (or portion thereof) paid on or after the date of enactment of this Act.

(c) DEFINITIONS.—As used in this section, the following definitions shall apply:

(1) EXCESSIVE BONUS.—

(A) IN GENERAL.—The term ''excessive bonus'' means the portion of the applicable bonus payments made to a covered individual in excess of $100,000.

(B) APPLICABLE BONUS PAYMENTS.—

(i) IN GENERAL.—The term ''applicable bonus payment'' means any bonus payment to a covered individual—

(I) which is paid or payable by reason of services performed by such individual in a taxable year of the financial institution (or any member of a controlled group described in subparagraph (D)) ending in 2008, and

(II) the amount of which was first communicated to such individual during the period beginning on January 1, 2008, and ending January 31, 2009, or was based on a resolution of the board of directors of such institution that was adopted before the end of such taxable year.

(ii) CERTAIN PAYMENTS AND CONDITIONS DISREGARDED.—In determining whether a bonus payment is described in clause (i)(I)—

(I) a bonus payment that relates to services performed in any taxable year before the

taxable year described in such clause and that is wholly or partially contingent on the performance of services in the taxable year so described shall be disregarded, and

(II) any condition on a bonus payment for services performed in the taxable year so described that the employee perform services in taxable years after the taxable year so described shall be disregarded.

(C) BONUS PAYMENT.—The term ''bonus payment'' means any payment which—

(i) is a discretionary payment to a covered individual by a financial institution (or any member of a controlled group described in subparagraph (D)) for services rendered,

(ii) is in addition to any amount payable to such individual for services performed by such individual at a regular hourly, daily, weekly, monthly, or similar periodic rate, and

(iii) is paid or payable in cash or other property other than—

(I) stock in such institution or member, or

(II) an interest in a troubled asset (within the meaning of the Emergency Economic Stabilization Act of 2008) held directly or indirectly by such institution or member.

Such term does not include payments to an employee as commissions, welfare and fringe benefits, or expense reimbursements.

(D) COVERED INDIVIDUAL.—The term ''covered individual'' means, with respect to any financial institution, any director or officer or other employee of such financial institution or of any member of a controlled group of corporations (within the meaning of section 52(a) of the Internal Revenue Code of 1986) that includes such financial institution.

(2) FINANCIAL INSTITUTION.—The term ''financial institution'' has the same meaning as in section 3 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5252).

(d) EXCISE TAX ON TARP COMPANIES THAT FAIL TO REDEEM CERTAIN SECURITIES FROM UNITED STATES.—

(1) IN GENERAL.—Chapter 46 of the Internal Revenue Code of 1986 (relating to excise tax on golden parachute payments) is amended by adding at the end the following new section:

''SEC. 4999A. FAILURE TO REDEEM CERTAIN SECURITIES FROM UNITED STATES.

''(a) IMPOSITION OF TAX.—There is hereby imposed a tax on any financial institution which—

''(1) is required to redeem an amount of its preferred stock from the United States pursuant to section 1903(a) of the American Recovery and Reinvestment Tax Act of 2009, and

''(2) fails to redeem all or any portion of such amount within the period prescribed for such redemption.

''(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be equal to 35 percent of the amount which the financial institution failed to redeem within the time prescribed under 1903(b) of the American Recovery and Reinvestment Tax Act of 2009.

''(c) ADMINISTRATIVE PROVISIONS.—

''(1) IN GENERAL.—For purposes of subtitle F, any tax imposed by this section shall be treated as a tax imposed by subtitle A for the taxable year in which a deduction is allowed for any excessive bonus with respect to which the redemption described in subsection (a)(1) is required to be made.

''(2) EXTENSION OF TIME.—The due date for payment of tax imposed by this section shall in no event be earlier than the 150th day following the date of the enactment of this section.''.

(2) CONFORMING AMENDMENTS.—

(A) The heading for chapter 46 of such Code are amended to read as follows:

''CHAPTER 46—TAXES ON CERTAIN EXCESSIVE REMUNERATION

''Sec. 4999. Golden parachute payments.

''Sec. 4999A. Failure to redeem certain securities from United States.''.

(B) The item relating to chapter 46 in the table of chapters for subtitle D of such Code is amended to read as follows:

''Chapter 46. Taxes on excessive remuneration.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to failures described in section 4999A(a)(2) of the Internal Revenue Code of 1986 occurring after the date of the enactment of this Act.

SA 469. Mr. CRAPO 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 REBATES FOR PHYSICIAN ADMINISTERED DRUGS.

(a) EXTENSION FOR IMPLEMENTATION OF REQUIREMENT FOR HOSPITALS TO SUBMIT UTILIZATION DATA.—Section 1927(a)(7) of the Social Security Act (42 U.S.C. 1396r–8(a)(7)) is amended—

(1) in subparagraph (A), by inserting ''in non-hospital settings and on or after November 1, 2009, in hospitals'' after ''January 1, 2006,'';

(2) in subparagraph (B)(ii), by inserting ''in non-hospital settings and on or after November 1, 2009, in hospitals'' after ''January 1, 2008,''; and

(3) in subparagraph (C), by inserting ''(November 1, 2009, in the case of hospital information),'' after ''January 1, 2007,''.

(b) PROPORTIONAL REBATES FOR DUAL ELIGIBLE CLAIMS.—Section 1927(a)(7) of the Social Security Act (42 U.S.C. §1396r–8(a)(7)) is amended by adding at the end the following new subparagraph:

''(E) TEMPORARY ADJUSTMENT TO REBATE CALCULATION FOR DUAL ELIGIBLE CLAIMS.—Only with respect to claims for rebates submitted by States to manufacturers during the 2-year period that begins on the date of enactment of this subparagraph, for purposes of calculating the amount of rebate under subsection (c) for a rebate period for a covered outpatient drug for which payment is made under a State plan or waiver under this title and under part B of title XVIII, the total number of units reported by the State of each dosage form and strength of each such drug paid for under the State plan or waiver under this title during such rebate period is deemed to be equal to the product of—

''(i) such total number of units of such drug for which payment is made under the State plan or waiver under this title and under part B of title XVIII; and

''(ii) the proportion (expressed as a percentage) that the amount the State paid for each dosage form and strength of such drug under the State plan or waiver under this title during such rebate period bears to the amount that the State would have paid for each dosage form and strength of such drug under the State plan or waiver under this title during such rebate period if the State were the sole payer for such dosage form and strength of such drug.''.

SA 470. Mr. SPECTER 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. EXCLUSION OF CUSTOMARY PROMPT PAY DISCOUNTS EXTENDED TO WHOLESALERS FROM MANUFACTURER'S AVERAGE SALES PRICE FOR PAYMENTS FOR DRUGS AND BIOLOGICALS UNDER MEDICARE PART B.

(a) IN GENERAL.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w–3a(c)(3)) is amended—

(1) in the first sentence, by inserting ''(other than customary prompt pay discounts extended to wholesalers)'' after ''prompt pay discounts''; and

(2) in the second sentence, by inserting ''(other than customary prompt pay discounts extended to wholesalers)'' after ''other price concessions''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs and biologicals furnished on or after the date that is 30 days after the date of the enactment of this Act.

Beginning on page 131, strike line 12 and all that follows through page 133, line 17.

SA 471. Mr. DORGAN (for himself 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 90, between lines 14 and 15, insert the following:

SEC. 4___. EXPIRATION OF AVAILABILITY OF FUNDS.

Unless otherwise provided in this title, each amount appropriated or otherwise made available under this title shall remain available until September 30, 2010.

SA 472. Mr. DORGAN (for himself 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 90, between lines 14 and 15, insert the following:

SEC. 4___. REPORTING REQUIREMENT.

Not later than 45 days after the date of enactment of this Act and quarterly thereafter,

the Secretary of the Interior shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report describing, for the period covered by the report, the allocation, obligation, and expenditure of the amounts appropriated or otherwise made available in the matter under the heading entitled ''BUREAU OF RECLAMATION'' under the heading entitled ''DEPARTMENT OF THE INTERIOR'' of title IV of division A.

SA 473. Mr. DORGAN (for himself 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 90, between lines 14 and 15, insert the following:

SEC. 4 ___. REPORTING REQUIREMENT.

Not later than 45 days after the date of enactment of this Act and quarterly thereafter, the Secretary of the Army shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report describing, for the period covered by the report, the allocation, obligation, and expenditure of the amounts appropriated or otherwise made available in the matter under the heading entitled ''CORPS OF ENGINEERS—CIVIL'' under the heading entitled ''DEPARTMENT OF THE ARMY'' under the heading entitled ''DEPARTMENT OF DEFENSE—CIVIL'' of title IV of division A.

SA 474. 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 735, after line 7, and add the following:

TITLE VI—HIGH-QUALITY HEALTH COVERAGE FOR AMERICAN CHILDREN

SEC. 6001. SHORT TITLE; PURPOSE; REPEAL.

(a) SHORT TITLE OF TITLE.—This title may be cited as the ''American Children's Health Coverage Act of 2009''.

(b) PURPOSE.—The purpose of this title is to ensure that American children have high-quality health coverage that fits their individual needs.

(c) REPEAL.—Effective February 4, 2009, the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3) is repealed.

SEC. 6002. CONTINUATION OF SCHIP FUNDING DURING TRANSITION PERIOD.

(a) THROUGH FISCAL YEAR 2010.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd(a)) is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (10);

(B) in paragraph (11)—

(i) by striking ''each of fiscal years 2008 and 2009'' and inserting ''fiscal year 2008''; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(12) for fiscal year 2009, $7,780,000,000; and

''(13) for fiscal year 2010, $8,044,000,000.''; and

(2) in subsection (c)(4)(B), by striking ''2009'' and inserting ''2010''.

(b) EXTENSION OF TREATMENT OF QUALIFYING STATES.—

(1) IN GENERAL.—Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)) is amended by striking ''or 2009'' and inserting ''2009, or 2010''.

(2) REPEAL OF LIMITATION ON AVAILABILITY OF FISCAL YEAR 2009 ALLOTMENTS.—Paragraph (2) of section 201(b) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) is repealed.

(c) COORDINATION OF FUNDING FOR FISCAL YEAR 2009.—Notwithstanding any other provision of law, insofar as funds have been appropriated under section 2104(a)(11) of the Social Security Act, as amended by section 201(a) of Public Law 110–173 and in effect on January 1, 2009, to provide allotments to States under title XXI of the Social Security Act for fiscal year 2009—

(1) any amounts that are so appropriated that are not so allotted and obligated before the date of the enactment of this Act are rescinded; and

(2) any amount provided for allotments under title XXI of such Act to a State under the amendments made by this Act for such fiscal year shall be reduced by the amount of such appropriations so allotted and obligated before such date.

SEC. 6003. HIGH-QUALITY HEALTH COVERAGE FOR AMERICAN CHILDREN.

(a) ESTABLISHMENT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services (in this Act referred to as the ''Secretary'') shall establish a program to ensure that American children have high-quality health coverage that fits their individual needs (in this section referred to as ''the program'').

(b) CRITERIA FOR ELIGIBILITY.—The program shall ensure that—

(1) all children eligible for medical assistance under a State Medicaid plan under title XIX of the Social Security Act or child health assistance under a State child health plan under title XXI of such Act (or under a waiver of either such plan) and whose gross family income ((as determined without regard to the application of any general exclusion or disregard of a block of income that is not determined by type of expense or type of income (regardless of whether such an exclusion or disregard is permitted under section 1902(r) of such Act)) does not exceed 300 percent of the poverty line (as defined in section 2110(c)(5) of the Social Security Act) are eligible for coverage under the program; and

(2) all children who do not have health insurance coverage (as defined in section 2791 of the Public Health Service Act) and whose gross family income (as so determined) does not exceed 300 percent of the poverty line (as so defined) are eligible for coverage under the program.

(c) BENEFITS.—Under the program, health insurance issuers shall offer children (who are not within a category of individuals described in section 1937(a)(2)(B) of the Social Security Act) private health insurance coverage that—

(1) is actuarially equivalent to the coverage requirements for State child health plans specified in section 2103(a) of the Social Security Act or any other health benefits coverage that the Secretary determines will provide appropriate coverage; and

(2) provides for total annual aggregate cost-sharing that does not exceed 5 percent of a family's income for the year involved.

(d) REIMBURSEMENTS.—The Secretary shall establish an annual process for awarding contracts on a competitive basis to health insurance issuers to provide private health insurance coverage for eligible children under the program. Such process shall ensure that—

(1) payments to such issuers shall be determined through a competitive bidding process;

(2) payments to such issuers shall be risk-adjusted;

(3) at least 2 plan options are available for every eligible child; and

(4) with respect to each eligible child, each State maintains the appropriate and equitable share of the cost of providing health insurance coverage to the child under the program that the State would have maintained but for the establishment of the program.

(e) ENROLLMENT.—The Secretary shall establish a fair and responsible process for the enrollment, disenrollment, termination, and changes in enrollment of eligible children under the program and shall conduct activities to effectively disseminate information about the program and initial enrollment.

(f) CONSUMER PROTECTIONS.—Health insurance issuers awarded contracts under the program shall—

(1) provide clear information on the coverage provided by such issuers under the program;

(2) establish meaningful procedures for hearing and resolving of any grievances between such issuers and enrollees that include an independent review and appeals process for coverage denials;

(3) be licensed to provide coverage in the State in which coverage is offered under the program; and

(4) provide market-based rates for provider reimbursements for coverage provided under the program.

(g) GEOGRAPHICAL ACCESS AND QUALITY.—The Secretary shall establish statewide plan regions or other appropriate regions in order to maximize competition and patient access under the program.

(h) OPTION FOR ASSISTANCE WITH EMPLOYER-SPONSORED INSURANCE.—The Secretary shall establish procedures under the program to provide premium assistance for children with access to employer-sponsored health insurance coverage.

(i) FINANCING.—

(1) MAINTENANCE OF FEDERAL-STATE PARTNERSHIP.—The Federal government and States shall maintain their appropriate and equitable share of premiums for providing health insurance coverage to eligible children under the program.

(2) ADDITIONAL OUTLAYS.—In the event that additional outlays are required to carry out the program for any fiscal year, Congress shall enact legislation to offset such outlays by cutting non-priority spending, making government spending more accountable and efficient, and ending wasteful government spending.

SEC. 6004. ALLOTMENT LIMITS FOR MEDICAID ADMINISTRATIVE COSTS.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting ''(subject, except with respect to medical assistance expenditures under paragraph (1), to the allotment limits under subsection (aa))'' after ''under this title''; and

(2) by adding at the end the following new subsection:

''(aa) STATE ADMINISTRATIVE COST LIMITATION.—

''(1) IN GENERAL.—Payments to a State under paragraphs (2) through (7) of subsection (a) for fiscal years beginning with fiscal year 2009, shall not exceed, in the aggregate, an amount equal to the State's administrative cost allotment, as determined under this subsection.

''(2) ALLOTMENT FORMULA.—The administrative allotment for a State for fiscal years beginning with fiscal year 2009 shall be determined as follows:

''(A)(i) FISCAL YEAR 2009.—For fiscal year 2009, the administrative allotment for a State shall be an amount equal to the Federal share of total allowable costs claimed by the State under paragraphs (2) through (7) of subsection (a) for calendar quarters in fiscal year 2007, determined as of December 31, 2007, adjusted in accordance with clause (ii).

''(ii) ADJUSTMENT.—For purposes of clause (i), the amount specified in clause (i) shall be increased by a percentage equal to the sum of the percentages described in clause (iii).

''(iii) PERCENTAGES DESCRIBED.—The percentages described in this clause are, with respect to each consecutive 12-month period in the 36-month period ending March 30, 2009, the percentage change in the consumer price index (for all urban consumers; U.S. city average).

''(B) SUCCEEDING FISCAL YEARS.—For each fiscal year after fiscal year 2009, the administrative allotment for a State shall be the State's administrative allotment for the preceding fiscal year, increased by the percentage change in the consumer price index (for all urban consumers; U.S. city average) for the 12-month period ending on March 30 of the fiscal year.''.

SEC. 6005. REDUCTION IN PAYMENTS FOR MEDICAID ADMINISTRATIVE COSTS TO PREVENT DUPLICATION OF SUCH PAYMENTS UNDER TANF.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(7), by striking ''section 1919(g)(3)(B)'' and inserting ''subsection (h)'';

(2) in subsection (a)(2)(D) by inserting '', subject to subsection (g)(3)(C) of such section'' after ''as are attributable to State activities under section 1919(g)''; and

(3) by adding after subsection (g) the following new subsection:

''(h) REDUCTION IN PAYMENTS FOR ADMINISTRATIVE COSTS TO PREVENT DUPLICATION OF PAYMENTS UNDER TITLE IV.—Beginning with the calendar quarter commencing April 1, 2009, the Secretary shall reduce the amount paid to each State under subsection (a)(7) for each quarter by an amount equal to ¼ of the annualized amount determined for the Medicaid program under section 16(k)(2)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(2)(B)).''.

SEC. 6006. APPLICATION OF MEDICARE PAYMENT ADJUSTMENT FOR CERTAIN HOSPITAL-ACQUIRED CONDITIONS TO PAYMENTS FOR INPATIENT HOSPITAL SERVICES UNDER MEDICAID.

(a) STATE PLAN REQUIREMENT.—Section 1902(a)(13)(A)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(13)(A)(iv)) is amended—

(1) by striking ''rates take'' and inserting ''rates—

''(I) take'';

(2) by striking the semicolon and inserting a comma; and

(3) by adding at the end the following:

''(II) ensure that higher payments are not made for services related to the presence of a condition that could be identified by a secondary diagnostic code described in section 1886(d)(4)(D);''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) take effect on October 1, 2009.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SEC. 6007. ELIMINATION OF WAIVER OF CERTAIN MEDICAID PROVIDER TAX PROVISIONS.

Effective October 1, 2009, subsection (c) of section 4722 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 515) is repealed.

SEC. 6008. ELIMINATION OF SPECIAL PAYMENTS FOR CERTAIN PUBLIC HOSPITALS.

Effective October 1, 2009, subsection (d) of section 701 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554 (42 U.S.C. 1396r–4 note), is repealed.

SA 475. 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 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. _____. DECREASED REQUIRED ESTIMATED TAX PAYMENTS IN 2009 FOR CERTAIN SMALL BUSINESSES.

Paragraph (1) of section 6654(d) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR 2009.—

''(i) IN GENERAL.—Notwithstanding subparagraph (C), in the case of any taxable year beginning in 2009, clause (ii) of subparagraph (B) shall be applied to any qualified individual by substituting '75 percent' for '100 percent'.

''(ii) QUALIFIED INDIVIDUAL.—For purposes of this subparagraph, the term 'qualified individual' means any individual if—

''(I) the adjusted gross income shown on the return of such individual for the preceding taxable year is less than $500,000, and

''(II) such individual certifies that more than 50 percent of the income of such individual was income from a small business.

A certification under subclause (II) shall be in such form and manner and filed at such time as the Secretary may by regulations prescribe.

''(iii) INCOME FROM A SMALL BUSINESS.—For purposes of clause (ii), income from a small business means, with respect to any individual, income from a trade or business the average number of employees of which was less than 500 employees for the calendar year ending with or within the preceding taxable year of the individual.

''(iv) SEPARATE RETURNS.—In the case of a married individual (within the meaning of section 7703) who files a separate return for the taxable year for which the amount of the installment is being determined, clause (ii)(I) shall be applied by substituting '$250,000' for '$500,000'.

''(v) ESTATES AND TRUSTS.—In the case of an estate or trust, adjusted gross income shall be determined as provided in section 67(e).''.

SA 476. 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 ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 492, line 9, strike ''10 percent (20'' and insert ''20 percent (30''.

On page 492, strike lines 16 and 17, and insert the following:

''(2) INTERMEDIATE GENERATION BROADBAND CREDIT.—The intermediate generation broadband credit for any taxable year is equal to 25 percent of the qualified broadband expenditures incurred with respect to qualified equipment providing intermediate generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

''(3) NEXT GENERATION BROADBAND CREDIT.—The next generation broadband credit for any

On page 492, line 18, strike ''20 percent'' and insert ''30 percent''.

On page 493, strike lines 5 through 8, and insert the following:

''(A) current generation broadband services are provided through such equipment to qualified subscribers,

''(B) intermediate generation broadband services are provided through such equipment to qualified subscribers, or

''(C) next generation broadband services

On page 494, line 19, strike ''rural areas and the''.

On page 497, line 4, insert '', intermediate generation broadband services,''.

On page 497, line 19, insert '', intermediate generation broadband services,''.

On page 498, line 6, insert '', intermediate generation broadband services,''.

On page 499, line 1, insert '', intermediate generation broadband services,''.

On page 499, strike lines 3 through 6, and insert the following:

''(i) in the normal course of operations to each subscriber who is utilizing such services, and

On page 501, line 3, insert '', intermediate generation broadband services,''.

Beginning on page 502, line 21, strike all through page 503, line 15, and insert the following:

''(15) QUALIFIED SUBSCRIBER.—The term 'qualified subscriber' means any residential or nonresidential subscriber in an unserved area or an underserved area.

Beginning on page 503, line 20, strike all through page 504, line 11, and insert the following:

''(17) INTERMEDIATE GENERATION BROADBAND SERVICE.—The term 'intermediate generation broadband service' means the transmission of signals at a rate of at least 50,000,000 bits per second to the subscriber (or its equivalent when the data rate is measured before being compressed for transmission) and at least 5,000,000 bits per second from the subscriber (or its equivalent as so measured).

(18) SATELLITE CARRIER.—The term 'satellite carrier' means any person using the facilities

Beginning on page 504, line 22, strike all through page 505, line 20, and insert the following:

(19) SUBSCRIBER.—The term 'subscriber' means any person who purchases current generation broadband services, intermediate generation broadband services, or next generation broadband services.

(20) TELECOMMUNICATIONS CARRIER.—The

On page 506, line 6, strike ''(23)'' and insert ''(21)''.

Beginning on page 506, line 14, strike all through page 507, line 1, and insert the following:

(22) UNDERSERVED AREA.—The term 'underserved area' means an area not served by at least one wireline broadband service provider offering current generation broadband service.

(23) UNDERSERVED SUBSCRIBER.—The term

On page 507, strike lines 7 through 12, and insert the following:

(24) UNSERVED AREA.—The term 'unserved area' means an area not served by any wireline broadband service provider.

(25) UNSERVED SUBSCRIBER.—The term

On page 509, lines 7 and 8, strike ''TRACTS.—'' and all that follows through ''The Secretary'' and insert ''TRACTS.—The Secretary''.

On page 509, line 12, strike ''(17), (23), (24), and (26)'' and insert ''(21), (22), and (24)''.

Beginning on page 507, line 18, strike all through page 510, line 25.

SA 477. Ms. SNOWE (for herself, Mr. GRASSLEY, and 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 ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, strike lines 3 through 11, and insert the following:

(A) be one of the following—

(i) a State or political subdivision thereof;

(ii) a nonprofit foundation, corporation, institution, or association;

(iii) a provider of broadband service, including wireless and satellite broadband service;

(iv) an Indian tribe or Native Hawaiian organization; or

(v) other non-governmental entity in partnership with a State or political subdivision thereof, Indian tribe or Native Hawaiian organization but only if the Assistant Secretary determines that the partnership is consistent with the purposes of this section;

On page 54, line 22, strike ''and''.

On page 55, line 8, strike ''program.'' and insert ''program; and

(F) shall seek to promote economic opportunity, avoid excessive concentration of service, and disseminate grants among a wide variety of applicants, including small businesses and rural telephone companies, Indian Tribes, Hawaiian Native Organizations, and socially and economically disadvantaged business concerns (as defined under section 8(a) of the Small Business Act (15 U.S.C. 637)).

SA 478. Mr. SPECTER 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 4, strike ''$6,400,000,000'' and all that follows through ''*Provided,*'' on line 18 and insert ''$7,300,000,000, to remain available until September 30, 2010, of which $4,000,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.); of which $2,000,000,000 shall be for making capitalization grants for the Drinking Water State Revolving Fund under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12); of which $1,000,000,000 shall be available for brownfield remediation grants pursuant to section 104(k)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(3)); and of which $300,000,000 shall be for grants under subtitle G of title VII of the Energy Policy Act of 2005 (42 U.S.C. 16131 et seq.): *Provided,*''.

On page 252, between lines 21 and 22, insert the following:

BROWNFIELDS ECONOMIC DEVELOPMENT INITIATIVE

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, for Brownfields redevelopment projects, $1,000,000,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law or other limitation under such section, that the maximum allowable grant awarded to an eligible public entity may not exceed $100,000,000.

URBAN DEVELOPMENT ACTION GRANTS

For urban development action grants, as authorized by section 118 of the Housing and Community Development Act of 1974, $1,000,000,000, to remain available until September 30, 2010.

SA 479. Mr. CASEY 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. _____. ENHANCED CONGRESSIONAL OVERSIGHT.

(a) PLAN.—Not later than 30 days after the date of enactment of this Act, each authorizing committee of the Senate with jurisdiction over spending included in this Act shall prepare and publicly post on their website a plan detailing—

(1) spending or programmatic language contained in this Act which falls under their jurisdiction; and

(2) plans for oversight of spending under the jurisdiction of the committee, including congressional hearings.

(b) IMPLEMENTATION REPORTS.—Not later than 6 months and 1 year after the date of enactment of his Act, each committee described in subsection (a) shall prepare and post on their website a progress report towards fulfilling components of their oversight plan required by subsection (a) as well as any modifications to that plan.

(c) JOINT ECONOMIC COMMITTEE.—Each Federal department or agency that receives and administers funding under this Act shall provide information and data on their implementation of this Act to the Committee on Joint Economics.

SA 480. Mr. BINGAMAN (for himself, Mrs. BOXER, Mr. WYDEN, Mr. KERRY, Mr. TESTER, Ms. STABENOW, Mr. UDALL of New Mexico, Mr. BAUCUS, Mr. LEAHY, Mrs. MURRAY, Mr. SCHUMER, Mr. MERKLEY, Ms. CANTWELL, Mr. UDALL of Colorado, 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 122, after line 23, add the following:

SEC. 70__. (a) In addition to amounts made available by this title, there shall be made available—

(1) for ''Operation of the National Park System'', $142,000,000;

(2) for ''National Park Service Construction'', $811,000,000;

(3) for ''Historic Preservation Fund'', $45,000,000;

(4) for ''Land Acquisition and State Assistance'', $100,000,000 to be derived from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5) to provide financial assistance to States in accordance with section 6 of that Act (16 U.S.C. 4601–8), subject to subsection (b);

(5) for ''United States Fish and Wildlife Service Resource Management'', $110,000,000;

(6) for ''United States Fish and Wildlife Service Construction'', $15,000,000;

(7) for ''State and Tribal Wildlife Grants'', $50,000,000 for wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) for the development and implementation of programs for the benefit of wildlife and wildlife habitat, including species that are not hunted or fished;

(8) for ''Bureau of Land Management Management of Lands and Resources'', $350,000,000;

(9) for ''Bureau of Land Management Wildland Fire Management'', $20,000,000;

(10) for ''Forest Service Capital Improvement and Maintenance'', $50,000,000;

(11) for ''Forest Service Wildland Fire Management'', $850,000,000, of which $250,000,000 shall be available for work on State and private land; and

(12) for ''Bureau of Indian Affairs Operations'', $15,000,000.

(b) Amounts made available under subsection (a)(4) shall not be used for land acquisition.

(c) Amounts made available under subsection (a) shall remain available until September 30, 2010.

(d) Amounts made available by this title for ''Forest Service Capital Improvement and Maintenance'' may be—

(1) used for reconstruction, improvement, decommissioning, and maintenance of roads, trails, bridges, and dams; and

(2) transferred to the ''National Forest System'' account and other appropriate accounts of the Forest Service.

(e) Amounts made available by this title for ''Forest Service Wildland Fire Management'' may be—

(1) used for forest, rangeland, and watershed rehabilitation and restoration activities; and

(2) transferred to the ''National Forest System'' account, the ''State and Private Forestry'' account, and other appropriate accounts of the Forest Service.

SA 481. Mrs. MCCASKILL (for herself and Mr. CARPER) 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, strike lines 4 through 14, and insert the following:

(4) The website shall include a link to the website established and maintained by the Office of Management and Budget under section 1551.

On page 422, line 15, strike ''(6)'' and insert ''(5)''.

On page 422, line 18, strike ''(7)'' and insert ''(6)''.

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

Subtitle D—Recovery, Accountability, and Transparency Website

SEC. 1551. ESTABLISHMENT OF THE RECOVERY, ACCOUNTABILITY, AND TRANSPARENCY WEBSITE.

(a) IN GENERAL.—The Director of the Office of Management and Budget shall establish and maintain the Recovery, Accountability, and Transparency Website to foster greater accountability and transparency in the use of covered funds.

(b) DATE OF ESTABLISHMENT.—The Director shall establish the website required under this section not later than 30 days after the date of enactment of this Act.

SEC. 1552. WEBSITE.

(a) PURPOSE.—The website established and maintained under section 1551 shall be a publicly available portal or gateway to provide the public full transparency and accountability of covered funds with timely availability of information and accounting of covered funds expended at the Federal, State, and local level.

(b) CONTENT AND FUNCTION.—In establishing the website established and maintained under section 1551, the Director of the Office of Management and Budget shall ensure the following:

(1) The website shall include information on relevant, economic, financial, grant, and contract information in user-friendly visual presentations.

(2) At a minimum, the website shall include detailed information on government contracts and grants, including Federal, State, and local contracts and grants and any subsequent subcontracts, including those made by 1 private entity to another, that expend covered funds to include—

(A) information about the competitiveness of the contracting process;

(B) notification of solicitations for contracts to be awarded;

(C) information about the process that was used for the award of contracts;

(D) information about the recipient of the contract to include the scope and statement of work under the contract;

(E) the dollar value of the contract;

(F) an estimate of the jobs sustained or created through execution of the contract including an explanation of the estimate;

(G) an estimate of the start date for any project using covered funds and a corresponding end date for the project;

(H) information confirming the certification required under section 1605 for the receipt of any covered funds; and

(I) any other information as the Director determines necessary.

(3) The website shall be fully available to the public.

(4) Information included on the website shall be available in printable formats, to include information on covered funds obligated in each State and each congressional district.

(5) The website shall provide the information required under paragraph (2) not later than 30 days after the obligation or award of funds.

(6) The website shall be searchable by project type, geographic region, level of government executions and as otherwise determined necessary by the Director.

(7) The website shall include appropriate links to other Government websites with information concerning covered funds including, at a minimum, the Board website established under section 1519.

(c) COMPLIANCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, as a condition of receipt of funds under this Act, each agency shall require any recipient of such funds, whether from a Federal, State, or local contract or grant or otherwise, to provide the information required under subsection (b)(2).

(2) INFORMATION PROVIDED BY RECIPIENTS.—All information required to be made by recipients of covered funds under paragraph (1) shall be—

(A) provided not later than 30 days after the receipt of such funds; and

(B) updated not later than 30 days after any material changes in the execution of such funds.

(3) USER-FRIENDLY MEANS FOR COMPLIANCE.—In coordination with agencies and State and local governments, the Director of the Office of Management and Budget shall provide for user-friendly means for recipients of covered funds to meet the requirements of this subsection.

(d) WAIVER.—The Director of the Office of Management and Budget may exclude posting contractual or other information on the website on a case-by-case basis when necessary to protect national security.

SA 482. 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 77, at the end of line 14, insert the following:

Provided further, That any fee imposed on an applicant in excess of the actual administrative costs to the Department in processing a loan guarantee application shall be refundable to the applicant if there is no financial close on that application.

SA 483. 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 85, line 25, insert ''and demand responsive equipment and'' after ''grid''.

SA 484. 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 451, line 15, strike all through page 452, line 18, and insert the following:

SEC. 1203. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2008) is amended—

(1) by striking ''or 2008'' and inserting ''2008, 2009, or 2010'', and

(2) by striking ''2008'' in the heading thereof and inserting ''2010''.

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

SEC. 1204. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($69,950 in the case of taxable years beginning in 2008)'' in subparagraph (A) and inserting ''($70,950 in the case of taxable years beginning in 2009 and $72,550 in the case of taxable years beginning in 2010)'', and

(2) by striking ''($46,200 in the case of taxable years beginning in 2008)'' in subparagraph (B) and inserting ''($46,700 in the case of taxable years beginning in 2009 and $47,500 in the case of taxable years beginning in 2010)''.

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

SA 485. Mr. FEINGOLD 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 457, between lines 16 and 17, insert the following:

(b) CLARIFICATION WITH RESPECT TO GREEN COMMUNITY PROGRAMS.—Clause (ii) of section 54D(f)(1)(A) is amended by inserting ''(including the use of loans, grants, or other repayment mechanisms to implement such programs)'' after ''green community programs''.

SA 486. Mr. THUNE 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 ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, beginning with line 6, strike all through page 735, line 7, and insert the following:

SEC. 2. REBATE TO ALL AMERICANS WITH TAX LIABILITY.

(a) IN GENERAL.—Section 6429 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 6429. 2009 RECOVERY REBATES FOR INDIVIDUALS.

''(a) IN GENERAL.—In the case of an eligible individual who has net income tax liability for the taxpayer's first taxable year beginning in 2007, there shall be allowed a credit against the tax imposed by subtitle A for the taxpayer's first taxable year beginning in 2009 an amount equal to the lesser of—

''(1) the taxpayer's net income tax liability for the taxpayer's first taxable year beginning in 2007, or

''(2) $4,730 ($9,460 in the case of a joint return) .

''(b) TREATMENT OF CREDIT.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

''(c) DEFINITIONS.—For purposes of this section—

''(1) NET INCOME TAX LIABILITY.—The term 'net income tax liability' means the excess of—

''(A) the sum of the taxpayer's regular tax liability (within the meaning of section 26(b)) and the tax imposed by section 55 for the taxable year, over

''(B) the credits allowed by part IV (other than section 24 and subpart C thereof) of subchapter A of chapter 1.

''(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means any individual other than—

''(A) any nonresident alien individual,

''(B) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

''(C) an estate or trust.

''(d) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

''(1) IN GENERAL.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (e). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

''(2) JOINT RETURNS.—In the case of a refund or credit made or allowed under subsection (e) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.

''(e) ADVANCE REFUNDS AND CREDITS.—

''(1) IN GENERAL.—Each individual who was an eligible individual for such individual's first taxable year beginning in 2007, and who had a net income tax liability for such first taxable year, shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the advance refund amount for such taxable year.

''(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if this section (other than this subsection) had applied to such taxable year.

''(3) TIMING OF PAYMENTS.—The Secretary shall, subject to the provisions of this title, refund or credit any overpayment attributable to this section as rapidly as possible. No refund or credit shall be made or allowed under this subsection after December 31, 2009.

''(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this section.

''(f) IDENTIFICATION NUMBER REQUIREMENT.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) to an eligible individual who does not include on the return of tax for the taxable year—

''(A) such individual's valid identification number, and

''(B) in the case of a joint return, the valid identification number of such individual's spouse.

''(2) VALID IDENTIFICATION NUMBER.—For purposes of paragraph (1), the term 'valid identification number' means a social security number issued to an individual by the Social Security Administration. Such term shall not include a TIN issued by the Internal Revenue Service.

''(3) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES.—Paragraph (1) shall not apply to a joint return where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year.''.

(b) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the amendments made by this section. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to the residents of such possession.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes for any taxable year under section 6429 of the Internal Revenue Code of 1986 (as amended by this section) to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of the amendments made by this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term ''possession of the United States'' includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 36A of the Internal Revenue Code of 1986 (as added by this section).

(c) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any credit or refund allowed or made to any individual by reason of section 6429 of the Internal Revenue Code of 1986 (as amended by this section) or by reason of subsection (b) of this section shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following 2 months, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(d) AUTHORITY RELATING TO CLERICAL ERRORS.—Section 6213(g)(2)(L) is amended by striking ''or 6428'' and inserting ''6428, or 6429''.

(e) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by striking ''and 6428'' and inserting ''6428, and 6429''.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by striking ''or 6428'' and inserting ''6428, or 6429''.

(3) The table of sections for subchapter B of chapter 65 is amended by striking the item relating to section 6429 and inserting the following new item:

''Sec. 6429. 2009 recovery rebates for individuals.''.

(f) EFFECTIVE DATE.—This section, and the amendments made by this section, shall apply to taxable years beginning after December 31, 2008.

SA 487. 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 360, line 6, add after the period the following: ''In promulgating such regulations, the Secretary may not eliminate from the definition of health care operations activities that are conducted for the purpose of training health care professionals.''.

SA 488. 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 360, line 6, add after the period the following: ''In promulgating such regulations, the Secretary may not eliminate from the definition of health care operations activities that are conducted for the purpose of medical research or disease surveillance.''.

SA 489. 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 394, strike lines 16 through 18 and insert the following:
ices, which may include—

(1) assistance for elementary and secondary education and public institutions of higher education; and

(2) critical water resource, flood protection, environmental restoration, and infrastructure programs, projects, and activities, which may be used to satisfy a non-Federal matching requirement for any other Federal program, project, or activity.

SA 490. Mr. FEINGOLD (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 457, between lines 16 and 17, insert the following:

(b) CLARIFICATION WITH RESPECT TO GREEN COMMUNITY PROGRAMS.—Clause (ii) of section 54D(f)(1)(A) is amended by inserting ''(including the use of loans, grants, or other repayment mechanisms to implement such programs)'' after ''green community programs''.

SA 491. Mr. WHITEHOUSE 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—TEMPORARY ECONOMIC RECOVERY ADJUSTMENT PANEL

SEC. 6001. SHORT TITLE.

This title may be cited as the ''Economic Recovery Adjustment Act of 2009''.

SEC. 6002. FINDINGS.

Congress finds that—

(1) the deterioration of financial firms in 2008 and the resulting crisis of confidence in the financial markets have required broad intervention by the Federal Government in the financial sector;

(2) the Emergency Economic Stabilization Act of 2008, signed by President Bush on October 3, 2008, included a $700,000,000,000 Troubled Asset Relief Program (or ''TARP'') for the express purpose of ''providing stability to and preventing disruption in the economy and financial system'';

(3) the investment and commercial banks and other financial institutions that have received taxpayer-funded bailouts perform public functions supporting the operation of the economy, in addition to their private profit-making functions;

(4) reports of billions of dollars in obligations to executives have eroded public confidence in the TARP, and have caused increasing opposition to other bailout proposals, thereby impeding the Government's ability to address the financial crisis;

(5) participation in the TARP and any other Federal Government bailout program should be conditioned on a fair restructuring of executive compensation obligations;

(6) taxpayer dollars should not unreasonably compensate executives, particularly when in the absence of such relief, such compensation would be reduced as part of a bankruptcy restructuring or liquidation; and

(7) establishing a due process forum will allow the Government to ensure that executive compensation relying on taxpayer funds is fair and reasonable.

SEC. 6003. DEFINITIONS.

In this title, the following definitions shall apply:

(1) ASSISTED ENTITY.—The term ''assisted entity'' means any recipient or applicant for assistance under the TARP.

(2) PANEL.—The term ''Panel'' means the Temporary Economic Recovery Oversight Panel established under section 6007.

(3) EXECUTIVE COMPENSATION.—The term ''executive compensation'' means wages, salary, deferred compensation, benefits, retirement arrangements, options, bonuses, office fixtures, goods, or other property, travel, or entertainment, vacation expenses, and any other form of compensation, obligation, or expense that is not routinely provided to all other employees of the assisted entity.

(4) OFFICE.—The term ''Office'' means the Office of the Taxpayer Compensation Advocate established under section 4.

(5) TARP.—The terms ''TARP'' and ''TARP funds'' mean the Troubled Asset Relief Program established under section 101 of the Emergency Economic Stabilization Act of 2008 and funds received thereunder, respectively, or pursuant to any successor program.

(6) SECRETARY.—The term ''Secretary'' means Secretary of the Treasury.

SEC. 6004. TAXPAYER COMPENSATION ADVOCATE.

(a) ESTABLISHMENT.—There is established within the Department of Justice, the Office of the Taxpayer Advocate.

(b) ADVOCATE.—The Office shall be headed by an Advocate, to be appointed by the Attorney General of the United States for such purpose.

(c) DUTIES.—The Advocate is authorized to conduct ongoing audits and oversight of the recipients of TARP funds with respect to compensation of the officers and directors of such entities.

(d) ACCESS TO RECORDS.—

(1) IN GENERAL.—To the extent otherwise consistent with law, the Advocate and the Office shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by the assisted entity and to the officers, directors, employees, independent public accountants, financial advisors, and other agents and representatives thereof (as related to the agent or representative's activities on behalf of or under the authority of the assisted entity) at such reasonable time as Office may request.

(2) COPIES.—The Advocate may make and retain copies of such books, accounts, and other records as the Advocate deems appropriate for the purposes of this title.

(e) REPORTING.—The Advocate shall submit quarterly reports of findings under this title to the appropriate committees of Congress, the Secretary and the Special Inspector General for the TARP established under the Emergency Economic Stabilization Act of 2008 on the activities and performance of the Office.

(f) AUDITS.—The Office is authorized to conduct an audit of any assisted entity for purposes of this title.

SEC. 6005. POWERS OF THE OFFICE.

(a) INVESTIGATIONS AND EVIDENCE.—The Office may, for purposes of carrying out this title—

(1) take depositions or other testimony, receive evidence, and administer oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, and documents.

(b) SUBPOENAS.—

(1) SERVICE.—Subpoenas issued under subsection (a)(2) may be served by any person designated by the Office.

(2) ENFORCEMENT.—

(A) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a)(2), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(B) ADDITIONAL ENFORCEMENT.—Sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under the authority of this section.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Office may secure directly from any department, agency, or instrumentality of the United States any information related to any inquiry of the Office conducted under this title. Each such department, agency, or instrumentality shall, to the extent authorized by law, furnish such information directly to the Office, upon request.

SEC. 6006. EXECUTIVE COMPENSATION AUTHORITY.

(a) NEGOTIATED REDUCTIONS AUTHORIZED.—The Advocate is authorized to assist the Secretary in the negotiation of assistance under the TARP, in order to assure that fair and reasonable executive compensation is paid by entities receiving TARP funds, and to defend any such agreements in the event of any challenge to the adjustments to compensation obligations. If, after an audit authorized by this title, the Advocate finds reason to believe that any assisted entity would have been forced to file for bankruptcy protection under title 11, United States Code, if not for the receipt of assistance under the TARP, the Advocate shall negotiate a reduction in the executive compensation obligations of the assisted entity as a condition of the continuing use or future receipt of such TARP assistance.

(b) FORM.—Negotiated reductions in compensation under subsection (a)—

(1) may include vested deferred compensation; and

(2) shall be in an amount that is fair and reasonable in light of the taxpayers' assistance, but not less than the estimated value of the compensation obligations that would face the estate or debtor-in-possession if the TARP funds had not been granted and the entity had filed for bankruptcy protection.

(c) CERTIFICATION TO ADJUSTMENT PANEL.—The Advocate shall certify the findings of the Office under this section to the Panel.

SEC. 6007. AUTHORITY OF THE SECRETARY.

Until the Advocate is appointed, the Secretary, in the negotiation of assistance under the TARP, is authorized and directed to assure that executive compensation is fair and reasonable. In the event of a dispute as to whether such compensation is fair and reasonable, the Secretary is authorized to negotiate assistance with its executive compensation recommendations subject to the ruling of the Panel. If the Secretary recommends adjustments to the existing obligations (such as deferred compensation or retirement plan obligations), such recommendations shall be subject to the approval of the Panel, with any affected individuals having a right to intervene and be heard. The determination of what is fair and reasonable shall be made in light of the taxpayers' assistance to the company, the risk of bankruptcy and loss of such benefits and obligations, and the need for adequate compensation to attract competent management.

SEC. 6008. TEMPORARY ECONOMIC RECOVERY OVERSIGHT PANEL.

(a) ESTABLISHMENT.—There is established the Temporary Economic Recovery Oversight Panel.

(b) MAKEUP OF PANEL.—The Panel shall be comprised of 5 members, appointed by the President for such purpose from among United States bankruptcy court judges. The Secretary shall provide for appropriate space and staff to support the functioning of the Panel.

(c) DUTIES.—The Panel shall—

(1) promptly evaluate each proposed settlement reached under section 6;

(2) approve or deny such proposed settlement; and

(3) if no settlement is reached under section 6, upon petition of the Advocate or any individual subject to the actions of the Advocate under section 6, issue an order establishing an executive compensation program for such individuals in accordance with this section.

(d) NOTICE AND HEARING REQUIRED.—The Advocate shall provide adequate notice to all affected persons of its intention to seek an order from the Panel in accordance with this section, and the Panel shall hold an evidentiary hearing on any proposed settlement or petition of the Advocate.

(e) STANDING.—Under any proceeding before the Panel, any individual whose compensation might be adversely affected by Panel action shall be a party in interest, having full procedural rights, including the right to challenge a settlement between the assisted entity and the Advocate, to challenge the certified findings of the Advocate, or to appeal any order of the Panel.

(f) APPEALS.—The Advocate and any party having standing before the Panel shall have the right to appeal an order under this title directly to the United States Court of Appeals for the District of Columbia Circuit.

(g) EFFECTIVE PERIOD.—Any order of the Panel setting forth a reduction in compensation shall be effective 6 months after confirmation, and shall remain in effect while any obligation arising from assistance provided under the TARP remains outstanding.

SA 492. 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:

At the appropriate place, insert the following:

SEC. _____. INDIAN SCHOOL CONSTRUCTION.

(a) SHORT TITLE.—This section may be cited as the ''Indian School Construction Act''.

(b) DEFINITIONS.—In this section:

(1) BUREAU.—The term ''Bureau'' means the Bureau of Indian Affairs.

(2) ESCROW ACCOUNT.—The term ''escrow account'' means the Tribal School Modernization Escrow Account established under subsection (c)(6)(B)(i)(I).

(3) INDIAN.—The term ''Indian'' means any individual who is a member of an Indian tribe.

(4) INDIAN TRIBE.—

(A) IN GENERAL.—The term ''Indian tribe'' has the meaning given the term ''Indian tribal government'' in section 7701(a)(40) of the Internal Revenue Code of 1986 (as modified by section 7871(d) of that Code).

(B) INCLUSION.—The term ''Indian tribe'' includes any consortium of Indian tribes approved by the Secretary.

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

(6) TRIBAL SCHOOL.—The term ''tribal school'' means an elementary school, secondary school, or dormitory that—

(A) is operated by a tribal organization or the Bureau for the education of Indian children; and

(B) receives financial assistance for the operation of the school or dormitory under an appropriation for the Bureau under a contract, grant, or agreement, or for a Bureau-operated school, under—

(i) section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(a), and 458d); or

(ii) the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.).

(c) ISSUANCE OF BONDS.—

(1) IN GENERAL.—The Secretary shall establish a pilot program under which the Secretary shall provide to eligible Indian tribes the authority to issue qualified tribal school modernization bonds to provide funds for the construction, rehabilitation, and repair of tribal schools, including advance planning and design of tribal schools.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to issue a qualified tribal school modernization bond under the program under paragraph (1), an Indian tribe shall—

(i) prepare and submit to the Secretary a plan of construction that meets the requirements of subparagraph (B);

(ii) provide for quarterly and final inspection by the Bureau of each project to be funded by the bond; and

(iii) ensure that the facilities to be funded by the bond will be used primarily for elementary and secondary educational purposes for the period during which the bond remains outstanding.

(B) PLAN OF CONSTRUCTION.—The requirements referred to in subparagraph (A)(i) are that the plan shall—

(i) contain a description of the construction to be carried out using funds provided under a qualified tribal school modernization bond;

(ii) demonstrate that a comprehensive survey has been carried out regarding the construction needs of the applicable tribal school;

(iii) contain assurances that funding under the bond will be used only for the activities described in the plan;

(iv) contain a response to the evaluation criteria contained in the document entitled ''Instructions and Application for Replacement School Construction, Revision 6'' and dated February 6, 1999; and

(v) contain any other reasonable and related information that the Secretary determines to be appropriate.

(C) PRIORITY.—In determining whether an Indian tribe is eligible to participate in the program under this subsection, the Secretary shall give priority to Indian tribes that, as demonstrated by the plans of construction of the Indian tribes, will fund projects—

(i) described in the list of the Bureau entitled ''Education Facilities Replacement Construction Priorities List as of FY 2000'' (65 Fed. Reg. 4623) (or successor regulations); or

(ii) that meet the criteria for ranking schools described in the document entitled ''Instructions and Application for Replacement School Construction, Revision 6'' and dated February 6, 1999.

(D) ADVANCE PLANNING AND DESIGN FUNDING.—

(i) IN GENERAL.—An Indian tribe may propose in the plan of construction of the Indian tribe to receive advance planning and design funding from the escrow account.

(ii) CONDITIONS.—As a condition of receiving advance planning and design funds from the escrow account under clause (i), an Indian tribe shall agree—

(I) to issue qualified tribal school modernization bonds after the date of receipt of the funds; and

(II) as a condition of each issuance of a bond, to deposit into the escrow account or a fund managed by a trustee under paragraph (4)(C) an amount equal to the amount of funds received from the escrow account.

(3) PERMISSIBLE ACTIVITIES.—In addition to the use described in paragraph (1), an Indian tribe may use amounts received through the issuance of a qualified tribal school modernization bond—

(A) to enter into, and make payments under, contracts with licensed and bonded architects, engineers, and construction firms—

(i) to determine the needs of a tribal school; and

(ii) for the design and engineering of a tribal school;

(B) to enter into, and make payments under, contracts with financial advisors, underwriters, attorneys, trustees, and other professionals to provide assistance to the Indian tribe in issuing the bonds; and

(C) to carry out other such activities as the Secretary determines to be appropriate.

(4) BOND TRUSTEE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, any qualified tribal school modernization bond issued by an Indian tribe under this subsection shall be subject to a trust agreement between the Indian tribe and a trustee.

(B) TRUSTEE.—Any bank or trust company that meets the requirements established by the Secretary may serve as a trustee for purposes of subparagraph (A).

(C) CONTENT OF TRUST AGREEMENT.—A trust agreement entered into by an Indian tribe under this paragraph shall specify that the trustee, with respect to any bond issued under this subsection, shall—

(i) act as a repository for the proceeds of the bond;

(ii) make payments to bondholders;

(iii) receive, as a condition to the issuance of the bond, a transfer of funds from the escrow account, or from other funds furnished by or on behalf of the Indian tribe, in an amount that, together with interest earnings from the investment of the funds in obligations of or fully guaranteed by the United States, or from other investments under paragraph (10), will be sufficient to pay timely and in full the entire principal amount of the bond on the stated maturity date of the bond;

(iv) invest the funds received in accordance with clause (iii); and

(v) hold and invest the funds in a segregated fund or account under the agreement, to be used solely to pay the costs of activities described in paragraph (3).

(D) REQUIREMENTS FOR MAKING DIRECT PAYMENTS.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the trustee shall make each payment described in subparagraph (C)(v) in accordance with such requirements as the Indian tribe may prescribe in the trust agreement under subparagraph (C).

(ii) PAYMENTS TO CONTRACTORS.—As a condition of making a payment to a contractor under subparagraph (C)(v), the trustee shall require an inspection of the project of the contractor, to ensure the completion of the project, by—

(I) a local financial institution; or

(II) an independent inspecting architect or engineer.

(iii) CONTRACTS.—Each contract under subparagraphs (A) and (B) of paragraph (3) shall require, or be renegotiated to require, that each payment under the contract shall be made in accordance with this paragraph.

(5) PAYMENTS OF PRINCIPAL AND INTEREST.—

(A) PRINCIPAL.—

(i) IN GENERAL.—No principal payment on any qualified tribal school modernization bond shall be required until the final, stated maturity of the bond.

(ii) MATURITY.—

(I) IN GENERAL.—The final, stated maturity of a qualified tribal school modernization bond shall be not later than the date that is 15 years after the date of issuance of the bond.

(II) EXPIRATION.—On expiration of a qualified tribal school modernization bond under subclause (I), the entire outstanding principal under the bond shall become due and payable.

(B) INTEREST.—In lieu of interest on a qualified tribal school modernization bond, there shall be provided a tax credit under section 1400V of the Internal Revenue Code of 1986.

(6) BOND GUARANTEES.—

(A) IN GENERAL.—Payment of the principal portion of a qualified tribal school modernization bond issued under this subsection shall be guaranteed solely by amounts deposited with each respective bond trustee as described in paragraph (4)(C)(iii).

(B) ESCROW ACCOUNT.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(I) shall establish an escrow account, to be known as the ''Tribal School Modernization Escrow Account'';

(II) beginning in fiscal year 2010, may deposit in the escrow account not more than $50,000,000 of amounts made available for school replacement in the construction account of the Bureau; and

(III) may accept for transfer into the escrow account amounts from, as the Secretary determines to be appropriate—

(aa) other Federal departments and agencies (such as amounts made available for facility improvement and repairs); or

(bb) non-Federal public or private sources.

(ii) TRANSFERS OF EXCESS PROCEEDS.—The excess proceeds held under any trust agreement that are not used for a purpose described in clause (iii) or (v) of paragraph (4)(C) shall be transferred periodically by the trustee for deposit into the escrow account.

(iii) PAYMENTS.—The Secretary shall use any amounts deposited in the escrow account under clause (i) or (ii) to make payments—

(I) to trustees under paragraph (4); or

(II) under paragraph (2)(D).

(7) LIMITATIONS.—

(A) OBLIGATION TO REPAY.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the principal amount of any qualified tribal school modernization bond issued under this subsection shall be repaid only to the extent of any escrowed funds provided under paragraph (4)(C)(iii).

(ii) TREATMENT.—No qualified tribal school modernization bond issued by an Indian tribe under this subsection shall be an obligation of, and no payment of the principal of such a bond shall be guaranteed by—

(I) the United States;

(II) an Indian tribe; or

(III) the tribal school for which the bond was issued.

(B) LAND AND FACILITIES.—No land or facility purchased or improved using amounts provided under a qualified tribal school modernization bond issued under this subsection shall be mortgaged or used as collateral for the bond.

(8) SALE OF BONDS.—A qualified tribal school modernization bond may be sold at a purchase price equal to, in excess of, or at a discount from the par amount of the bond.

(9) TREATMENT OF TRUST AGREEMENT EARNINGS.—Amounts earned through the investment of funds under the control of a trustee under a trust agreement described in paragraph (4) shall not be subject to Federal income tax.

(10) INVESTMENT OF SINKING FUNDS.—Any sinking fund established for the purpose of the payment of principal on a qualified tribal school modernization bond shall be invested in—

(A) obligations issued or guaranteed by the United States; or

(B) such other assets as the Secretary of the Treasury may allow, by regulation.

(d) EXPANSION OF INCENTIVES FOR TRIBAL SCHOOLS.—Chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

''Subchapter Z—Tribal School Modernization Provisions

''SEC. 1400V. CREDIT TO HOLDERS OF QUALIFIED TRIBAL SCHOOL MODERNIZATION BONDS.

''(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a qualified tribal school modernization bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified tribal school modernization bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tribal school modernization bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (1), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the date of sale of the issue) on outstanding long-term corporate obligations of similar ratings (as determined by the Secretary).

''(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—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 part IV of subchapter A (other than subpart C thereof, relating to refundable credits).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(d) QUALIFIED TRIBAL SCHOOL MODERNIZATION BOND; OTHER DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED TRIBAL SCHOOL MODERNIZATION BOND.—

''(A) IN GENERAL.—The term 'qualified tribal school modernization bond' means, subject to subparagraph (B), any bond issued as part of an issue under subsection (c) of the Indian School Construction Act, as in effect on the date of the enactment of this section, if—

''(i) 95 percent or more of the proceeds of such issue are to be used for the construction, rehabilitation, or repair of a school facility funded by the Bureau of Indian Affairs of the Department of the Interior or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue,

''(ii) the bond is issued by an Indian tribe,

''(iii) the issuer designates such bond for purposes of this section, and

''(iv) the term of each bond which is part of such issue does not exceed 15 years.

''(B) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(i) NATIONAL LIMITATION.—There is a national qualified tribal school modernization bond limitation for each calendar year. Such limitation is—

''(I) $200,000,000 for 2009,

''(II) $200,000,000 for 2010, and

''(III) zero for 2011 and thereafter.

''(ii) ALLOCATION OF LIMITATION.—The national qualified tribal school modernization bond limitation shall be allocated to Indian tribes by the Secretary of the Interior subject to the provisions of subsection (c) of the Indian School Construction Act, as in effect on the date of the enactment of this section.

''(iii) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (d)(1) with respect to any Indian tribe shall not exceed the limitation amount allocated to such government under clause (ii) for such calendar year.

''(iv) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

''(I) the limitation amount under this subparagraph, exceeds

''(II) the amount of qualified tribal school modernization bonds issued during such year, the limitation amount under this subparagraph for the following calendar year shall be increased by the amount of such excess. The preceding sentence shall not apply if such following calendar year is after 2012.

''(2) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(3) BOND.—The term 'bond' includes any obligation.

''(4) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term 'Indian tribal government' by section 7701(a)(40), including the application of section 7871(d). Such term includes any consortium of Indian tribes approved by the Secretary of the Interior.

''(e) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

''(f) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified tribal school modernization bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(g) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a qualified tribal school modernization bonds on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

''(h) CREDIT TREATED AS ALLOWED UNDER PART IV OF SUBCHAPTER A.—For purposes of subtitle F, the credit allowed by this section shall be treated as a credit allowable under part IV of subchapter A of this chapter.

''(i) REPORTING.—Issuers of qualified tribal school modernization bonds shall submit reports similar to the reports required under section 149(e).''.

(e) ADDITIONAL PROVISIONS.—

(1) SOVEREIGN IMMUNITY.—Nothing in this section or an amendment made by this section impacts, limits, or otherwise affects the sovereign immunity of the United States or any State or Indian tribal government.

(2) APPLICATION.—This section and the amendments made by this section shall take effect on the date of enactment of this Act with respect to bonds issued after December 31, 2009, regardless of the status of regulations promulgated pursuant to this section or an amendment made by this section.

SA 493. Mr. DODD (for himself, Mr. LIEBERMAN, Mrs. MURRAY, Mr. MENENDEZ, Mr. DURBIN, Mr. KERRY and Mr. BROWN) 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:

SEC. 603. WAIVERS OF CERTAIN FIRE GRANT PROGRAM PROVISIONS.

(a) WAIVER OF FEDERAL SHARE REQUIREMENT.—Subparagraph (E) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) shall not apply to a grant awarded under such section 34(a)(1) during the fiscal years 2009 and 2010.

(b) CONDITIONAL WAIVER OF CERTAIN PROVISIONS.—If the Administrator of the United States Fire Administration of the Federal Emergency Management Agency determines that a recipient of a grant awarded during fiscal year 2009 or 2010 under section 34(a)(1) of such Act is a fire department located in a community facing a severe economic hardship, the Administrator may waive or modify, with respect to such recipient—

(1) the requirements of subparagraph (B) of such section 34(a)(1); and

(2) the provision in paragraph (1) of section 34(c) of such Act.

SA 494. 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 develop and implement a plan to connect individuals from low-income and high unemployment areas to employment opportunities associated with projects funded under this Act.

SA 495. 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 4, line 6, before the period at the end, insert ''*Provided*, That the funds may be used for research in renewable fuels and emerging agricultural production technologies that reduce agricultural input costs, increase agricultural profitability, and decrease dependence on foreign fuels''.

SA 496. Mr. CARPER (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:

Insert on p. 46, line 18:

(c) CONFORMING AMENDMENT.—Section 45Q(d)(2) is amended by inserting'', oil and gas reservoirs,'' after ''deep saline formations'' and before ''and unminable coal seems''.

(d) CONFORMING AMENDMENT.—Section 45Q(d)(2) is amended by striking ''coordination'' and replacing with ''consultation'', and inserting after ''Environmental Protection Agency'' '', the Secretary of Energy, and the Secretary of the Interior,''

(e) CONFORMING AMENDMENT.—Section 45Q(e) is amended by striking ''or used as a tertiary injectant.'' at the end of subsection (e) and inserting in its place ''in accordance with subsection (a).''.

With subsequent relettering of the subsection (c) to (f) and (d) to (g).

SA 497. 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:

Beginning on page 74, strike line 22 and all that following through page 75, line 2, and insert the following:

Provided further, That $1,520,000,000 is available for competitive solicitations for a range of industrial applications: *Provided further*, That, pursuant to section 703 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17251), at least $1,420,000,000 is available for projects that demonstrate carbon capture from industrial sources: *Provided further*, That awards for such projects under section 703 of that Act may include power plant efficiency improvements for integration with carbon capture technology: *Provided further*, That, pursuant to section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293), up to $100,000,000 may be available for a competitive solicitation for pilot and commercial scale projects that advance innovative and novel concepts for carbon dioxide capture and beneficial carbon dioxide reuse.

SA 498. Mr. BEGICH (for himself, 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 228, line 6, insert ''*Provided further*, That not less than $900,000,000 of the amounts provided under this heading shall be available for port infrastructure investment grants by the Maritime Administration:'' after ''movement:''.

SA 499. 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:

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

SEC. 107. ADDITIONAL FUNDS FOR THE FOOD AND DRUG ADMINISTRATION.

(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, $200,000,000 for the Food and Drug Administration for new laboratory equipment and Internet Technology updates to help detect and track foodborne illness outbreaks.

(b) OFFSET.—Notwithstanding any other provision of this Act, the amount appropriated under title V for the ''FEDERAL BUILDINGS FUND'' shall be reduced by $200,000,000.

SA 500. Mr. DORGAN (for himself 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:

Strike all between page 70, line 13 and page 72, line 22 and insert the following:

''For an additional amount for ''Energy Efficiency and Renewable Energy'', $14,398,000,000, for necessary expenses, to remain available until September 30, 2010: *Provided*, That $2,000,000,000 shall be available for grants for the manufacturing of advanced batteries and components and the Secretary shall provide facility funding awards under this section to manufacturers of advanced battery systems and vehicle batteries that are produced in the United States, including advanced lithium ion batteries, hybrid electrical systems, component manufacturers, and software designers: *Provided further*, That Section 136(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(b)) is amended for Fiscal Years 2009 and 2010 by striking ''30 percent'' and inserting ''90 percent'': *Provided further*, That $2,048,000,000 shall be for expenses necessary for energy efficiency and renewable energy research, development, demonstration and deployment activities: *Provided further*, That of which not less than $100,000,000 shall be for the building codes training and technical assistance program of the Department of Energy, including section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833): *Provided further*, That of which not less than $180,000,000 shall be available for renewable energy construction grants under section 803 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17282), geothermal energy programs and grants under sections 613, 614, 615, and 625 of that Act (42 U.S.C. 17192, 17193, 17194, 17204), and the marine and hydrokinetic renewable energy technologies program established under section 633 of that Act (42 U.S.C. 17212): *Provided further*, That the Secretary of Energy shall increase the ceiling on energy savings performance contracts entered into under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) prior to December 1, 2008, to ensure that projects for which a contractor has been selected under the contracts are concluded in a timely manner: *Provided further*, That $2,900,000,000 shall be for the Weatherization Assistance Program under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.): *Provided further*, That $500,000,000 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): *Provided further*, That $4,200,000,000 shall be available for Energy Efficiency and Conservation Grants, of which $2,100,000,000 is available through the formula in subtitle E of title V of the Energy Independence and Security Act of 2007 (42 U.S.C. 17151 et seq.): *Provided further*, That the remaining $2,100,000,000 shall be awarded on a competitive basis: *Provided further*, That $350,000,000 is for grants to implement Section 721 of the Energy Policy Act of 2005 (42 U.S.C. 16091 et seq.) for acquisition and alternative fuel or fuel-cell vehicles, especially for transportation purposes: *Provided further*, That $200,000,000 for grants to states under Section 131 of the Energy Independence and Security Act of 2007 to plan, develop, and demonstrate electrical infrastructure projects that encourage the use of plug-in electric drive vehicles and for near term large-scale electrification projects aimed at the transportation sector: *Provided further*, That no funds are provided for grants under Section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1): *Provided further*, That $2,200,000,000 is available to off-set the costs associated with Federal Purchases of Electricity Generated by Renewable Energy contained in Section 407 of this Act: *Provided further*, That notwithstanding section 3304 of title 5, United States Code, and without regard to the provisions of sections 3309 through 3318 of such title 5, the Secretary of Energy, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, may from within the funds provided, recruit and directly appoint highly-qualified individuals into the competitive service: *Provided further*, That such authority shall not apply to positions in the Excepted Service or the Senior Executive Service: *Provided further*, That any action authorized herein shall be consistent with the merit principles of section 2301 of such title 5, and the Department shall comply with the public notice requirements of section 3327 of such title 5.

SA 501. Mr. GRAHAM (for himself and Mr. CONRAD) 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 6, strike lines 1 through 4.

On page 37, strike lines 1 through 5.

On page 37, line 10, strike ''$9,000,000,000'' and insert ''$8,800,000,000''

On page 37, line 13, strike ''not'' and all that follows through ''libraries:'' on line 16.

On page 39, strike line 3 and all that follows through page 40, line 2.

On page 42, strike lines 10 through 14.

On page 44, line 18, strike ''$300,000,000'' and insert ''$275,000,000''.

On page 44, line 25, after the semicolon insert ''and''

On page 45, line 2, strike ''; and'' and insert a period.

On page 45, strike lines 3 through 5.

On page 57, line 10, strike ''$1,169,291,000'' and insert ''$1,069,291,000''.

On page 57, line 14, strike ''$571,843,000'' and insert ''$531,843,000''.

On page 57, line 18, strike ''$112,167,000'' and insert ''$92,167,000''.

On page 57, line 22, strike ''$927,113,000'' and insert ''$887,113,000''.

On page 92, strike lines 1 through 20.

On page 93, line 7, strike ''$9,048,000,000'' and insert ''$8,048,000,000''.

On page 93, line 12, strike ''$6,000,000,000'' and insert ''$5,000,000,000''.

On page 93, line 23, strike ''$7,000,000,000'' and insert ''$6,000,000,000''.

On page 95, strike lines 1 through 8.

On page 123, line 9, strike ''$3,250,000,000'' and insert ''$2,050,000,000''.

On page 123, strike line 18 and all that follows through page 124, line 9.

On page 124, line 10, strike ''(3)'' and insert ''(2)''.

On page 124, line 13, strike ''(4)'' and insert ''(3)''.

On page 124, line 15, strike ''(5)'' and insert ''(4)''.

On page 125, line 1, strike ''(6)'' and insert ''(5)''.

On page 127, line 23, strike ''$1,088,000,000'' and insert ''$1,000,000,000''.

On page 127, line 24, strike ''of which'' and all that follows through ''and'' on page 128, line 3.

On page 128, strike lines 8 through 22.

On page 130, strike lines 4 through 10.

On page 213, line 22, strike ''$64,961,000'' and insert ''$59,476,000''.

On page 213, line 25, strike ''; and'' and all that follows through ''initiatives'' on lines 25 and 26.

On page 137, line 17, strike ''$5,800,000,000'' and insert ''$5,325,000,000''.

On page 139, line 22, after ''funds:'' insert ''*Provided further*, That none of the amounts available under this paragraph may be used for the screening or prevention of any sexually transmitted disease or for any smoking cessation activities.''

On page 391, line 5, strike ''$79,000,000,000'' and insert ''$62,800,000,000''.

At the end of division A, add the following:

TITLE XVII—FORECLOSURE PREVENTION MORTGAGE MODIFICATIONS

SEC. 1701. DEFINITIONS.

In this title—

(1) the term ''Corporation'' means the Federal Deposit Insurance Corporation;

(2) the term ''Chairperson'' means the Chairperson of the Board of Directors of the Corporation;

(3) the term ''Secretaries'' means the Secretary of the Treasury and the Secretary of Housing and Urban Development, jointly;

(4) the term ''program'' means the foreclosure prevention and mortgage modification program established under this section; and

(5) the term ''eligible mortgage'' means an extension of credit that is secured by real property that is the primary residence of the borrower.

SEC. 1702. LOAN MODIFICATION PROGRAM.

(a) ESTABLISHMENT.—The Chairperson shall establish a systematic foreclosure prevention and mortgage modification program, in consultation with the Secretaries, that—

(1) provides lenders and loan servicers with compensation to cover administrative costs for each eligible mortgage modified according to the required standards; and

(2) provides loss sharing or guarantees for certain losses incurred if a modified eligible mortgage should subsequently redefault.

(b) PROGRAM COMPONENTS.—The program established under subsection (a) shall include the following components:

(1) EXCLUSION FOR EARLY PAYMENT DEFAULT.—To promote sustainable mortgages, loss sharing or guarantees under the program shall be available only after the borrower has made a specified minimum number of payments on the modified mortgage, as determined by the Chairperson.

(2) STANDARD NET PRESENT VALUE TEST.—In order to promote consistency and simplicity in implementation and auditing under the program, the Chairperson shall prescribe and require lenders and loan servicers to apply a standardized net present value analysis for participating lenders and loan servicers that compares the expected net present value of modifying past due mortgage loans with the net present value of foreclosing on such mortgage loans. The Chairperson shall use standard industry assumptions to ensure that a consistent standard for affordability is provided, based on a ratio of the borrower's mortgage-related expenses to gross monthly income specified by the Chairperson.

(3) SYSTEMATIC LOAN REVIEW BY PARTICIPATING LENDERS AND SERVICERS.—

(A) REQUIREMENT.—Any lender or loan servicer that participates in the program shall be required—

(i) to undertake a systematic review of all of the eligible mortgage loans under its management;

(ii) to subject each such eligible mortgage loan to the standard net present value test prescribed by the Chairperson to determine whether it is suitable for modification under the program; and

(iii) to offer modifications for all eligible mortgages that meet such test.

(B) DISQUALIFICATION.—Any lender or loan servicer that fails to undertake a systematic review and to carry out modifications where they are justified, as required by subparagraph (A), shall be disqualified from further participation in the program, pending proof of compliance with subparagraph (A).

(4) MODIFICATIONS.—Modifications to eligible mortgages under the program may include—

(A) reduction in interest rates and fees;

(B) term or amortization extensions;

(C) forbearance or forgiveness of principal; and

(D) other similar modifications, as determined appropriate by the Chairperson.

(5) LOSS SHARE CALCULATION.—In order to ensure the administrative efficiency and effective operation of the program and to provide adequate incentive to lenders and loan servicers to modify eligible mortgages and avoid unnecessary foreclosures, the Chairperson shall define appropriate standardized measures for loss sharing or guarantees.

(6) DE MINIMIS TEST.—The Chairperson shall implement a de minimis test to exclude from loss sharing under the program any modification that does not lower the monthly loan payment to the borrower by at least 7 to 15 percent, at the determination of the Chairperson.

(7) TIME LIMIT ON LOSS SHARING PAYMENT.—At the determination of the Chairperson, a loss sharing guarantee under the program shall terminate between 5 and 15 years after the date on which the mortgage modification is consummated, as determined by the Chairperson.

SEC. 1703. ALTERNATIVE COMPONENTS.

(a) IN GENERAL.—The Chairperson may, with the approval of the Secretaries, and after making the certifications to Congress required by subsection (b), implement foreclosure prevention and mitigation actions other than those authorized under section 1702.

(b) CERTIFICATION TO CONGRESS.—The Chairperson shall certify to Congress that the Chairperson believes the alternative foreclosure mitigation actions would provide equivalent or greater impact or have a more cost-effective impact on foreclosure mitigation than those authorized under section 1702. Such certification shall contain quantitative projections of the benefit of pursuing the alternative actions in place of or in addition to the actions authorized under section 1702.

SEC. 1704. TIMELY IMPLEMENTATION.

The Chairperson shall begin implementation of, and shall allow lenders and loan servicers to begin participation in, the mortgage modification program under this title not later than 1 month after the date of enactment of this Act.

SEC. 1705. SAFE HARBOR FOR LOAN SERVICERS.

(a) LOAN MODIFICATIONS AND WORKOUT PLANS.—Notwithstanding any other provision of law, and notwithstanding any investment contract between a loan servicer and a securitization vehicle or investor, a loan servicer that acts consistent with the duty set forth in section 129A(a) of Truth in Lending Act (15 U.S.C. 1639a) shall not be liable for entering into a loan modification or workout plan under the program established under this title, or with respect to any mortgage that meets all of the criteria set forth in subsection (b)(2), to—

(1) any person, based on that person's ownership 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 on loans in the pool;

(2) any person who is obligated to make payments determined in reference to any loan or any interest referred to in paragraph (1); or

(3) any person that insures any loan or any interest referred to in paragraph (1) under any provision of law or regulation of the United States or of any State or political subdivision of any State.

(b) ABILITY TO MODIFY MORTGAGES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, and notwithstanding any investment contract between a loan servicer and a securitization vehicle or investor, with respect to any mortgage loan that meets all of the criteria set forth in paragraph (2), or which is modified in accordance with the loan modification program established under this title, a loan servicer—

(A) shall not be limited in the ability to modify mortgages, the number of mortgages that can be modified, the frequency of loan modifications, or the range of permissible modifications;

(B) 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 for a residential mortgage or a class of residential mortgages that constitute a part or all of the mortgages in the securitization vehicle; and

(C) shall not lose the safe harbor protection provided under subsection (a) due to actions taken in accordance with subparagraphs (A) and (B).

(2) CRITERIA.—A mortgage loan described in this paragraph is a mortgage loan with respect to which—

(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; and

(C) the loan servicer reasonably and in good faith believes that the anticipated recovery on the principal outstanding obligation of the mortgage under the particular modification or workout plan or other loss mitigation action will exceed, on a net present value basis, the anticipated recovery on the principal outstanding obligation of the mortgage to be realized through foreclosure.

(c) APPLICABILITY.—This section shall apply only with respect to modifications, workouts, and other loss mitigation plans initiated before July 1, 2010.

(d) REPORTING.—Each loan servicer that engages in loan modifications or workout plans subject to the safe harbor in this section shall report to the Chairperson on a regular basis regarding the extent, scope, and results of the loan servicer's modification activities, subject to the rules of the Chairperson regarding the form, content, and timing of such reports.

(e) DEFINITION OF SECURITIZATION VEHICLES.—For purposes of this section, the term 'securitization vehicle' means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(1) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans; and

(2) holds such mortgages.

SEC. 1706. FUNDING.

There is appropriated to the Secretary of the Treasury to cover the costs incurred by the Corporation in carrying out the mortgage modification program established under this title, $22,850,000,000. Funds that are unused by July 1, 2010, shall be returned to the General Fund of the Treasury of the United States, unless otherwise directed by Congress.

SEC. 1707. FDIC COSTS AND AUTHORITY.

(a) TRANSFER FROM SECRETARY.—The Chairperson shall, from time to time, request payment of the anticipated costs of carrying out the program, including any administrative costs, and the Secretary of the Treasury shall immediately pay the amounts requested to the Corporation from the funds made available under section 1706.

(b) CORPORATION AUTHORITY.—In carrying out its responsibilities under this title, the Corporation may exercise its authority under section 9 of the Federal Deposit Insurance Act.

SEC. 1708. REPORT.

Before the end of the 2-month period beginning on the date of enactment of this Act and every 3 months thereafter, the Chairperson shall submit a report to the Congress

detailing the implementation results and costs of the mortgage modification program, and containing such recommendations for legislative or administrative action as the Chairperson may determine to be appropriate.

SA 502. Mr. BINGAMAN (for himself, Mr. MENENDEZ, Mr. DORGAN, Mr. BENNETT, Ms. MURKOWSKI, 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:

Page 90, line 15 insert the following:

SEC. 4.—FEDERAL PURCHASES OF ELECTRICITY GENERATED BY RENEWABLE ENERGY.

(a) IN GENERAL.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended by adding at the end the following:

''(e) CONTRACT PERIOD—

''(1) IN GENERAL.—Notwithstanding section 501(b)(1)(B) of Title 40, United States Code, a contract entered into by a Federal agency to acquire renewable energy may be made for a period of not more than 30 years.

''(2) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Federal agencies to enter into contracts under this subsection.

''(3) STANDARDIZED RENEWABLE ENERGY PURCHASE AGREEMENT.—Not later than 90 days after the date of enactment of this subsection, the Secretary, acting through the Federal Energy Management Program, shall publish a standardized renewable energy purchase agreement setting forth commercial terms and conditions that can be used by Federal agencies to acquire renewable energy.''.

(b) FUNDING.—The Amount Otherwise made available for ''Energy Efficiency and Renewable Energy'' by the matter under the heading ''ENERGY EFFICIENCY AND RENEWABLE ENERGY'' under the heading ''ENERGY PROGRAMS'' under the heading ''DEPARTMENT OF ENERGY'' of this title shall be reduced by the amount necessary to carry out the amendment made by subsection (a).

SA 503. Mr. BINGAMAN (for himself, Mr. CARPER, and Mr. CRAPO) 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 518, beginning on line 1, strike through page 521, line 23, and insert the following:

''(2) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(3) LIMITATION.—The amount which is treated for all taxable years with respect to any qualifying advanced energy project shall not exceed the amount designated by the Secretary as eligible for the credit under this section.

''(c) DEFINITIONS.—

''(1) QUALIFYING ADVANCED ENERGY PROJECT.—

''(A) IN GENERAL.—The term 'qualifying advanced energy project' means a project—

''(i) which re-equips, expands, or establishes a manufacturing facility for the production of property which is—

''(I) designed to be used to produce energy from the sun, wind, geothermal deposits (within the meaning of section 613(e)(2)), or other renewable resources,

''(II) designed to manufacture fuel cells, microturbines, or an energy storage system for use with electric or hybrid-electric motor vehicles,

''(III) designed to manufacture electric grids to support the transmission of intermittent sources of renewable energy, including storage of such energy,

''(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) other advanced energy property designed to reduce greenhouse gas emissions as may be determined by the Secretary, and

''(ii) any portion of the qualified investment of which is certified by the Secretary under subsection (d) as eligible for a credit under this section.

''(B) EXCEPTION.—Such term shall not include any portion of a project for the production of any property which is used in the refining or blending of any transportation fuel (other than renewable fuels).

''(2) ELIGIBLE PROPERTY.—The term 'eligible property' means any property which is part of a qualifying advanced energy project and is necessary for the production of property described in paragraph (1)(A)(i).

''(d) QUALIFYING ADVANCED ENERGY PROJECT PROGRAM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a qualifying advanced energy project program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors.

''(B) LIMITATION.—The total amount of credits that may be allocated under the program shall not exceed $2,000,000,000.

''(2) CERTIFICATION.—

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application containing such information as the Secretary may require during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1).

''(B) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 2 years from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the requirements of the certification have been met.

''(C) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 5 years from the date of issuance of the certification in order to place the project in service and if such project is not placed in service by that time period then the certification shall no longer be valid.

''(3) SELECTION CRITERIA.—In determining which qualifying advanced energy projects to certify under this section, the Secretary—

''(A) shall take into consideration only those projects where there is a reasonable expectation of commercial viability, and

''(B) shall take into consideration which projects—

''(i) will provide the greatest domestic job creation (both direct and indirect) during the credit period,

''(ii) will provide the greatest net impact in avoiding or reducing air pollutants or anthropogenic emissions of greenhouse gases,

''(iii) have the greatest readiness for commercial employment, replication, and further commercial use in the United States,

''(iv) will provide the greatest benefit in terms of newness in the commercial market,

''(v) have the lowest levelized cost of generated or stored energy, or of measured reduction in energy consumption or greenhouse gas emission (based on costs of the full supply chain), and

''(vi) have the shortest project time from certification to completion.''.

SA 504. Mr. HARKIN 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 176, line 7, insert ''and for activities described in subparagraph (B)'' before the period at the end.

On page 176, line 8, strike ''REQUIRED''.

On page 176, line 13, insert after the period at the end the following: ''Each State educational agency may use a portion of the reserved funds under subparagraph (A) for renovation, repair, and construction of State-operated or State-supported elementary schools and secondary schools if such activities meet the requirements of subsection (c).''.

SA 505. Mr. HARKIN 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 185, between lines 8 and 9, insert the following:

(v) carrying out measures designed to reduce or eliminate human exposure to classroom noise and environmental noise pollution.

SA 506. Mrs. MCCASKILL (for herself and Mr. CARPER) 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, 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 507. 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:

Strike section 1518 and insert the following:

SEC. 1518. PROTECTING STATE AND LOCAL GOVERNMENT AND CONTRACTOR WHISTLEBLOWERS.

(a) PROHIBITION OF REPRISALS.—An employee of any non-Federal employer receiving covered funds may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to the Board, an inspector general, the Comptroller General, a member of Congress, a State or Federal regulatory or law enforcement agency, a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct), a court or grand jury, the head of a Federal agency, or their representatives information that the employee reasonably believes is evidence of—

(1) gross mismanagement of an agency contract or grant relating to covered funds;

(2) a gross waste of covered funds;

(3) a substantial and specific danger to public health or safety related to the implementation or use of covered funds;

(4) an abuse of authority related to the implementation or use of covered funds; or

(5) a violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to covered funds.

(b) INVESTIGATION OF COMPLAINTS.—

(1) IN GENERAL.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint regarding the reprisal to the appropriate inspector general. Except as provided under paragraph (3), unless the inspector general determines that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint, the inspector general shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the person's employer, the head of the appropriate agency, and the Board.

(2) TIME LIMITATIONS FOR ACTIONS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the inspector general shall, not later than 180 days after receiving a complaint under paragraph (1)—

(i) make a determination that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint; or

(ii) submit a report under paragraph (1).

(B) EXTENSIONS.—

(i) VOLUNTARY EXTENSION AGREED TO BETWEEN INSPECTOR GENERAL AND COMPLAINANT.—If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A) and the person submitting the complaint agrees to an extension of time, the inspector general shall submit a report under paragraph (1) within such additional period of time as shall be agreed upon between the inspector general and the person submitting the complaint.

(ii) EXTENSION GRANTED BY INSPECTOR GENERAL.—If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A), the inspector general may extend the period for not more than 180 days without agreeing with the person submitting the complaint to such extension, provided that the Inspector General provides a written explanation (subject to the authority to exclude information under paragraph (5)(C)) for the decision, which shall be provided to both the person submitting the complaint and the non-Federal employer.

(iii) SEMI-ANNUAL REPORT ON EXTENSIONS.—The inspector general shall include in semi-annual reports to Congress a list of those investigations for which the inspector general received an extension, including a copy of each written explanation provided with respect to extensions under clause (ii).

(3) DISCRETION NOT TO INVESTIGATE COMPLAINTS.—

(A) IN GENERAL.—The inspector general may decide not to conduct or continue an investigation under this section upon providing to the person submitting the complaint and the non-Federal employer a written explanation (subject to the authority to exclude information under paragraph (5)(C)) for such decision.

(B) ASSUMPTION OF RIGHTS TO CIVIL REMEDY.—Upon receipt of an explanation of a decision not to conduct or continue an investigation under subparagraph (A), the person submitting a complaint shall immediately assume the right to a civil remedy under subsection (c)(2) as if the 210-day period specified under such subsection has already passed.

(C) SEMI-ANNUAL REPORT.—The inspector general shall include in semi-annual reports to Congress a list of those investigations the inspector general decided not to conduct or continue under this paragraph, including copies of the written explanations for such decisions not to investigate.

(4) BURDEN OF PROOF.—

(A) DISCLOSURE AS CONTRIBUTING FACTOR IN REPRISAL.—

(i) IN GENERAL.—A person alleging a reprisal under this section shall be deemed to have affirmatively established the occurrence of the reprisal if the person demonstrates that a disclosure described in subsection (a) was a contributing factor in the reprisal.

(ii) USE OF CIRCUMSTANTIAL EVIDENCE.—A disclosure may be demonstrated as a contributing factor in a reprisal for purposes of this paragraph by circumstantial evidence, including—

(I) evidence that the official undertaking the reprisal knew of the disclosure; or

(II) evidence that the reprisal occurred within a period of time after the disclosure such that a reasonable person could conclude that the disclosure was a contributing factor in the reprisal.

(B) OPPORTUNITY FOR REBUTTAL.—The inspector general may not find the occurrence of a reprisal with respect to a reprisal that is affirmatively established under subparagraph (A) if the non-Federal employer demonstrates by clear and convincing evidence that the non-Federal employer would have taken the action constituting the reprisal in the absence of the disclosure.

(5) ACCESS TO INVESTIGATIVE FILE OF INSPECTOR GENERAL.—

(A) IN GENERAL.—The person alleging a reprisal under this section shall have access to the complete investigation file of the appropriate inspector general in accordance with section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act''). The investigation of the inspector general shall be deemed closed for purposes of disclosure under such section when an employee files an appeal to an agency head or a court of competent jurisdiction.

(B) CIVIL ACTION.—In the event the person alleging the reprisal brings suit under subsection (c)(2)(A), the person alleging the reprisal and the non-Federal employer shall have access to the complete investigative file of the Inspector General in accordance with the Privacy Act.

(C) EXCEPTION.—The inspector general may exclude from disclosure—

(i) information protected from disclosure by a provision of law; and

(ii) any additional information the inspector general determines disclosure of which would impede a continuing investigation, provided that such information is disclosed once such disclosure would no longer impede such investigation.

(6) PRIVACY OF INFORMATION.—An inspector general investigating an alleged reprisal under this section may not respond to any inquiry or disclose any information from or about any person alleging such reprisal, except in accordance with the provisions of section 552a of title 5, United States Code, or as required by any other applicable Federal law.

(c) REMEDY AND ENFORCEMENT AUTHORITY.—

(1) AGENCY ACTION.—Not later than 30 days after receiving an inspector general report under subsection (b), the head of the agency concerned shall determine whether there is sufficient basis to conclude that the non-Federal employer has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief in whole or in part or shall take 1 or more of the following actions:

(A) Order the employer to take affirmative action to abate the reprisal.

(B) Order the employer to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), compensatory damages, employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

(C) Order the employer to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the agency or a court of competent jurisdiction.

(2) CIVIL ACTION.—

(A) IN GENERAL.—If the head of an agency issues an order denying relief in whole or in part under paragraph (1), has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under subsection (b)(2)(B)(i), within 30 days after the expiration of the extension of time, or decides under subsection (b)(3) not to investigate or to discontinue an investigation, and there is no showing that such delay or decision is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the employer to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

(B) BURDENS OF PROOF.—In any action under subparagraph (A), the establishment of the occurrence of a reprisal shall be governed by the provisions of subsection (b)(3)(A), including with respect to burden of proof, and the establishment that an action alleged to constitute a reprisal did not constitute a reprisal shall be subject to the burden of proof specified in subsection (b)(4)(C).

(3) JUDICIAL ENFORCEMENT OF ORDER.—Whenever a person fails to comply with an order issued under paragraph (1), the head of the agency shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorneys fees and costs.

(4) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the agency. Review shall conform to chapter 7 of title 5, United States Code.

(d) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBITRATION OF DISPUTES.—

(1) WAIVER OF RIGHTS AND REMEDIES.—Except as provided under paragraph (3), the rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement.

(2) PREDISPUTE ARBITRATION AGREEMENTS.—Except as provided under paragraph (3), no predispute arbitration agreement shall be valid or enforceable if it requires arbitration of a dispute arising under this section.

(3) EXCEPTION FOR COLLECTIVE BARGAINING AGREEMENTS.—Notwithstanding paragraphs (1) and (2), an arbitration provision in a collective bargaining agreement shall be enforceable as to disputes arising under the collective bargaining agreement.

(e) REQUIREMENT TO POST NOTICE OF RIGHTS AND REMEDIES.—Any employer receiving covered funds shall post notice of the rights and remedies provided under this section.

(f) RULES OF CONSTRUCTION.—

(1) NO IMPLIED AUTHORITY TO RETALIATE FOR NON-PROTECTED DISCLOSURES.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

(2) RELATIONSHIP TO STATE LAWS.—Nothing in this section may be construed to preempt, preclude, or limit the protections provided for public or private employees under State whistleblower laws.

(g) DEFINITIONS.—In this Act:

(1) ABUSE OF AUTHORITY.—The term ''abuse of authority'' means an arbitrary and capricious exercise of authority by a contracting official or employee that adversely affects the rights of any person, or that results in personal gain or advantage to the official or employee or to preferred other persons.

(2) COVERED FUNDS.—The term ''covered funds'' means any contract, grant, or other payment received by any non-Federal employer if—

(A) the Federal Government provides any portion of the money or property that is provided, requested, or demanded; and

(B) at least some of the funds are appropriated or otherwise made available by this Act.

(3) EMPLOYEE.—The term ''employee''—

(A) except as provided under subparagraph (B), means an individual performing services on behalf of an employer; and

(B) does not include any Federal employee or member of the uniformed services (as that term is defined in section 101(a)(5) of title 10, United States Code).

(4) NON-FEDERAL EMPLOYER.—The term ''non-Federal employer''—

(A) means any employer—

(i) with respect to covered funds—

(I) the contractor, subcontractor, grantee, or recipient, as the case may be, if the contractor, grantee, or recipient is an employer; and

(II) any professional membership organization, certification or other professional body, any agent or licensee of the Federal government, or any person acting directly or indirectly in the interest of an employer receiving covered funds; or

(ii) with respect to covered funds received by a State or local government, the State or local government receiving the funds and any contractor or subcontractor of the State or local government; and

(B) does not mean any department, agency, or other entity of the Federal Government.

(5) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' means—

(A) the government of each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Is Lands, or any other territory or possession of the United States; or

(B) the government of any political subdivision of a government listed in subparagraph (A).

SA 508. 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, 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.''.

On page 416, strike line 6 and all that follows through page 421, line 4, and insert the following:

SEC. 1518. PROTECTING STATE AND LOCAL GOVERNMENT AND CONTRACTOR WHISTLEBLOWERS.

(a) PROHIBITION OF REPRISALS.—An employee of any non-Federal employer receiving covered funds may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to the Board, an inspector general, the Comptroller General, a member of Congress, a State or Federal regulatory or law enforcement agency, a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct), a court or grand jury, the head of a Federal agency, or their representatives information that the employee reasonably believes is evidence of—

(1) gross mismanagement of an agency contract or grant relating to covered funds;

(2) a gross waste of covered funds;

(3) a substantial and specific danger to public health or safety related to the implementation or use of covered funds;

(4) an abuse of authority related to the implementation or use of covered funds; or

(5) a violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to covered funds.

(b) INVESTIGATION OF COMPLAINTS.—

(1) IN GENERAL.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint regarding the reprisal to the appropriate inspector general. Except as provided under paragraph (3), unless the inspector general determines that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint, the inspector general shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the person's employer, the head of the appropriate agency, and the Board.

(2) TIME LIMITATIONS FOR ACTIONS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the inspector general shall, not later than 180 days after receiving a complaint under paragraph (1)—

(i) make a determination that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint; or

(ii) submit a report under paragraph (1).

(B) EXTENSIONS.—

(i) VOLUNTARY EXTENSION AGREED TO BETWEEN INSPECTOR GENERAL AND COMPLAINANT.—If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A) and the person submitting the complaint agrees to an extension of time, the inspector general shall submit a report under paragraph (1) within such additional period of time as shall be agreed upon between the inspector general and the person submitting the complaint.

(ii) EXTENSION GRANTED BY INSPECTOR GENERAL.—If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A), the inspector general may extend the period for not more than 180 days without agreeing with the person submitting the complaint to such extension, provided that the Inspector General provides a written explanation (subject to the authority to exclude information under paragraph (5)(C)) for the decision, which shall be provided to both the person submitting the complaint and the non-Federal employer.

(iii) SEMI-ANNUAL REPORT ON EXTENSIONS.—The inspector general shall include in semi-annual reports to Congress a list of those investigations for which the inspector general received an extension, including a copy of each written explanation provided with respect to extensions under clause (ii).

(3) DISCRETION NOT TO INVESTIGATE COMPLAINTS.—

(A) IN GENERAL.—The inspector general may decide not to conduct or continue an investigation under this section upon providing to the person submitting the complaint and the non-Federal employer a written explanation (subject to the authority to exclude information under paragraph (5)(C)) for such decision.

(B) ASSUMPTION OF RIGHTS TO CIVIL REMEDY.—Upon receipt of an explanation of a decision not to conduct or continue an investigation under subparagraph (A), the person submitting a complaint shall immediately assume the right to a civil remedy under subsection (c)(2) as if the 210-day period specified under such subsection has already passed.

(C) SEMI-ANNUAL REPORT.—The inspector general shall include in semi-annual reports to Congress a list of those investigations the inspector general decided not to conduct or continue under this paragraph, including copies of the written explanations for such decisions not to investigate.

(4) BURDEN OF PROOF.—

(A) DISCLOSURE AS CONTRIBUTING FACTOR IN REPRISAL.—

(i) IN GENERAL.—A person alleging a reprisal under this section shall be deemed to have affirmatively established the occurrence of the reprisal if the person demonstrates that a disclosure described in subsection (a) was a contributing factor in the reprisal.

(ii) USE OF CIRCUMSTANTIAL EVIDENCE.—A disclosure may be demonstrated as a contributing factor in a reprisal for purposes of this paragraph by circumstantial evidence, including—

(I) evidence that the official undertaking the reprisal knew of the disclosure; or

(II) evidence that the reprisal occurred within a period of time after the disclosure such that a reasonable person could conclude that the disclosure was a contributing factor in the reprisal.

(B) OPPORTUNITY FOR REBUTTAL.—The inspector general may not find the occurrence of a reprisal with respect to a reprisal that is affirmatively established under subparagraph (A) if the non-Federal employer demonstrates by clear and convincing evidence that the non-Federal employer would have taken the action constituting the reprisal in the absence of the disclosure.

(5) ACCESS TO INVESTIGATIVE FILE OF INSPECTOR GENERAL.—

(A) IN GENERAL.—The person alleging a reprisal under this section shall have access to the complete investigation file of the appropriate inspector general in accordance with section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act''). The investigation of the inspector general shall be deemed closed for purposes of disclosure under such section when an employee files an appeal to an agency head or a court of competent jurisdiction.

(B) CIVIL ACTION.—In the event the person alleging the reprisal brings suit under subsection (c)(2)(A), the person alleging the reprisal and the non-Federal employer shall have access to the complete investigative file of the Inspector General in accordance with the Privacy Act.

(C) EXCEPTION.—The inspector general may exclude from disclosure—

(i) information protected from disclosure by a provision of law; and

(ii) any additional information the inspector general determines disclosure of which would impede a continuing investigation, provided that such information is disclosed once such disclosure would no longer impede such investigation.

(6) PRIVACY OF INFORMATION.—An inspector general investigating an alleged reprisal under this section may not respond to any inquiry or disclose any information from or about any person alleging such reprisal, except in accordance with the provisions of section 552a of title 5, United States Code, or as required by any other applicable Federal law.

(c) REMEDY AND ENFORCEMENT AUTHORITY.—

(1) AGENCY ACTION.—Not later than 30 days after receiving an inspector general report under subsection (b), the head of the agency concerned shall determine whether there is sufficient basis to conclude that the non-Federal employer has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief in whole or in part or shall take 1 or more of the following actions:

(A) Order the employer to take affirmative action to abate the reprisal.

(B) Order the employer to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), compensatory damages, employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

(C) Order the employer to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the agency or a court of competent jurisdiction.

(2) CIVIL ACTION.—

(A) IN GENERAL.—If the head of an agency issues an order denying relief in whole or in part under paragraph (1), has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under subsection (b)(2)(B)(i), within 30 days after the expiration of the extension of time, or decides under subsection (b)(3) not to investigate or to discontinue an investigation, and there is no showing that such delay or decision is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the employer to seek compensatory

damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

(B) BURDENS OF PROOF.—In any action under subparagraph (A), the establishment of the occurrence of a reprisal shall be governed by the provisions of subsection (b)(3)(A), including with respect to burden of proof, and the establishment that an action alleged to constitute a reprisal did not constitute a reprisal shall be subject to the burden of proof specified in subsection (b)(4)(C).

(3) JUDICIAL ENFORCEMENT OF ORDER.—Whenever a person fails to comply with an order issued under paragraph (1), the head of the agency shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorneys fees and costs.

(4) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the agency. Review shall conform to chapter 7 of title 5, United States Code.

(d) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBITRATION OF DISPUTES.—

(1) WAIVER OF RIGHTS AND REMEDIES.—Except as provided under paragraph (3), the rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement.

(2) PREDISPUTE ARBITRATION AGREEMENTS.—Except as provided under paragraph (3), no predispute arbitration agreement shall be valid or enforceable if it requires arbitration of a dispute arising under this section.

(3) EXCEPTION FOR COLLECTIVE BARGAINING AGREEMENTS.—Notwithstanding paragraphs (1) and (2), an arbitration provision in a collective bargaining agreement shall be enforceable as to disputes arising under the collective bargaining agreement.

(e) REQUIREMENT TO POST NOTICE OF RIGHTS AND REMEDIES.—Any employer receiving covered funds shall post notice of the rights and remedies provided under this section.

(f) RULES OF CONSTRUCTION.—

(1) NO IMPLIED AUTHORITY TO RETALIATE FOR NON-PROTECTED DISCLOSURES.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

(2) RELATIONSHIP TO STATE LAWS.—Nothing in this section may be construed to preempt, preclude, or limit the protections provided for public or private employees under State whistleblower laws.

(g) DEFINITIONS.—In this Act:

(1) ABUSE OF AUTHORITY.—The term ''abuse of authority'' means an arbitrary and capricious exercise of authority by a contracting official or employee that adversely affects the rights of any person, or that results in personal gain or advantage to the official or employee or to preferred other persons.

(2) COVERED FUNDS.—The term ''covered funds'' means any contract, grant, or other payment received by any non-Federal employer if—

(A) the Federal Government provides any portion of the money or property that is provided, requested, or demanded; and

(B) at least some of the funds are appropriated or otherwise made available by this Act.

(3) EMPLOYEE.—The term ''employee''—

(A) except as provided under subparagraph (B), means an individual performing services on behalf of an employer; and

(B) does not include any Federal employee or member of the uniformed services (as that term is defined in section 101(a)(5) of title 10, United States Code).

(4) NON-FEDERAL EMPLOYER.—The term ''non-Federal employer''—

(A) means any employer—

(i) with respect to covered funds—

(I) the contractor, subcontractor, grantee, or recipient, as the case may be, if the contractor, grantee, or recipient is an employer; and

(II) any professional membership organization, certification or other professional body, any agent or licensee of the Federal government, or any person acting directly or indirectly in the interest of an employer receiving covered funds; or

(ii) with respect to covered funds received by a State or local government, the State or local government receiving the funds and any contractor or subcontractor of the State or local government; and

(B) does not mean any department, agency, or other entity of the Federal Government.

(5) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' means—

(A) the government of each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Is Lands, or any other territory or possession of the United States; or

(B) the government of any political subdivision of a government listed in subparagraph (A).

On page 421, line 5, strike all through page 422, line 23.

SA 509. 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 47, line 13, strike ''2010.'' and insert ''2010, of which $150,000,000 shall be used to upgrade high speed research networks, of which $75,000,000 shall be used for connections of research institutions in States participating in the Experimental Program to Stimulate Competitive Research to the national networking infrastructure.''.

SA 510. 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:

Beginning on 491, line 15, strike all through page 512, line 11, and insert the following:

PART VIII—BROADBAND INCENTIVES

SEC. 1271. BROADBAND INTERNET ACCESS TAX CREDIT.

(a) IN GENERAL.—Subpart E of part IV of chapter 1 (relating to rules for computing investment credit), as amended by this Act, is amended by inserting after section 48C the following new section:

''SEC. 48D. 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 30 percent 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 40 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.—

''(1) 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—

''(A) the numerator of which is the sum of the number of potential qualified subscribers

which the equipment is capable of serving with current generation broadband services, and

''(B) 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.

''(2) NEXT GENERATION BROADBAND SERVICES.—For purposes of determining the next generation broadband credit under subsection (a)(2) with respect to qualified equipment through which next 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—

''(A) the numerator of which is the sum of the number of potential qualified subscribers which the equipment is capable of serving with next generation broadband services, and

''(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with next generation broadband services.

''(3) TOTAL POTENTIAL SUBSCRIBER POPULATION.—For purposes of this subsection, 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 subscribers located in such area.

''(e) PROVISION OF SERVICES.—A provider shall be treated as providing services to 1 or more subscribers if—

''(1) such a subscriber has been passed by the provider's equipment and can be connected to such equipment for a standard connection fee,

''(2) 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,

''(3) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

''(4) such services have been purchased by 1 or more such subscribers, and

''(5) 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.

''(f) 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) 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) (at least 6,000,000 bits per second to the subscriber (or its equivalent as so measured) and at least 2,000,000 bits per second from the subscriber (or its equivalent as so measured) in the case of service through radio transmission of energy).

''(6) 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).

''(7) 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.

''(8) 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.

''(9) 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.

''(E) OTHER DEFINITIONS.—For purposes of this paragraph—

''(i) PACKET SWITCHING.—The term 'packet switching' means controlling or routing the path of a digitized transmission signal which is assembled into packets or cells.

''(ii) 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.

''(10) 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).

''(11) QUALIFIED SUBSCRIBER.—

''(A) IN GENERAL.—The term 'qualified subscriber' means a subscriber with respect to the provision of current generation broadband services or next generation broadband services provided in a rural area or an unserved area.

''(B) OTHER DEFINITIONS.—For purposes of this paragraph—

''(i) RURAL AREA.—The term 'rural area' means any census tract which—

''(I) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

''(II) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

''(ii) 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.

''(12) 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.

''(13) SUBSCRIBER.—The term 'subscriber' means any person who purchases current generation broadband services or next generation broadband services.

''(14) 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.''.

(b) CREDIT TO BE PART OF INVESTMENT CREDIT.—Section 46 (relating to the amount of investment credit), as amended by this Act, is amended by striking ''and'' at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting '', and'', and by adding at the end the following:

''(6) 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 48D(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 48D 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), as amended by this Act, is amended by striking ''and'' at the end of clause (iv), by striking the period at the end of clause (v) and inserting '', and'', and by adding after clause (v) the following new clause:

''(vi) the portion of the basis of any qualified equipment attributable to qualified broadband expenditures under section 48D.''.

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 48C the following:

''Sec. 48D. Broadband internet access credit''.

(e) DESIGNATION OF CENSUS TRACTS.—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 subsections (d)(2), (f)(B)(i), and (f)(B)(ii) of section 48D 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.

(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 48D 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 48D 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 48D of such Code, including—

(A) regulations to determine how and when a taxpayer that incurs qualified broadband expenditures satisfies the requirements of section 48D 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 48D of such Code.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred after December 31, 2008.

SA 511. Mr. CRAPO 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, at the end of line 9, insert the following:

Provided further, That from within available funds, $60 million will be made available for infrastructure investments to support the national laboratories Smart Grid and related grid equipment testing activities.

SA 512. Mr. VITTER 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. Section 206.101 of title 44, Code of Federal Regulations, is amended—

(1) in the section heading by striking ''**DECLARED ON OR BEFORE OCTOBER 14, 2002**''; and

(2) in subsection (a), by striking ''declared on or before October 14, 2002''.

SA 513. 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 51, line 5, insert ''(as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b))'' after ''Indian tribe''.

SA 514. Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON) 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 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, $275,000,000, 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.

(RESCISSION)

Of the amounts authorized under sections 48103 and 48112 of title 49, United States Code, $275,000,000 are permanently rescinded from amounts authorized for the fiscal year ending September 30, 2009.

SA 515. 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 625, after line 23, insert the following:

(c) ELIMINATION OF PREMIUM SUBSIDY FOR HIGH-INCOME INDIVIDUALS.—

(1) IN GENERAL.—Notwithstanding subsection (b)(3), an individual who is a covered employee (and any qualified beneficiary of such employee) shall not be treated as an assistance eligible individual for purposes of this section and section 6432 of the Internal Revenue Code of 1986 if the individual's assets exceed $1,000,000, as determined under guidelines issued by the Secretary of the Treasury.

(2) RECAPTURE OF SUBSIDY.—If a covered employee's assets for a year in which the employee receives a subsidy under subsection (b) exceeds the applicable limit under paragraph (1) then the covered employee's tax imposed by chapter 1 of the Internal Revenue Code of 1986 for such taxable year shall be increased by the amount of such assistance.

(3) NOTICE OF INCOME TESTS.—Each person required to provide a notice under subsection (b)(7)(A) shall include with such notice a statement that—

(A) an individual shall not be eligible for the subsidy under subsection (b)(1)(A) if the individual's assets exceed the limit under paragraph (1); and

(B) if the individual receives any subsidy the individual is not entitled to by reason of such excess assets, the individual's tax liability for such taxable year shall be increased by the amount of that subsidy.

(4) COVERED EMPLOYEE; QUALIFIED BENEFICIARY.—For purposes of this subsection, the terms ''covered employee'' and ''qualified beneficiary'' have the meanings given such terms by section 4980B of the Internal Revenue Code of 1986.

SA 516. Mr. GRASSLEY (for himself and Mr. HATCH) 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 625, after line 23, insert the following:

(c) ELIMINATION OF PREMIUM SUBSIDY FOR HIGH-INCOME INDIVIDUALS.—

(1) IN GENERAL.—Notwithstanding subsection (b)(3), an individual who is a covered employee (and any qualified beneficiary of such employee) shall not be treated as an assistance eligible individual for purposes of this section and section 6432 of the Internal Revenue Code of 1986 unless—

(A) the covered employee's modified adjusted gross income for the last taxable year beginning in 2008 does not exceed—

(i) $125,000 in the case of an individual whose filing status for purposes of the income tax imposed by chapter 1 of such Code is described in subsection (c) or (d) of section 1 of such Code (relating to certain unmarried individuals and married individuals filing separate returns), and

(ii) $250,000 in the case of an individual whose filing status for purposes of the income tax imposed by chapter 1 of such Code is described in subsection (a) or (b) of section 1 of such Code (relating to married individuals filing joint returns and surviving spouses and heads of households), and

(B) the covered employee provides to the entity to whom premiums are reimbursed under section 6432(a) of such Code a written certification meeting the requirements of paragraph (2).

(2) CERTIFICATION REQUIREMENTS.—A certification meets the requirements of this paragraph if such certification contains—

(A) the name and social security number of the covered employee, and

(B) an attestation that the covered employee is eligible to receive the subsidy under subsection (b) because the covered employee's modified adjusted gross income for the last taxable year beginning in 2008 is less than the applicable limit under paragraph (1)(A).

The entity receiving such certification shall maintain it in their records for at least 3 years after its receipt.

(3) RECAPTURE OF SUBSIDY.—If—

(A) a covered employee's modified adjusted gross income for the last taxable year beginning in 2008 exceeds the applicable limit under paragraph (1)(A), and

(B) the covered employee (or any qualified beneficiary) received any premium assistance under this section for 1 or more months in a taxable year with respect to any COBRA continuation coverage,

then the covered employee's tax imposed by chapter 1 of such Code for such taxable year shall be increased by the amount of such assistance.

(4) PROVISION OF TIN TO SECRETARY.—Section 6432(e)(1) of the Internal Revenue Code of 1986, as added by subsection (b)(12), is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) a report containing the TINs of all covered employees, the amount of subsidy reimbursed with respect to each covered employee and qualified beneficiaries, and a designation with respect to each covered employee as to whether the subsidy reimbursement is for coverage of 1 individual or 2 or more individuals.''.

(5) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term ''modified adjusted gross income'' means the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933 of such Code.

(6) COVERED EMPLOYEE; QUALIFIED BENEFICIARY.—For purposes of this subsection, the terms ''covered employee'' and ''qualified beneficiary'' have the meanings given such terms by section 4980B of such Code.

SA 517. 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 105, between lines 3 and 4, insert the following:

SEC. 505. SMALL BUSINESS PARTICIPATION.

(a) SMALL BUSINESS INNOVATION RESEARCH PROGRAM.—Any Federal agency required to participate in the Small Business Innovation Research Program, as that term is defined in section 9(e)(4) of the Small Business Act (15 U.S.C. 638(e)(4)), that receives funds under this Act for extramural research and development related to technology and innovation shall expend not less than 2.5 percent of such funds with small business concerns, in accordance with section 9(f)(1)(C) of such Act (15 U.S.C. 638(f)(1)(C)).

(b) SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.—Any Federal agency required to participate in the Small Business Technology Transfer Program, as that term is defined in section 9(e)(6) of the Small Business Act (15 U.S.C. 638(e)(6)), that receives funds under this Act for extramural research and development related to technology and innovation shall expend not less than 0.3 percent of such funds with small business concerns, in accordance with section 9(n)(1)(B)(ii) of such Act (15 U.S.C. 638(n)(1)(B)(ii).

SA 518. Mr. HATCH 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 470, after line 23, insert the following:

PART VII—ALTERNATIVE FUELS

SEC. 1171. EXTENSION OF ALCOHOL, ALCOHOL MIXTURE, ALTERNATIVE FUEL, ALTERNATIVE FUEL MIXTURE, BIODIESEL, AND RENEWABLE DIESEL FUEL CREDITS.

(a) EXTENSION.—

(1) ALTERNATIVE FUEL CREDIT.—Paragraph (5) of section 6426(d) is amended by striking ''December 31, 2009'' and all that follows and inserting ''December 31, 2014 (December 31, 2009, in the case of any sale or use involving a fuel described in paragraph (2)(E)).''.

(2) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) is amended by striking ''December 31, 2009'' and all that follows and inserting ''December 31, 2014 (December 31, 2009, in the case of any sale or use involving a fuel described in subsection (d)(2)(E)).''.

(3) ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURE PAYMENTS.—Subparagraph (C) of section 6427(e)(6) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2014 (December 31, 2009, in the case of a fuel described in section 6426(d)(2)(E))''.

(4) BIODIESEL AND RENEWABLE DIESEL FUEL CREDITS.—Sections 40A(g), 6426(c)(6), and 6427(e)(6)(B) are each amended by striking ''December 31, 2009'' and inserting ''December 31, 2014''.

(5) ALCOHOL FUEL CREDITS.—

(A) Section 40(e)(1)(A) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2014''.

(B) Section 40(e)(1)(B) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2015''.

(C) Section 6426(b)(6) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2014''.

(D) Section 6427(e)(6)(A) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2014''.

(b) CONFORMING AMENDMENT.—The table contained in section 40(h)(2) is amended by striking ''2010'' in the last item and inserting ''2014''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1172. EXTENSION AND MODIFICATION OF ALTERNATIVE FUEL MOTOR VEHICLE CREDIT.

(a) EXTENSION.—Paragraph (4) of section 30B(j) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2014''.

(b) INCLUSION OF BIFUEL VEHICLES.—Clause (i) of section 30B(e)(4)(A) is amended to read as follows:

''(i) which—

''(I) is only capable of operating on an alternative fuel, or

''(II) is capable of operating on alternative fuel and (but not in combination with) gasoline or diesel fuel, if such vehicle has an operating range of not less than 200 miles in all cases when operating on alternative fuel,''.

(c) INCREASE IN APPLICABLE PERCENTAGE AND APPLICATION TO BIFUEL VEHICLES.—

(1) IN GENERAL.—Paragraph (2) of section 30B(e) is amended to read as follows:

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage with respect to any new qualified alternative fuel motor vehicle is—

''(A) in the case of a vehicle described in paragraph (4)(A)(i)(I), 80 percent, and

''(B) in the case of a vehicle described in paragraph (4)(A)(i)(II), 50 percent.''.

(2) APPLICATION TO MIXED-FUEL VEHICLES.—Subparagraph (A) of section 30B(e)(5) is amended by inserting ''described in paragraph (4)(A)(i)(I)'' after ''qualified alternative fuel motor vehicle'' each place it appears in clauses (i) and (ii).

(d) INCREASE IN INCREMENTAL COST LIMITS.—Paragraph (3) of section 30B(e) is amended—

(1) by striking ''$5,000'' in subparagraph (A) and inserting ''$12,500'',

(2) by striking ''$10,000'' in subparagraph (B) and inserting ''$20,000'',

(3) by striking ''$25,000'' in subparagraph (C) and inserting ''$50,000'', and

(4) by striking ''$40,000'' in subparagraph (D) and inserting ''$80,000''.

(e) TRANSFERABILITY OF CREDIT.—Subsection (h) of section 30B is amended by adding at the end the following new paragraph:

''(11) TRANSFERABILITY OF CREDIT.—

''(A) IN GENERAL.—A taxpayer may transfer the credit allowed under this section by reason of subsection (e) through an assignment to any person. Such transfer may be revoked only with the consent of the Secretary.

''(B) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to ensure that any credit transferred under subparagraph (A) is claimed once and not reassigned by such other person.''.

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

SEC. 1173. ALLOWANCE OF ALTERNATIVE FUEL MOTOR VEHICLE CREDITS AGAINST AMT.

(a) BUSINESS CREDIT.—Subparagraph (B) of section 38(c)(4), as amended by this Act, is amended—

(1) by striking ''and'' at the end of clause (viii),

(2) by striking the period at the end of clause (ix) and inserting '', and'', and

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

''(x) the portion of the credit determined under section 30B by reason of subsection (e).''.

(b) PERSONAL CREDIT.—

(1) IN GENERAL.—Subsection (g) of section 30B is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLES.—In the case of the portion of the credit determined under subsection (a) by reason of subsection (e)—

''(A) this subsection shall be applied separately with respect to such portion, and

''(B) such portion of such credit allowed (after the application of paragraph (1)) for any taxable year shall not exceed the excess (if any) of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tentative minimum tax for the taxable year, reduced by

''(ii) the sum of the credits allowable under subpart A and sections 27 and 30 for such taxable year.''.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 30B(g) is amended by striking ''The credit'' and inserting ''Except as provided in paragraph (3), the credit''.

(c) 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 519. Mr. FEINGOLD 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 4, line 24, before the period at the end, insert ''; *Provided*, That priority for use of these loan funds shall be given to providing credit to eligible borrowers on their existing operations (including crop and livestock operations and facilities) for uses (except in the case of small farms and beginning and socially disadvantaged farmers and ranchers) that do not increase production capacity significantly in segments of agriculture in which the cost of production significantly exceeds current prices received by agricultural producers, as determined by the Secretary''.

SA 520. Mr. KOHL (for himself, Mr. HATCH, and Mr. BENNET) 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 357, strike line 1 and all that follows through line 12 on page 359, and insert the following:

''(1) IN GENERAL.—In applying section 164.528 of title 45, Code of Federal Regulations, in the case that a covered entity uses or maintains an electronic health record with respect to protected health information—

''(A) the exception under paragraph (a)(1)(i) of such section shall not apply to disclosures through an electronic health record made by such entity of such information, except that the Secretary shall exempt accounting for those disclosures where the Secretary determines that such accounting is unnecessary; and

''(B) an individual shall have a right to receive an accounting of disclosures described in such paragraph of such information made by such covered entity during only the three years prior to the date on which the accounting is requested.

''(2) REGULATIONS.—The Secretary shall promulgate regulations on what disclosures must be included in an accounting referred to in paragraph (1)(A) and what information must be collected about each such disclosure not later than 18 months after the date on which the Secretary adopts standards on accounting for disclosure described in the section 3002(b)(2)(B)(iv) of the Public Health Service Act, as added by section 13101. Such regulations shall only require such information to be collected through an electronic health record in a manner that takes into account the interests of individuals in learning when their protected health information was disclosed and to whom it was disclosed, and the usefulness of such information to the individual, and takes into account the administrative and cost burden of accounting for such disclosures.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed as—

''(A) requiring a covered entity to account for disclosures of protected health information that are not made by such covered entity; or

''(B) requiring a business associate of a covered entity to account for disclosures of protected health information that are not made by such business associate.

''(4) REASONABLE FEE.—A covered entity may impose a reasonable fee on an individual for an accounting performed under paragraph (1)(B). Any such fee shall not be greater than the entity's labor costs in responding to the request.

''(5) EFFECTIVE DATE.—

''(A) CURRENT USERS OF ELECTRONIC RECORDS.—In the case of a covered entity insofar as it acquired an electronic health record as of January 1, 2009, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such a record on and after January 1, 2014.

''(B) OTHERS.—In the case of a covered entity insofar as it acquires an electronic health record after January 1, 2010, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such record on and after the later of the following:

''(i) January 1, 2011; or

''(ii) the date that it acquires an electronic health record.

''(C) LATER DATE.—The Secretary may set an effective date that is later that the date specified under subparagraph (A) or (B) if the Secretary determines that such later date it necessary.''.

SA 521. Mr. KOHL (for himself and Mr. FEINGOLD) 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 357, strike line 1 and all that follows through line 12 on page 359, and insert the following:

''(1) IN GENERAL.—In applying section 164.528 of title 45, Code of Federal Regulations, in the case that a covered entity uses or maintains an electronic health record with respect to protected health information—

''(A) the exception under paragraph (a)(1)(i) of such section shall not apply to disclosures through an electronic health record made by such entity of such information; and

''(B) an individual shall have a right to receive an accounting of disclosures described in such paragraph of such information made by such covered entity during only the three years prior to the date on which the accounting is requested.

''(2) REGULATIONS.—The Secretary shall promulgate regulations on what disclosures must be included in an accounting referred to in paragraph (1)(A) and what information must be collected about each such disclosure not later than 18 months after the date on which the Secretary adopts standards on accounting for disclosure described in the section 3002(b)(2)(B)(iv) of the Public Health Service Act, as added by section 13101. Such regulations shall only require such information to be collected through an electronic health record in a manner that takes into account the interests of individuals in learning when their protected health information was disclosed and to whom it was disclosed, and the usefulness of such information to the individual, and takes into account the administrative and cost burden of accounting for such disclosures.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed as—

''(A) requiring a covered entity to account for disclosures of protected health information that are not made by such covered entity; or

''(B) requiring a business associate of a covered entity to account for disclosures of protected health information that are not made by such business associate.

''(4) REASONABLE FEE.—A covered entity may impose a reasonable fee on an individual for an accounting performed under paragraph (1)(B). Any such fee shall not be greater than the entity's labor costs in responding to the request.

''(5) EFFECTIVE DATE.—

''(A) CURRENT USERS OF ELECTRONIC RECORDS.—In the case of a covered entity insofar as it acquired an electronic health record as of January 1, 2009, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such a record on and after January 1, 2014.

''(B) OTHERS.—In the case of a covered entity insofar as it acquires an electronic health record after January 1, 2010, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such record on and after the later of the following:

''(i) January 1, 2011; or

''(ii) the date that it acquires an electronic health record.

''(C) LATER DATE.—The Secretary may set an effective date that is later that the date specified under subparagraph (A) or (B) if the Secretary determines that such later date it necessary.''.

On page 56, between lines 23 and 24, insert the following:

(11) In establishing obligations under paragraph (8), the Assistant Secretary shall allow for reasonable network management practices such as deterring unlawful activity, including child pornography and copyright infringement.

SA 522. Mrs. FEINSTEIN submitted (for herself and Mr. CORKER) 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 56, between lines 23 and 24, insert the following:

(11) In establishing obligations under paragraph (8), the Assistant Secretary shall allow for reasonable network management practices such as deterring unlawful activity, including child pornography and copyright infringement.

SA 523. 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 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.

(d) SUNSET.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall be in effect only during the period that begins on the date of enactment of this Act, and ends on December 31, 2010. On and after January 1, 2011, the Public Health Service Act and the Internal Revenue Code of 1985 shall each be applied as if this section and the amendments made by this section had not been enacted.

(2) CONTINUED APPLICATION.—This section and the amendments made by this section shall continue to apply with respect to loans, loan guarantees, and bonds issued under the authority of this section (or such amendments) until the term of such loan, guarantee, or bond has expired.

SA 524. 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 122, after line 23, add the following:

SEC. 7_____. INDIAN SCHOOL CONSTRUCTION.

(a) SHORT TITLE.—This section may be cited as the ''Indian School Construction Act''.

(b) DEFINITIONS.—In this section:

(1) BUREAU.—The term ''Bureau'' means the Bureau of Indian Affairs.

(2) ESCROW ACCOUNT.—The term ''escrow account'' means the Tribal School Modernization Escrow Account established under subsection (c)(6)(B)(i)(I).

(3) INDIAN.—The term ''Indian'' means any individual who is a member of an Indian tribe.

(4) INDIAN TRIBE.—

(A) IN GENERAL.—The term ''Indian tribe'' has the meaning given the term ''Indian tribal government'' in section 7701(a)(40) of the Internal Revenue Code of 1986 (as modified by section 7871(d) of that Code).

(B) INCLUSION.—The term ''Indian tribe'' includes any consortium of Indian tribes approved by the Secretary.

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

(6) TRIBAL SCHOOL.—The term ''tribal school'' means an elementary school, secondary school, or dormitory that—

(A) is operated by a tribal organization or the Bureau for the education of Indian children; and

(B) receives financial assistance for the operation of the school or dormitory under an appropriation for the Bureau under a contract, grant, or agreement, or for a Bureau-operated school, under—

(i) section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(a), and 458d); or

(ii) the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.).

(c) ISSUANCE OF BONDS.—

(1) IN GENERAL.—The Secretary shall establish a pilot program under which the Secretary shall provide to eligible Indian tribes the authority to issue qualified tribal school modernization bonds to provide funds for the construction, rehabilitation, and repair of tribal schools, including advance planning and design of tribal schools.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to issue a qualified tribal school modernization bond under the program under paragraph (1), an Indian tribe shall—

(i) prepare and submit to the Secretary a plan of construction that meets the requirements of subparagraph (B);

(ii) provide for quarterly and final inspection by the Bureau of each project to be funded by the bond; and

(iii) ensure that the facilities to be funded by the bond will be used primarily for elementary and secondary educational purposes for the period during which the bond remains outstanding.

(B) PLAN OF CONSTRUCTION.—The requirements referred to in subparagraph (A)(i) are that the plan shall—

(i) contain a description of the construction to be carried out using funds provided under a qualified tribal school modernization bond;

(ii) demonstrate that a comprehensive survey has been carried out regarding the construction needs of the applicable tribal school;

(iii) contain assurances that funding under the bond will be used only for the activities described in the plan;

(iv) contain a response to the evaluation criteria contained in the document entitled ''Instructions and Application for Replacement School Construction, Revision 6'' and dated February 6, 1999; and

(v) contain any other reasonable and related information that the Secretary determines to be appropriate.

(C) PRIORITY.—In determining whether an Indian tribe is eligible to participate in the program under this subsection, the Secretary shall give priority to Indian tribes that, as demonstrated by the plans of construction of the Indian tribes, will fund projects—

(i) described in the list of the Bureau entitled ''Education Facilities Replacement Construction Priorities List as of FY 2000'' (65 Fed. Reg. 4623) (or successor regulations); or

(ii) that meet the criteria for ranking schools described in the document entitled ''Instructions and Application for Replacement School Construction, Revision 6'' and dated February 6, 1999.

(D) ADVANCE PLANNING AND DESIGN FUNDING.—

(i) IN GENERAL.—An Indian tribe may propose in the plan of construction of the Indian tribe to receive advance planning and design funding from the escrow account.

(ii) CONDITIONS.—As a condition of receiving advance planning and design funds from the escrow account under clause (i), an Indian tribe shall agree—

(I) to issue qualified tribal school modernization bonds after the date of receipt of the funds; and

(II) as a condition of each issuance of a bond, to deposit into the escrow account or a fund managed by a trustee under paragraph (4)(C) an amount equal to the amount of funds received from the escrow account.

(3) PERMISSIBLE ACTIVITIES.—In addition to the use described in paragraph (1), an Indian tribe may use amounts received through the issuance of a qualified tribal school modernization bond—

(A) to enter into, and make payments under, contracts with licensed and bonded architects, engineers, and construction firms—

(i) to determine the needs of a tribal school; and

(ii) for the design and engineering of a tribal school;

(B) to enter into, and make payments under, contracts with financial advisors, underwriters, attorneys, trustees, and other professionals to provide assistance to the Indian tribe in issuing the bonds; and

(C) to carry out other such activities as the Secretary determines to be appropriate.

(4) BOND TRUSTEE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, any qualified tribal school modernization bond issued by an Indian tribe under this subsection shall be subject to a trust agreement between the Indian tribe and a trustee.

(B) TRUSTEE.—Any bank or trust company that meets the requirements established by the Secretary may serve as a trustee for purposes of subparagraph (A).

(C) CONTENT OF TRUST AGREEMENT.—A trust agreement entered into by an Indian tribe under this paragraph shall specify that the trustee, with respect to any bond issued under this subsection, shall—

(i) act as a repository for the proceeds of the bond;

(ii) make payments to bondholders;

(iii) receive, as a condition to the issuance of the bond, a transfer of funds from the escrow account, or from other funds furnished by or on behalf of the Indian tribe, in an amount that, together with interest earnings from the investment of the funds in obligations of or fully guaranteed by the United States, or from other investments under paragraph (10), will be sufficient to pay timely and in full the entire principal amount of the bond on the stated maturity date of the bond;

(iv) invest the funds received in accordance with clause (iii); and

(v) hold and invest the funds in a segregated fund or account under the agreement, to be used solely to pay the costs of activities described in paragraph (3).

(D) REQUIREMENTS FOR MAKING DIRECT PAYMENTS.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the trustee shall make each payment described in subparagraph (C)(v) in accordance with such requirements as the Indian tribe may prescribe in the trust agreement under subparagraph (C).

(ii) PAYMENTS TO CONTRACTORS.—As a condition of making a payment to a contractor under subparagraph (C)(v), the trustee shall require an inspection of the project of the contractor, to ensure the completion of the project, by—

(I) a local financial institution; or

(II) an independent inspecting architect or engineer.

(iii) CONTRACTS.—Each contract under subparagraphs (A) and (B) of paragraph (3) shall require, or be renegotiated to require, that each payment under the contract shall be made in accordance with this paragraph.

(5) PAYMENTS OF PRINCIPAL AND INTEREST.—

(A) PRINCIPAL.—

(i) IN GENERAL.—No principal payment on any qualified tribal school modernization bond shall be required until the final, stated maturity of the bond.

(ii) MATURITY.—

(I) IN GENERAL.—The final, stated maturity of a qualified tribal school modernization bond shall be not later than the date that is 15 years after the date of issuance of the bond.

(II) EXPIRATION.—On expiration of a qualified tribal school modernization bond under subclause (I), the entire outstanding principal under the bond shall become due and payable.

(B) INTEREST.—In lieu of interest on a qualified tribal school modernization bond, there shall be provided a tax credit under section 1400V of the Internal Revenue Code of 1986.

(6) BOND GUARANTEES.—

(A) IN GENERAL.—Payment of the principal portion of a qualified tribal school modernization bond issued under this subsection shall be guaranteed solely by amounts deposited with each respective bond trustee as described in paragraph (4)(C)(iii).

(B) ESCROW ACCOUNT.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(I) shall establish an escrow account, to be known as the ''Tribal School Modernization Escrow Account'';

(II) beginning in fiscal year 2010, may deposit in the escrow account not more than $50,000,000 of amounts made available for school replacement in the construction account of the Bureau; and

(III) may accept for transfer into the escrow account amounts from, as the Secretary determines to be appropriate—

(aa) other Federal departments and agencies (such as amounts made available for facility improvement and repairs); or

(bb) non-Federal public or private sources.

(ii) TRANSFERS OF EXCESS PROCEEDS.—The excess proceeds held under any trust agreement that are not used for a purpose described in clause (iii) or (v) of paragraph (4)(C) shall be transferred periodically by the trustee for deposit into the escrow account.

(iii) PAYMENTS.—The Secretary shall use any amounts deposited in the escrow account under clause (i) or (ii) to make payments—

(I) to trustees under paragraph (4); or

(II) under paragraph (2)(D).

(7) LIMITATIONS.—

(A) OBLIGATION TO REPAY.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the principal amount of any qualified tribal school modernization bond issued under this subsection shall be repaid only to the extent of any escrowed funds provided under paragraph (4)(C)(iii).

(ii) TREATMENT.—No qualified tribal school modernization bond issued by an Indian tribe under this subsection shall be an obligation of, and no payment of the principal of such a bond shall be guaranteed by—

(I) the United States;

(II) an Indian tribe; or

(III) the tribal school for which the bond was issued.

(B) LAND AND FACILITIES.—No land or facility purchased or improved using amounts provided under a qualified tribal school modernization bond issued under this subsection shall be mortgaged or used as collateral for the bond.

(8) SALE OF BONDS.—A qualified tribal school modernization bond may be sold at a purchase price equal to, in excess of, or at a discount from the par amount of the bond.

(9) TREATMENT OF TRUST AGREEMENT EARNINGS.—Amounts earned through the investment of funds under the control of a trustee under a trust agreement described in paragraph (4) shall not be subject to Federal income tax.

(10) INVESTMENT OF SINKING FUNDS.—Any sinking fund established for the purpose of the payment of principal on a qualified tribal school modernization bond shall be invested in—

(A) obligations issued or guaranteed by the United States; or

(B) such other assets as the Secretary of the Treasury may allow, by regulation.

(d) EXPANSION OF INCENTIVES FOR TRIBAL SCHOOLS.—Chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

''Subchapter Z—Tribal School Modernization Provisions

''SEC. 1400V. CREDIT TO HOLDERS OF QUALIFIED TRIBAL SCHOOL MODERNIZATION BONDS.

''(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a qualified tribal school modernization bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a

qualified tribal school modernization bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tribal school modernization bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (1), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the date of sale of the issue) on outstanding long-term corporate obligations of similar ratings (as determined by the Secretary).

''(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—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 part IV of subchapter A (other than subpart C thereof, relating to refundable credits).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(d) QUALIFIED TRIBAL SCHOOL MODERNIZATION BOND; OTHER DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED TRIBAL SCHOOL MODERNIZATION BOND.—

''(A) IN GENERAL.—The term 'qualified tribal school modernization bond' means, subject to subparagraph (B), any bond issued as part of an issue under subsection (c) of the Indian School Construction Act, as in effect on the date of the enactment of this section, if—

''(i) 95 percent or more of the proceeds of such issue are to be used for the construction, rehabilitation, or repair of a school facility funded by the Bureau of Indian Affairs of the Department of the Interior or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue,

''(ii) the bond is issued by an Indian tribe,

''(iii) the issuer designates such bond for purposes of this section, and

''(iv) the term of each bond which is part of such issue does not exceed 15 years.

''(B) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(i) NATIONAL LIMITATION.—There is a national qualified tribal school modernization bond limitation for each calendar year. Such limitation is—

''(I) $200,000,000 for 2009,

''(II) $200,000,000 for 2010, and

''(III) zero for 2011 and thereafter.

''(ii) ALLOCATION OF LIMITATION.—The national qualified tribal school modernization bond limitation shall be allocated to Indian tribes by the Secretary of the Interior subject to the provisions of subsection (c) of the Indian School Construction Act, as in effect on the date of the enactment of this section.

''(iii) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (d)(1) with respect to any Indian tribe shall not exceed the limitation amount allocated to such government under clause (ii) for such calendar year.

''(iv) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

''(I) the limitation amount under this subparagraph, exceeds

''(II) the amount of qualified tribal school modernization bonds issued during such year, the limitation amount under this subparagraph for the following calendar year shall be increased by the amount of such excess. The preceding sentence shall not apply if such following calendar year is after 2012.

''(2) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(3) BOND.—The term 'bond' includes any obligation.

''(4) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term 'Indian tribal government' by section 7701(a)(40), including the application of section 7871(d). Such term includes any consortium of Indian tribes approved by the Secretary of the Interior.

''(e) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

''(f) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified tribal school modernization bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(g) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a qualified tribal school modernization bonds on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

''(h) CREDIT TREATED AS ALLOWED UNDER PART IV OF SUBCHAPTER A.—For purposes of subtitle F, the credit allowed by this section shall be treated as a credit allowable under part IV of subchapter A of this chapter.

''(i) REPORTING.—Issuers of qualified tribal school modernization bonds shall submit reports similar to the reports required under section 149(e).''.

(e) ADDITIONAL PROVISIONS.—

(1) SOVEREIGN IMMUNITY.—Nothing in this section or an amendment made by this section impacts, limits, or otherwise affects the sovereign immunity of the United States or any State or Indian tribal government.

(2) APPLICATION.—This section and the amendments made by this section shall take effect on the date of enactment of this Act with respect to bonds issued after December 31, 2009, regardless of the status of regulations promulgated pursuant to this section or an amendment made by this section.

SA 525. Mr. REID 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 after ''That none'' and all that follows through ''project'' on line 25 and insert ''That not less than $25,000,000 shall be available for and distributed equally among the members of an interagency working group including the Secretary of Energy, the Secretary of Interior, and heads of other applicable agencies for the purposes of enhancing the processing of permit applications for renewable energy projects and related transmission facilities on public land''.

On page 88, line 19, insert ''and new or significantly improved'' after ''commercial''.

On page 90, between lines 14 and 15, insert the following:

SEC. 4___. RENEWABLE ENERGY.

(a) IN GENERAL.—Section 365 of the Energy Policy Act of 2005 (42 U.S.C. 15924) is amended by adding at the end the following:

''(k) PILOT PROJECT OFFICE TO IMPROVE FEDERAL PERMIT COORDINATION FOR RENEWABLE ENERGY.—

''(1) DEFINITION OF RENEWABLE ENERGY.—In this subsection, the term 'renewable energy' means energy derived from a wind or solar source.

''(2) FIELD OFFICES.—As part of the Pilot Project, the Secretary shall designate 1 field office of the Bureau of Land Management in each of the following States to serve as Renewable Energy Pilot Project Offices for coordination of Federal permits for renewable energy projects on Federal land:

''(A) Arizona.

''(B) California.

''(C) New Mexico.

''(D) Nevada.

''(E) Montana.

''(3) MEMORANDUM OF UNDERSTANDING.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall enter into an amended memorandum of understanding under subsection (b) to provide for the inclusion of the additional Renewable Energy Pilot Project Offices in the Pilot Project.

''(B) SIGNATURES BY GOVERNORS.—The Secretary may request that the Governors of each of the States described in paragraph (2) be signatories to the amended memorandum of understanding.

''(C) DESIGNATION OF QUALIFIED STAFF.—Not later than 30 days after the date of the signing of the amended memorandum of understanding, all Federal signatory parties shall, if appropriate, assign to each Renewable Energy Pilot Project Offices designated under paragraph (2) an employee described in subsection (c) to carry out duties described in that subsection.

''(D) ADDITIONAL PERSONNEL.—The Secretary shall assign to each Renewable Energy Pilot Project Office additional personnel under subsection (f).''.

(b) PERMIT PROCESSING IMPROVEMENT FUND.—Section 35(c)(3) of the Mineral Leasing Act (30 U.S.C. 191(c)(3)) is amended—

(1) by striking ''use authorizations'' and inserting ''and renewable energy use authorizations''; and

(2) by striking ''section 365(d)'' and inserting ''subsections (d) and (k)(2) of section 365''.

SEC. 4___. MAXIMUM FUNDING AMOUNT FOR THIRD-PARTY FINANCE.

Section 1222 of the Energy Policy Act of 2005 (42 U.S.C. 16421) is amended by striking subsection (g) and inserting the following:

''(g) MAXIMUM FUNDING AMOUNT.—The Secretary shall not accept and use more than

$2,500,000,000 under subsection (c)(1) for the period of fiscal years 2009 through 2018.''.

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

SEC. 1903. GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.

(a) GRANTS.—

(1) IN GENERAL.—Upon application, the Secretary of Energy shall, within 60 days of the application and subject to the requirements of this section, provide a grant to each person who places in service specified energy property during 2009 or 2010 to reimburse such person for a portion of the expense of such facility as provided in subsection (b).

(2) SPECIAL RULE FOR UTILITY-SCALE SOLAR AND GEOTHERMAL PROPERTY.—

(A) IN GENERAL.—In the case of any specified energy property which is a part of a utility-scale solar or geothermal project, paragraph (1) shall be applied by substituting ''2009, 2010, 2011, or 2012'' for ''2009 or 2010''.

(B) UTILITY-SCALE SOLAR OR GEOTHERMAL PROJECT.—For purposes of this section, the term ''utility-scale solar or geothermal project'' means any project which—

(i)(I) uses solar energy for a purpose described in clause (i) or (ii) of section 48(a)(3)(A) of the Internal Revenue Code of 1986, or

(II) produces, distributes, or uses energy derived from geothermal deposits (within the meaning of section 613(e)(2) of such Code), and

(ii) has a nameplate capacity rating which is not less than—

(I) 25 megawatts electrical, or

(II) 10 megawatts thermal.

(b) GRANT AMOUNT.—

(1) IN GENERAL.—The amount of the grant under subsection (a) with respect to any specified energy property shall be the applicable percentage of the basis of such facility.

(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term ''applicable percentage'' means—

(A) 30 percent in the case of any property described in paragraphs (1) through (4) of subsection (c), and

(B) 10 percent in the case of any other property.

(3) DOLLAR LIMITATIONS.—In the case of property described in paragraph (2), (6), or (7) of subsection (c), the amount of any grant under this section with respect to such property shall not exceed the limitation described in section 48(c)(1)(B), 48(c)(2)(B), or 48(c)(3)(B) of the Internal Revenue Code of 1986, respectively, with respect to such property.

(c) SPECIFIED ENERGY PROPERTY.—For purposes of this section, the term ''specified energy property'' means any of the following:

(1) QUALIFIED FACILITIES.—Any facility described in paragraph (1), (2), (3), (4), (6), (7), (9), or (11) of section 45(d) of the Internal Revenue Code of 1986.

(2) QUALIFIED FUEL CELL PROPERTY.—Any qualified fuel cell property (as defined in section 48(c)(1) of such Code).

(3) SOLAR PROPERTY.—Any property described in clause (i) or (ii) of section 48(a)(3)(A) of such Code.

(4) QUALIFIED SMALL WIND ENERGY PROPERTY.—Any qualified small wind energy property (as defined in section 48(c)(4) of such Code).

(5) GEOTHERMAL PROPERTY.—Any property described in clause (iii) of section 48(a)(3)(A) of such Code.

(6) QUALIFIED MICROTURBINE PROPERTY.—Any qualified microturbine property (as defined in section 48(c)(2) of such Code).

(7) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Any combined heat and power system property (as defined in section 48(c)(3) of such Code).

(8) GEOTHERMAL HEATPUMP PROPERTY.—Any property described in clause (vii) of section 48(a)(3)(A) of such Code.

(d) APPLICATION OF CERTAIN RULES.—In making grants under this section, the Secretary of Energy shall apply rules similar to the rules of section 50 of the Internal Revenue Code of 1986. In applying such rules, if the facility is disposed of, or otherwise ceases to be a qualified renewable energy facility, the Secretary of Energy shall provide for the recapture of the appropriate percentage of the grant amount in such manner as the Secretary of Energy determines appropriate.

(e) EXCEPTION FOR CERTAIN NON-TAXPAYERS.—The Secretary of Energy shall not make any grant under this section to any Federal, State, or local government (or any political subdivision, agency, or instrumentality thereof) or any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(f) DEFINITIONS.—Terms used in this section which are also used in section 45 or 48 of the Internal Revenue Code of 1986 shall have the same meaning for purposes of this section as when used in such section 45 or 48. Any reference in this section to the Secretary of the Treasury shall be treated as including the Secretary's delegate.

(g) COORDINATION BETWEEN DEPARTMENTS OF TREASURY AND ENERGY.—The Secretary of the Treasury shall provide the Secretary of Energy with such technical assistance as the Secretary of Energy may require in carrying out this section. The Secretary of Energy shall provide the Secretary of the Treasury with such information as the Secretary of the Treasury may require in carrying out the amendment made by section 1604.

(h) APPROPRIATIONS.—There is hereby appropriated to the Secretary of Energy such sums as may be necessary to carry out this section.

(i) TERMINATION.—The Secretary of Energy shall not make any grant to any person under this section unless the application of such person for such grant is received before January 1, 2013.

(j) COORDINATION WITH RENEWABLE ENERGY GRANTS.—Section 48 is amended by adding at the end the following new subsection:

''(d) COORDINATION WITH DEPARTMENT OF ENERGY GRANTS.—In the case of any property with respect to which the Secretary of Energy makes a grant under section 1903 of the American Recovery and Reinvestment Tax Act of 2009—

''(1) DENIAL OF PRODUCTION AND INVESTMENT CREDITS.—No credit shall be determined under this section or section 45 with respect to such property for the taxable year in which such grant is made or any subsequent taxable year.

''(2) RECAPTURE OF CREDITS FOR PROGRESS EXPENDITURES MADE BEFORE GRANT.—If a credit was determined under this section with respect to such property for any taxable year ending before such grant is made—

''(A) the tax imposed under subtitle A on the taxpayer for the taxable year in which such grant is made shall be increased by so much of such credit as was allowed under section 38,

''(B) the general business carryforwards under section 39 shall be adjusted so as to recapture the portion of such credit which was not so allowed, and

''(C) the amount of such grant shall be determined without regard to any reduction in the basis of such property by reason of such credit.

''(3) TREATMENT OF GRANTS.—Any such grant shall—

''(A) not be includible in the gross income of the taxpayer, but

''(B) shall be taken into account in determining the basis of the property to which such grant relates, except that the basis of such property shall be reduced under section 50(c) in the same manner as a credit allowed under subsection (a).''.

SA 526. 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:

On page 95, line 8, insert before the period at the end the following: '': *Provided*, That none of the amounts provided under this heading may be expended to increase the number of motor vehicles in the Federal fleet: *Provided further*, That motor vehicle replacements funded with amounts provided under this heading shall comply with the motor vehicle replacement standards set forth in subpart D of part 102–34 of title 41, Code of Federal Regulations (as in effect on the date of the enactment of this Act)''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, February 5, 2009, at 10 a.m. in room 216 of the Hart Senate office building.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. 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 5, 2009, at 10 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 5, 2009, after the first rollcall vote.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 5, 2009, at 4:30 p.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor,