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 530. Mr. WICKER (for himself and 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, supra; which was ordered to lie on the table.

SA 531. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra.

SA 532. 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, supra; which was ordered to lie on the table.

SA 533. 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, supra; which was ordered to lie on the table.

SA 534. Mr. WYDEN (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, supra; which was ordered to lie on the table.

SA 535. Mr. KOHL (for himself, Ms. STABENOW, Mr. BURR, 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, supra; which was ordered to lie on the table.

SA 536. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 537. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 538. 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, supra.

SA 539. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 540. Ms. CANTWELL (for herself, Mr. BINGAMAN, Mr. CARPER, Mr. SCHUMER, 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 541. Ms. LANDRIEU (for herself, Mr. VITTER, Ms. STABENOW, and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 542. 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, supra; which was ordered to lie on the table.

SA 543. 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, supra; which was ordered to lie on the table.

SA 544. 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, supra; which was ordered to lie on the table.

SA 545. Mr. JOHANNS submitted an 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 546. 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, supra; which was ordered to lie on the table.

SA 547. 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, supra; which was ordered to lie on the table.

SA 548. Mr. MARTINEZ (for himself, Mr. DODD, and 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 549. Mr. LEAHY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 550. 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 551. 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, supra; which was ordered to lie on the table.

SA 552. Mr. BAUCUS (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 553. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 554. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 555. Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 556. Ms. LANDRIEU (for herself, Mr. VITTER, Ms. STABENOW, Mr. CARDIN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 557. Mr. REID (for Mr. KENNEDY (for himself, Mr. VOINOVICH, Mr. KERRY, and 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, supra; which was ordered to lie on the table.

SA 558. 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 559. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 560. Mrs. HUTCHISON (for herself, Mr. ROCKEFELLER, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 561. Mr. TESTER (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 562. Mr. ROBERTS submitted an 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 563. 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, supra; which was ordered to lie on the table.

SA 564. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 565. Ms. SNOWE (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 566. Ms. SNOWE (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 567. Mr. BENNETT (for himself, Ms. MURKOWSKI, 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, supra; which was ordered to lie on the table.

SA 568. Mr. BOND (for himself and 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, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 527. Mr. NELSON of Florida (for himself, Mrs. BOXER, Mr. CHAMBLISS, and 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 477, strike line 18 and insert the following:

(c) SPECIAL RULE FOR CERTAIN TREES AND VINES.—Section 168(k) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR CERTAIN TREES AND VINES.—For purposes of this subsection, in the case of any qualified property which is a tree or vine producing fruit, nuts, or other crops, such property shall be treated as placed in service in the year in which it is planted.''.

(d) EFFECTIVE DATES.—

SA 528. Mrs. SHAHEEN (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr.

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

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

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

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

SA 529. 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:

Beginning on page 359, strike line 13 and all that follows through line 6 on page 360, and insert the following:

(d) REVIEW OF HEALTH CARE OPERATIONS.—Not later than 18 months after the date of the enactment of this title, the Secretary shall review the definition of health care operations under section 164.501 of title 45, Code of Federal Regulations. If determined appropriate upon completion of the review, the Secretary shall promulgate regulations to modify the definition of health care operations as necessary. In determining appropriate changes, the Secretary shall consider those activities that can be reasonably and efficiently conducted through the use of information that is deidentified (in accordance with the requirements of section 164.514(b) of such title) or that should require a valid authorization for use or disclosure. In promulgating such regulations, the Secretary may choose to narrow or clarify activities that the Secretary chooses to retain in the definition of health care operations and the Secretary shall take into account the report under section 13424(d). In such regulations the Secretary shall specify the date on which such regulations shall apply to disclosures made by a covered entity, but in no case would such date be sooner than the date that is 24 months after the date of the enactment of this section.

SA 530. Mr. WICKER (for himself and 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 165, line 7, insert before the period at the end the following: '', except in the case in which funds are awarded to an institution affected by a Gulf hurricane disaster, as such term is defined in section 824(g)(1) of the Higher Education Act of 1965 (20 U.S.C. 11611–3(g)(1))''.

SA 531. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; as follows:

On page 464, strike lines 2 and 23, and insert the following:

SEC. 1141. TEMPORARY INCREASE IN PERSONAL CAPITAL LOSS DEDUCTION LIMITATION.

(a) IN GENERAL.—Section 1211 is amended by adding at the end the following new subsection:

''(c) SPECIAL RULE FOR TAXABLE YEARS BEGINNING IN 2009.—In the case of a taxable year beginning after December 31, 2008, and before January 1, 2010, subsection (b)(1) shall be applied—

''(1) by substituting '$15,000' for '$3,000', and

''(2) by substituting '$7,500' for '$1,500'.''.

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

SA 532. 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 project development cost ratios and income, if the waiver is appropriate to expedite use of the funds and the applicable annual median income of the community does not exceed the greater of 120 percent of the applicable annual State median income requirement or $50,000''.

SA 533. 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 454, strike lines 7 through 9 and insert the following:

tion,

''(ii) the energy percentage with respect to such property shall be 30 percent, and

''(iii) such property shall include all associated property utilized to produce and interconnect energy from such facility and to control and monitor such facility.

SA 534. Mr. WYDEN (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 698, after line 25, insert the following:

SEC. 4204A. LONG-TERM CARE WORKER RECRUITMENT AND INVESTMENT DEMONSTRATION PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) Meeting the health needs of baby boomers will create new jobs for individuals trained in geriatric care, in addition to meeting the current high demand for such individuals.

(2) Direct care workers, nurse aides, home health aides, and personal and home care aides are the primary providers of paid hands-on care, supervision, and emotional support for older adults in the United States.

(3) The Bureau of Labor Statistics of the Department of Labor predicts that personal or home care aides and home health aides will represent the second and third fastest-growing occupations between 2006 and 2016. In spite of such growth, personal or home care aides are not subject to any Federal requirements related to training or education, and States have very different requirements for personal or home care aides.

(4) The Institute of Medicine report, entitled ''Retooling for an Aging America'' described direct care workers, nurse aides, home health aides, and personal and home care aides as the linchpin of the formal health care delivery system for older adults.

(5) Research shows that inadequate training is a major contributor to high turnover rates among direct care workers and that more training is correlated with better staff recruitment and retention rates.

(6) The Institute of Medicine recommends that State Medicaid programs increase pay and fringe benefits for direct care workers.

(7) Investment in these jobs would benefit the economy in multiple ways, such as providing more income and greater economic opportunity to low-income workers and strengthening health services for aging and disabled populations in the United States.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a demonstration program (in this section referred to as the ''program'') to make grants to States to evaluate recruitment and retention strategies (including wage enhancements) for personal or home care aides, nurse aides, and home health aides (in this section referred to as ''recruitment and retention activities'') and, separately, to develop core training competencies for eligible personal or home care aides and additional training content for nurse aides and home health aides to supplement training for nurse aides and home health aides that is required under Federal law or regulation, including an evaluation of the effectiveness of

such competencies and additional training content (in this section referred to as ''competencies and additional training content activities''. Under such programs, the Secretary, in consultation with the expert panel established under subsection (c)(1), shall—

(A) with respect to recruitment and retention activities, select recruitment and retention strategies (including wage enhancements) for personal or home care aides, nurse aides, and home health aides for evaluation under the program, provide technical assistance to States in implementing the strategies selected, and evaluate the impact of such strategies on the recruitment and retention of personal or home care aides, nurse aides, and home health aides in accordance with subsection (e)(1)(A); and

(B) with respect to competencies and additional training content activities, evaluate the efficacy of the core training competencies developed under subsection (c)(2)(B), the additional training content developed under subsection (c)(2)(C), and the method of implementation of such core training competencies and additional training content in accordance with subsection (e)(1)(B).

(2) DURATION.—The program shall be conducted for not less than 3 years with respect to each of the recruitment and retention activities and the competencies and additional training content activities.

(3) IMPLEMENTATION.—

(A) RECRUITMENT AND RETENTION ACTIVITIES.—The Secretary shall, in consultation with the expert panel, implement the program with respect to recruitment and retention activities not later than 1 year after the date of enactment of this Act.

(B) CORE TRAINING COMPETENCIES.—The Secretary shall, in consultation with the expert panel, implement the program with respect to competencies and additional training content activities not later than 18 months after such date of enactment.

(c) ESTABLISHMENT OF EXPERT PANEL.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a panel of long-term care workforce experts (in this section referred to as the ''expert panel'').

(2) DUTIES.—The expert panel shall carry out the following duties:

(A) Provide advice to the Secretary on recruitment and retention activities, as requested by the Secretary.

(B)(i) Subject to clause (ii), developing core training competencies for personal or home care aides, including such competencies with respect to the following areas:

(I) The role of the personal or home care aide (including differences between a personal or home care aide employed by an agency and a personal or home care aide employed directly by the health care consumer or an independent provider).

(II) Consumer rights, ethics, and confidentiality (including the role of proxy decision-makers in the case where a health care consumer has impaired decision-making capacity).

(III) Communication, cultural and linguistic competence and sensitivity, problem solving, behavior management, and relationship skills.

(IV) Personal care skills.

(V) Health care support.

(VI) Nutritional support.

(VII) Infection control.

(VIII) Safety and emergency training.

(IX) Training specific to an individual consumer's needs (including older individuals, younger individuals with disabilities, individuals with developmental disabilities, individuals with dementia, and individuals with mental and behavioral health needs).

(X) Self-Care.

(ii) For purposes of the program with respect to competencies and additional training content activities, the core training competencies developed under clause (i) shall only apply with respect to newly hired personal or home care aides.

(C)(i) Subject to clause (ii), developing additional training content for home health aides and nurse aides which is not required under Federal law as of the date of enactment of this Act, including such content with respect to the following areas:

(I) Culturally and linguistically competent practice.

(II) Standardized direct care worker communication protocols (such as Situation, Background, Assessment, and Recommendation communication tools).

(III) Palliative and end-of-life care.

(IV) Injury prevention.

(V) Wound and decubitus care.

(VI) Medication management, adherence, and safe disposal.

(VII) Mental and behavioral health.

(VIII) Additional aspects of dementia care training (such as understanding dementia and Alzheimer's disease, dealing with challenging behavior, developing communication skills, working with family caregivers, and ensuring physical health and safety).

(IX) Prevention and reporting of abuse and caregiver burnout.

(ii) For purposes of the program with respect to competencies and additional training content activities, the additional training content developed under clause (i) shall only apply with respect to newly hired home health aides and nurse aides.

(D)(i) Subject to clause (ii), making recommendations regarding how training shall be provided under the program with respect to competencies and additional training content activities, including recommendations with respect to the following:

(I) The length of the training.

(II) The appropriate trainer to student ratio.

(III) The amount of instruction time spent in the classroom as compared to on-site in the home or a facility.

(IV) Trainer qualifications.

(V) Content for a ''hands-on'' and written certification exam.

(VI) Continuing education requirements.

(VII) Ways to integrate the core training competencies developed for personal and home care aides under subparagraph (A) with the additional training content developed for home health aides and nurse aides under subparagraph (B).

(ii) The recommendations under clause (i) shall ensure that the number of hours of training provided under the program with respect to competencies and additional training content activities are not less than the number of hours of training required under any applicable State or Federal law or regulation.

(3) MEMBERSHIP.—

(A) IN GENERAL.—Subject to subparagraph (B), the expert panel shall be composed of 11 members appointed by the Secretary from among leading experts in the long-term care field, including representatives of—

(i) personal or home care agencies;

(ii) home health care agencies;

(iii) nursing homes and residential care facilities;

(iv) the disability community (including the mental retardation and developmental disability communities);

(v) the nursing community;

(vi) national advocacy organizations and unions that represent direct care workers;

(vii) older individuals and family caregivers;

(viii) State Medicaid waiver program officials;

(ix) curriculum developers with expertise in adult learning;

(x) researchers on direct care workers and the long-term care workforce; and

(xi) geriatric pharmacists.

(B) INCLUSION OF REPRESENTATIVES OF CERTAIN INDIVIDUALS.—Not less than 2 of the 11 members appointed by the Secretary under subparagraph (A) shall represent the interests of individuals who rely on long-term care services, including the interests of those individuals described in clause (vii) of such subparagraph.

(4) REPORT.—Not later than 1 year after the date of enactment of this Act, the expert panel shall submit to the Secretary a report containing—

(A) any advice on recruitment and retention activities provided under paragraph (2)(A);

(B) the core training competencies developed under paragraph (2)(B);

(C) the additional training content developed under paragraph (2)(C);

(D) any recommendations of the expert panel under paragraph (2)(D); and

(E) recommendations for such legislation or administrative action as the expert panel determines appropriate.

(5) TERMINATION.—The expert panel shall terminate 180 days after it submits the report under paragraph (4).

(d) APPLICATION AND SELECTION CRITERIA.—

(1) IN GENERAL.—

(A) SOLICITATION.—

(i) RECRUITMENT AND RETENTION ACTIVITIES.—Not later than 6 months after the date of enactment of this Act, the Secretary shall issue a proposal soliciting States to voluntarily participate in the program with respect to recruitment and retention activities.

(ii) CORE TRAINING COMPETENCIES.—Not later than 18 months after such date of enactment, the Secretary shall issue a proposal soliciting States to voluntarily participate in the program with respect to competencies and additional training content activities.

(B) AGREEMENTS.—

(i) RECRUITMENT AND RETENTION ACTIVITIES.—The Secretary shall enter into agreements with not more than 6 States to conduct the program in such States with respect to recruitment and retention activities.

(ii) CORE TRAINING COMPETENCIES.—The Secretary shall enter into agreements with not more than 6 States (in addition to those States the Secretary enters into an agreement with under clause (i)) to conduct the program in such States with respect to competencies and additional training content activities.

(C) REQUIREMENTS FOR STATES.—An agreement entered into under subparagraph (B) shall require that a participating State—

(i) use grant funds made available to the State under the program to recruit eligible health and long-term care providers to participate in the program; and

(ii) in the case of an agreement entered into under subparagraph (B)(ii)—

(I) implement the core training competencies developed under subsection (c)(2)(B) and the additional training content developed under subsection (c)(2)(C); and

(II) develop written materials and protocols for such core training competencies and such additional training content, including the development of a certification test for personal or home care aides who have completed such training competencies and, if applicable, additional training content.

(D) CONSULTATION AND COLLABORATION WITH COMMUNITY AND VOCATIONAL COLLEGES.—The Secretary shall encourage participating States to consult with community and vocational colleges regarding the development of

curricula to implement the program with respect to activities, as applicable, which may include consideration of such colleges as partners in such implementation.

(2) APPLICATION AND ELIGIBILITY.—A State seeking to participate in the program shall—

(A) submit an application to the Secretary containing such information and at such time as the Secretary may specify;

(B) meet the selection criteria established under paragraph (3); and

(C) meet such additional criteria as the Secretary may specify.

(3) SELECTION CRITERIA.—In selecting States to participate in the program, the Secretary shall establish criteria to ensure (if applicable with respect to the activities involved)—

(A) geographic and demographic diversity;

(B) that participating States offer medical assistance for personal care services under the State Medicaid plan;

(C) that the existing training standards for personal or home care aides, home health aides, and nurse aides in each participating State—

(i) are different from such standards in the other participating States; and

(ii) are different from the core training competencies developed under subsection (c)(2)(B) and the additional training content developed under subsection (c)(2)(C);

(D) that participating States do not reduce the number of hours of training required under applicable State law or regulation after being selected to participate in the program; and

(E) that participating States recruit a minimum number of eligible health and long-term care providers to participate in the program.

(4) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States in developing written materials and protocols for such core training competencies and such additional training content under paragraph (1)(C)(ii)(II).

(e) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall develop an experimental or control group testing protocol in consultation with an independent evaluation contractor selected by the Secretary. Such testing protocol shall be developed separately under the program with respect to the evaluation of recruitment and retention activities and competencies and additional training content activities. Such contractor shall evaluate—

(A) with respect to recruitment and retention activities, the impact of such activities within each participating State on the recruitment and retention of personal or home care aides, nurse aides, and home health aides; and

(B) with respect to competencies and additional training content activities—

(i) the impact of core training competencies developed under subsection (c)(2)(B), including curricula developed to implement such core training competencies, for personal or home care aides within each participating State on job satisfaction, mastery of job skills, beneficiary and family caregiver satisfaction with services, and additional measures determined by the Secretary in consultation with the expert panel;

(ii) the impact of incorporating the additional training content developed under subsection (c)(2)(C) into existing training standards for home health aides and certified nurse aides within each participating State;

(iii) the impact of providing such core training competencies and additional training content on the existing training infrastructure and resources of States;

(iv) whether the minimum number of hours of initial training required for nurse aides under sections 1819(f)(2)(A)(i)(II) and 1919(f)(2)(A)(i)(II) of the Social Security Act (42 U.S.C. 1395i–3(f)(2)(A)(i)(II); 1396r(f)(2)(A)(i)(II)) should be increased; and

(v) whether a minimum number of hours of initial training should be required for personal or home care aides and, if so, what minimum number of hours should be required.

(2) REPORTS.—

(A) REPORT ON INITIAL IMPLEMENTATION OF RECRUITMENT AND RETENTION ACTIVITIES.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the initial implementation of recruitment and retention activities under the program, including the results of any evaluations conducted under paragraph (1)(A) with respect to such activities, together with such recommendations for legislation or administrative action as the Secretary determines appropriate.

(B) FINAL REPORT.—Not later than 1 year after the completion of the program, the Secretary shall submit to Congress a report containing the results of the evaluations conducted under subparagraphs (A) and (B) of paragraph (1), together with such recommendations for legislation or administrative action as the Secretary determines appropriate.

(f) FUNDING.—

(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary to carry out the program under this section for the period of fiscal years 2010 through 2015, $44,000,000.

(2) TRANSFER OF UNUSED FUNDING TO MEDICARE IMPROVEMENT FUND.—Any funds appropriated under paragraph (1) that are not obligated as of September 31, 2015, shall be transferred to the Medicare Improvement Fund established under section 1898 of the Social Security Act (42 U.S.C. 1395iii) on that date and shall be available for expenditure from the Medicare Improvement Fund during the period that begins on that date and ends on the last day on which funds are available for obligation in that Fund.

(g) DEFINITIONS AND INCLUSION OF PROVIDERS UNDER MEDICARE AND MEDICAID PROGRAMS.—

(1) DEFINITIONS.—In this section:

(A) ELIGIBLE HEALTH AND LONG-TERM CARE PROVIDER.—The term ''eligible health and long-term care provider'' means a personal or home care agency (including personal or home care public authorities), a nursing home, a home health agency (as defined in section 1861(o)) of the Social Security Act (42 U.S.C. 1395x(o)), or any other health care provider the Secretary determines appropriate which—

(i) is licensed or authorized to provide services in a participating State; and

(ii) receives payment for services under title XVIII or XIX of the Social Security Act.

(B) HOME HEALTH AIDE.—The term ''home health aide'' has the meaning given such term in section 1891(a)(3)(E) of the Social Security Act (42 U.S.C. 1395bbb(a)(3)(E)).

(C) NURSE AIDE.—The term ''nurse aide'' has the meaning given such term in section 1819(b)(5)(F) of the Social Security Act (42 U.S.C. 1395i–3(b)(5)(F)).

(D) PERSONAL CARE SERVICES.—The term ''personal care services'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(E) PERSONAL OR HOME CARE AIDE.—The term ''personal or home care aide'' means an individual who helps individuals who are elderly, disabled, ill, or mentally disabled (including an individual with Alzheimer's disease or other dementia) to live in their own home or a residential care facility (such as a nursing home, assisted living facility, or any other facility the Secretary determines appropriate) by providing routine personal care services and other appropriate services to the individual.

(F) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(2) INCLUSION OF PROVIDERS UNDER MEDICARE AND MEDICAID PROGRAMS.—For purposes of the program, the terms ''home health aide'', ''nurse aide'', and ''personal or home care aide'' include such individuals who provide services under title XVIII or XIX of the Social Security Act.

SA 535. Mr. KOHL (for himself, Ms. STABENOW, Mr. BURR, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table as follows:

On page 168, strike lines 4 through 7, and insert the following:

(5) STATE HIGHER EDUCATION AGENCY.—

(A) IN GENERAL.—The term ''State higher education agency''—

(i) has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003); or

(ii) means a State entity designated by a State higher education agency (as defined in such section 103) to carry out the State higher education agency's functions under this section.

(B) SPECIAL RULE.—If a State does not have a State higher education agency, then the term shall mean the Governor of the State.

SA 536. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, 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 '90 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 537. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 73, line 21, strike ''funds'' and all that follows through ''policies'' on page 74, line 7, and insert ''funds to work with regional transmission organizations, or the equivalent regional planning authorities, 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, regional transmission organizations, regional reliability entities, States, and other transmission owners and operators for the coordination of regional plans so as to establish efficient and effective interconnection-wide transmission plans for the Eastern and Western Interconnections and ERCOT: *Provided further*, That such assistance may include modeling, support to regions and States for the development of coordinated State electricity, and environmental policies''.

SA 538. 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 investement, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; as follows:

On page 1, beginning with line 6, strike all through page 735, line 7, and insert the following:

SEC. 2. REBATE TO ALL AMERICANS FILING A TAX RETURN.

(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 filed a return of tax under chapter 1 for any 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 $5,143 ($10,286 in the case of a joint return).

''(b) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The amount of the credit allowed by subsection (a) (determined without regard to this subsection and subsection (f)) shall be zero if the taxpayer's adjusted gross income exceeds $250,000.

''(c) 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.

''(d) 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.

''(e) 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 (f) 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.

''(f) 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 filed a return of tax under chapter 1 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.

''(g) 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 539. 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 investement, energy efficiency and science, assistance to the unemployed, and State and 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. ENCOURAGING ROBUST PARTICIPATION BY SMALL BUSINESS CONCERNS IN FEDERAL LOAN PROGRAMS.

The Administrator shall work with the Secretary of Agriculture, the Secretary of Energy, the Administrator of the Environmental Protection Agency, the Secretary of Homeland Security, and the Secretary of Labor to ensure robust participation by small business concerns in loan and loan guarantee programs that receive funding under this Act.

SA 540. Ms. CANTWELL (for herself, Mr. BINGAMAN, Mr. CARPER, Mr. SCHUMER, 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 457, line 15, strike ''Section'' and insert the following:

(a) IN GENERAL.—Section

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''.

Beginning on page 457, line 18, strike all through page 458, line 16, and insert the following:

SEC. 1121. EXTENSION AND MODIFICATION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C is amended by striking subsections (a) and (b) and inserting the following new subsections:

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the sum of—

''(1) the amount paid or incurred by the taxpayer during such taxable year for qualified energy efficiency improvements, and

''(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.

''(b) LIMITATION.—The aggregate amount of the credits allowed under this section for taxable years beginning in 2009 and 2010 with respect to any taxpayer shall not exceed $1,500.''.

(b) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—

(1) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:

''(B) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2009.''.

(2) CENTRAL AIR CONDITIONERS.—Subparagraph (C) of section 25C(d)(3) is amended by striking ''2006'' and inserting ''2009''.

(3) WATER HEATERS.—Subparagraph (D) of section 25C(d)(3) is amended to read as follows:

''(E) a natural gas, propane, or oil water heater which has either an energy factor of at least 0.82 or a thermal efficiency of at least 90 percent.''.

(4) WOOD STOVES.—Subparagraph (E) of section 25C(d)(3) is amended by inserting '', as measured using a lower heating value'' after ''75 percent''.

(c) MODIFICATIONS OF STANDARDS FOR OIL FURNACES AND HOT WATER BOILERS.—

(1) IN GENERAL.—Paragraph (4) of section 25C(d) is amended to read as follows:

''(4) QUALIFIED NATURAL GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—

''(A) QUALIFIED NATURAL GAS FURNACE.—The term 'qualified natural gas furnace' means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

''(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term 'qualified natural gas hot water boiler' means any natural gas hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

''(C) QUALIFIED PROPANE FURNACE.—The term 'qualified propane furnace' means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

''(D) QUALIFIED PROPANE HOT WATER BOILER.—The term 'qualified propane hot water boiler' means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

''(E) QUALIFIED OIL FURNACES.—The term 'qualified oil furnace' means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.

''(F) QUALIFIED OIL HOT WATER BOILER.—The term 'qualified oil hot water boiler' means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.''.

(2) CONFORMING AMENDMENT.—Clause (ii) of section 25C(d)(2)(A) is amended to read as follows:

''(ii) any qualified natural gas furnace, qualified propane furnace, qualified oil furnace, qualified natural gas hot water boiler, qualified propane hot water boiler, or qualified oil hot water boiler, or''.

(d) MODIFICATIONS OF STANDARDS FOR QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) QUALIFICATIONS FOR EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—Subsection (c) of section 25C is amended by adding at the end the following new paragraph:

''(4) QUALIFICATIONS FOR EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—Such term shall not include any component described in subparagraph (B) or (C) of paragraph (2) unless such component is equal to or below a U factor of 0.30 and SHGC of 0.30.''.

(2) ADDITIONAL QUALIFICATION FOR INSULATION.—Subparagraph (A) of section 25C(c)(2) is amended by inserting ''and meets the prescriptive criteria for such material or system established by the 2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009'' after ''such dwelling unit''.

(e) EXTENSION.—Section 25C(g)(2) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) EFFICIENCY STANDARDS.—The amendments made by paragraphs (1), (2), and (3) of subsection (b) and subsections (c) and (d) shall apply to property placed in service after December 31, 2009.

On page 461, strike lines 8 to 10 and insert the following:

(b) ENSURING CONSUMER ACCESSIBILITY TO ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY IN THE CASE OF ELECTRICITY.—Section 179(d)(3) is amended by striking subparagraph (B) and inserting the following:

''(B) for the recharging of motor vehicles propelled by electricity, but only if—

''(i) the property complies with the Society of Automotive Engineers' connection standards,

''(ii) the property provides for non-restrictive access for charging and for payment interoperability with other systems, and

''(iii) the property—

''(I) is located on property owned by the taxpayer, or

''(II) is located on property owned by another person, is placed in service with the permission of such other person, and is fully maintained by the taxpayer.''.

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

SEC. 1124. RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.

(a) 5-YEAR RECOVERY PERIOD.—

(1) IN GENERAL.—Subparagraph (B) of section 168(e)(3) is amended by striking ''and'' at the end of clause (vi), by striking the period at the end of clause (vii) and inserting '', and'', and by adding at the end the following new clauses:

''(viii) any qualified smart electric meter, and

''(ix) any qualified smart electric grid system.''.

(2) CONFORMING AMENDMENTS.—Subparagraph (D) of section 168(e)(3) is amended by inserting ''and'' at the end of clause (i), by striking the comma at the end of clause (ii) and inserting a period, and by striking clauses (iii) and (iv).

(b) TECHNICAL AMENDMENTS.—Paragraphs (18)(A)(ii) and (19)(A)(ii) of section 168(i) are each amended by striking ''16 years'' and inserting ''10 years''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(2) TECHNICAL AMENDMENT.—The amendments made by subsection (b) shall take effect as if included in section 306 of the Energy Improvement and Extension Act of 2008.

On page 467, strike lines 1 through 18, and insert the following:

PART VI—MODIFICATION OF CREDIT FOR CARBON DIOXIDE SEQUESTRATION

SEC. 1151. APPLICATION OF MONITORING REQUIREMENTS TO CARBON DIOXIDE USED AS A TERTIARY INJECTANT.

(a) IN GENERAL.—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.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 45Q(d)(2) is amended—

(A) by striking ''subsection (a)(1)(B)'' and inserting ''paragraph (1)(B) or (2)(C) of subsection (a)'',

(B) by striking ''and unminable coal seems'' and inserting '', oil and gas reservoirs, and unminable coal seams'', and

(C) by inserting ''the Secretary of Energy, and the Secretary of the Interior,'' after ''Environmental Protection Agency''.

(2) Section 45Q(e) is amended by striking ''captured and disposed of or used as a tertiary injectant'' and inserting ''taken into account in accordance with subsection (a)''.

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

Beginning on page 467, strike line 21 and all that follows through page 470, line 23, and insert the following:

SEC. 1161. MODIFICATION OF CREDIT FOR QUALIFIED PLUG-IN ELECTRIC MOTOR VEHICLES.

(a) INCREASE IN VEHICLES ELIGIBLE FOR CREDIT.—Section 30D(b)(2)(B) is amended by striking ''250,000'' and inserting ''500,000''.

(b) EXCLUSION OF NEIGHBORHOOD ELECTRIC VEHICLES FROM EXISTING CREDIT.—Section 30D(e)(1) is amended to read as follows:

''(1) MOTOR VEHICLE.—The term 'motor vehicle' means a motor vehicle (as defined in section 30(c)(2)), which is treated as a motor vehicle for purposes of title II of the Clean Air Act.''.

(c) CREDIT FOR CERTAIN OTHER VEHICLES.—Section 30D is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and

(2) by inserting after subsection (e) the following new subsection:

''(f) CREDIT FOR CERTAIN OTHER VEHICLES.—For purposes of this section—

''(1) IN GENERAL.—In the case of a specified vehicle, this section shall be applied with the following modifications:

''(A) For purposes of subsection (a)(1), in lieu of the applicable amount determined under subsection (a)(2), the applicable amount shall be 10 percent of so much of the cost of the specified vehicle as does not exceed $40,000.

''(B) Subsection (b) shall not apply and no specified vehicle shall be taken into account under subsection (b)(2).

''(C) In the case of a specified vehicle which is a 2-or 3-wheeled motor vehicle, subsection (c)(1) shall be applied by substituting '2.5 kilowatt hours' for '4 kilowatt hours'.

''(D) In the case of a specified vehicle which is a low-speed motor vehicle, subsection (c)(3) shall not apply.

''(2) SPECIFIED VEHICLE.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'specified vehicle' means—

''(i) any 2- or 3- wheeled motor vehicle, or

''(ii) any low-speed motor vehicle,

which is placed in service after December 31, 2009, and before January 1, 2012.

''(B) 2- OR 3-WHEELED MOTOR VEHICLE.—The term '2- or 3-wheeled motor vehicle' means any vehicle—

''(i) which would be described in section 30(c)(2) except that it has 2 or 3 wheels,

''(ii) with motive power having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground,

''(iii) which has an electric motor that produces in excess of 5-brake horsepower,

''(iv) which draws propulsion from 1 or more traction batteries, and

''(v) which has been certified to the Department of Transportation pursuant to section 567 of title 49, Code of Federal Regulations, as conforming to all applicable Federal motor vehicle safety standards in effect on the date of the manufacture of the vehicle.

''(C) LOW-SPEED MOTOR VEHICLE.—The term 'low-speed motor vehicle' means a motor vehicle (as defined in section 30(c)(2)) which—

''(i) is placed in service after December 31, 2009, and

''(ii) meets the requirements of section 571.500 of title 49, Code of Federal Regulations.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsections (a) and (c) shall take effect on the date of the enactment of this Act.

(2) OTHER MODIFICATIONS.—The amendments made by subsection (b) shall apply to property placed in service after December 31, 2009, in taxable years beginning after such date.

SEC. 1162. CONVERSION KITS.

(a) IN GENERAL.—Section 30B (relating to alternative motor vehicle credit) is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

''(i) PLUG-IN CONVERSION CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a), the plug-in conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified plug-in electric drive motor vehicle is 10 percent of so much of the cost of the converting such vehicle as does not exceed $40,000.

''(2) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—The term 'qualified plug-in electric drive motor vehicle' means any new qualified plug-in electric drive motor vehicle (as defined in section 30D(c), determined without regard to paragraphs (4) and (6) thereof).

''(B) PLUG-IN TRACTION BATTERY MODULE.—The term 'plug-in traction battery module' means an electro-chemical energy storage device which—

''(i) which has a traction battery capacity of not less than 2.5 kilowatt hours,

''(ii) which is equipped with an electrical plug by means of which it can be energized and recharged when plugged into an external source of electric power,

''(iii) which consists of a standardized configuration and is mass produced,

''(iv) which has been tested and approved by the National Highway Transportation Safety Administration as compliant with applicable motor vehicle and motor vehicle equipment safety standards when installed by a mechanic with standardized training in protocols established by the battery manufacturer as part of a nationwide distribution program,

''(v) which complies with the requirements of section 32918 of title 49, United States Code, and

''(vi) which is certified by a battery manufacturer as meeting the requirements of clauses (i) through (v).

''(C) CREDIT ALLOWED TO LESSOR OF BATTERY MODULE.—In the case of a plug-in traction battery module which is leased to the taxpayer, the credit allowed under this subsection shall be allowed to the lessor of the plug-in traction battery module.

''(D) CREDIT ALLOWED IN ADDITION TO OTHER CREDITS.—The credit allowed under this subsection shall be allowed with respect to a motor vehicle notwithstanding whether a credit has been allowed with respect to such motor vehicle under this section (other than this subsection) in any preceding taxable year.

''(3) TERMINATION.—This subsection shall not apply to conversions made after December 31, 2012.''.

(b) CREDIT TREATED AS PART OF ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(a) is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) the plug-in conversion credit determined under subsection (i).''.

(c) NO RECAPTURE FOR VEHICLES CONVERTED TO QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.—Paragraph (8) of section 30B(h) is amended by adding at the end the following: '', except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle.''.

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

Beginning on page 518, strike line 1 and all that follows 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.

On page 524, after line 3, insert the following:

SEC. 1303. INCENTIVES FOR MANUFACTURING FACILITIES PRODUCING PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES AND COMPONENTS.

(a) DEDUCTION FOR MANUFACTURING FACILITIES.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 179E the following new section:

''SEC. 179F. ELECTION TO EXPENSE MANUFACTURING FACILITIES PRODUCING PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES AND COMPONENTS.

''(a) TREATMENT AS EXPENSES.—A taxpayer may elect to treat the applicable percentage of the cost of any qualified plug-in electric drive motor vehicle manufacturing facility property as an expense which is not chargeable to a capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the qualified manufacturing facility property is placed in service.

''(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is—

''(1) 100 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service before January 1, 2012, and

''(2) 50 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service after December 31, 2011, and before January 1, 2015.

''(c) ELECTION.—

''(1) IN GENERAL.—An election under this section for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

''(2) ELECTION IRREVOCABLE.—Any election made under this section may not be revoked except with the consent of the Secretary.

''(d) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE MANUFACTURING FACILITY PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified plug-in electric drive motor vehicle manufacturing facility property' means any qualified property—

''(A) the original use of which commences with the taxpayer,

''(B) which is placed in service by the taxpayer after the date of the enactment of this section and before January 1, 2015, and

''(C) no written binding contract for the construction of which was in effect on or before the date of the enactment of this section.

''(2) QUALIFIED PROPERTY.—

''(A) IN GENERAL.—The term 'qualified property' means any property which is a facility or a portion of a facility used for the production of—

''(i) any new qualified plug-in electric drive motor vehicle (as defined by section 30D(c)), or

''(ii) any eligible component.

''(B) ELIGIBLE COMPONENT.—The term 'eligible component' means any battery, any electric motor or generator, or any power control unit which is designed specifically for use with a new qualified plug-in electric drive motor vehicle (as so defined).

''(e) SPECIAL RULE FOR DUAL USE PROPERTY.—In the case of any qualified plug-in electric drive motor vehicle manufacturing facility property which is used to produce both qualified property and other property which is not qualified property, the amount of costs taken into account under subsection (a) shall be reduced by an amount equal to—

''(1) the total amount of such costs (determined before the application of this subsection), multiplied by

''(2) the percentage of property expected to be produced which is not qualified property.

''(f) ELECTION TO RECEIVE LOAN IN LIEU OF DEDUCTION.—

''(1) IN GENERAL.—If a taxpayer elects to have this subsection apply for any taxable year—

''(A) subsection (a) shall not apply to any qualified plug-in electric drive motor vehicle manufacturing facility property placed in service by the taxpayer,

''(B) such taxpayer shall receive a loan from the Secretary in an amount and under such terms as provided in section 1303(b) of the American Recovery and Reinvestment Tax Act of 2009, and

''(C) in the taxable year in which such qualified loan is repaid, each of the limitations described in paragraph (2) shall be increased by the qualified plug-in electric drive motor vehicle manufacturing facility amount which is—

''(i) determined under paragraph (3), and

''(ii) allocated to such limitation under paragraph (4).

''(2) LIMITATIONS TO BE INCREASED.—The limitations described in this paragraph are—

''(A) the limitation imposed by section 38(c), and

''(B) the limitation imposed by section 53(c).

''(3) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE MANUFACTURING FACILITY AMOUNT.—For purposes of this paragraph—

''(A) IN GENERAL.—The qualified plug-in electric drive motor vehicle manufacturing facility amount is an amount equal to the applicable percentage of any qualified plug-in electric drive motor vehicle manufacturing facility which is placed in service during the taxable year.

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

''(i) 35 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service before January 1, 2012, and

''(ii) 17.5 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service after December 31, 2011, and before January 1, 2015.

''(C) SPECIAL RULE FOR DUAL USE PROPERTY.—In the case of any qualified plug-in electric drive motor vehicle manufacturing facility property which is used to produce both qualified property and other property which is not qualified property, the amount of costs taken into account under subparagraph (A) shall be reduced by an amount equal to—

''(i) the total amount of such costs (determined before the application of this subparagraph), multiplied by

''(ii) the percentage of property expected to be produced which is not qualified property.

''(4) ALLOCATION OF QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE MANUFACTURING FACILITY AMOUNT.—The taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the qualified plug-in electric drive motor vehicle manufacturing facility amount for the taxable year which is to be allocated to each of the limitations described in paragraph (2) for such taxable year.

''(5) ELECTION.—

''(A) IN GENERAL.—An election under this subsection for any taxable year shall be

made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

''(B) ELECTION IRREVOCABLE.—Any election made under this subsection may not be revoked except with the consent of the Secretary.''.

(b) LOAN PROGRAM.—

(1) IN GENERAL.—The Secretary of the Treasury (or the Secretary's delegate) shall provide a loan to any person who is allowed a deduction under section 179F of the Internal Revenue Code and who makes an election under section 179F(f) of such Code in an amount equal to the qualified plug-in electric drive motor vehicle manufacturing facility amount (as defined in such section 179F(f)).

(2) TERM.—Such loan shall be in the form of a senior note issued by the taxpayer to the Secretary of the Treasury, secured by the qualified plug-in electric drive motor vehicle manufacturing facility property (as defined in section 179F of the Internal Revenue Code of 1986) of the taxpayer, and having a term of 20 years and interest payable at the applicable Federal rate (as determined under section 1274(d) of the Internal Revenue Code of 1986).

(3) APPROPRIATIONS.—There is hereby appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this subsection.

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

''Sec. 179F. Election to expense manufacturing facilities producing plug-in electric drive motor vehicle and components.''.

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

SA 541. Ms. LANDRIEU (for herself, Mr. VITTER, Ms. STABENOW, and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, line 22, strike ''$2,000,000,000'' and insert ''$2,450,000,000''.

On page 62, line 3, insert ''*Provided further*, That not less than $180,000,000 of the funds provided shall be provided for large-scale aquatic ecosystem restoration:'' after ''assistance:''.

On page 65, line 4, strike ''$1,900,000,000'' and insert ''$2,350,000,000''.

On page 65, line 23, insert ''*Provided further*, That in any case in which restoration or storm protection benefits are available through the beneficial use of dredged material produced by an operation and maintenance activity, that use, up to an additional 15 percent of least-cost disposal, shall be required as part of the operation and maintenance activity and budget:'' after ''complete:''.

On page 115, line 4, insert before the period at the end the following: '', of which not less than $50,000,000 shall be used for habitat restoration projects (including grant programs for wetlands restoration)''.

On page 120, between lines 10 and 11, insert the following:

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for ''Environmental Programs and Management,'' $300,000,000, for existing large-scale aquatic ecosystem programs and related activities: *Provided*, That funds provided under this heading shall be used only for programs, projects, or activities that, as of the date of enactment of this Act, receive funds provided in Acts making appropriations available for the Department of the Interior, the Environmental Protection Agency, and related agencies: *Provided further*, That the Administrator of the Environmental Protection Agency may waive cost-sharing requirements for the use of funds made available under this heading.

SA 542. 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, between lines 8 and 9, insert the following:

SEC. 1903. LOANS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.

(a) LOANS.—

(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 loan, under such terms as provided in subsection (b) and in an amount as provided in subsection (c), to each person who places in service specified energy property during 2009 or 2010.

(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) RULE FOR PROJECTS AFTER 2010.—No loan shall be made under this section after December 31, 2010, with respect to any utility-scale solar or geothermal project unless the application for such loan contains—

(i) a certification from an independent engineer (as determined under regulations promulgated by the Secretary of Energy) that construction on such project began before January 1, 2011, and

(ii) a certification that there is an agreement between the person placing such project in service and a utility, an electric cooperative, a municipality, or another Federal, State, or local governmental entity for the purchase of not less than 50 percent of the power which such project has a capacity to generate.

(C) 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) TERM.—

(1) IN GENERAL.—Any loan provided under this section shall be in the form of a senior note issued by the taxpayer to the Secretary of the Treasury, secured by the specified energy property, and having a term of 20 years and interest payable at the applicable Federal rate (as determined under section 1274(d) of the Internal Revenue Code of 1986).

(2) REPAYMENT OF LOANS.—

(A) AMORTIZATION.—The amount of any loan provided under this section shall be amortized and repaid over the term of the loan.

(B) NO PRE-PAYMENT PENALTY.—Any loan provided under this section shall have no penalty for early repayment of the loan.

(3) PRIORITY OF OBLIGATION.—Notwithstanding section 507 of title 11, United States Code, or otherwise applicable provisions of law, the Department of the Treasury shall have priority repayment over all liens or interests in the assets of the borrower during any bankruptcy or foreclosure proceeding.

(c) LOAN AMOUNT.—

(1) IN GENERAL.—The amount of the loan 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 loan 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.

(d) 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.

(e) APPLICATION OF CERTAIN RULES.—

(1) IN GENERAL.—In making loans under this section, the Secretary of Energy shall apply rules similar to the rules of subsections (a) and (b) 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 repayment of the appropriate percentage of the loan in such manner as the Secretary of Energy determines appropriate.

(2) SPECIAL RULE FOR SALES.—In the case of any sale of specified energy property for which a loan has been made under this section to any person (other than a person described in subsection (f)), the obligation to repay to loan shall be transferred to the purchaser of such property.

(f) EXCEPTION FOR CERTAIN NON-TAXPAYERS.—The Secretary of Energy shall not make any loan 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.

(g) 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.

(h) 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.

(i) APPROPRIATIONS.—There is hereby appropriated to the Secretary of Energy such sums as may be necessary to carry out this section.

(j) TERMINATION.—The Secretary of Energy shall not make any loan to any person under this section unless the application of such person for such loan is received before January 1, 2011 (January 1, 2013, in the case of any utility scale solar or geothermal project).

(k) COORDINATION WITH ENERGY CREDIT.—Section 48 is amended by adding at the end the following new subsection:

''(d) ELECTION TO RECEIVE LOAN IN LIEU OF CREDIT.—

''(1) IN GENERAL.—In the case of any property with respect to which the Secretary of Energy makes a loan under section 1903 of the American Recovery and Reinvestment Tax Act of 2009, the amount of the credit which would otherwise be allowed to the taxpayer under this section for any taxable year—

''(A) shall not be allowed for such year, and

''(B) shall be allowed in any taxable year in which a portion of such loan is repaid in an amount which bears the same ratio to the amount which would be taken into account under this section (determined without regard to the subsection) as the amount so repaid bears to the entire amount of the loan.

''(2) TRANSFER OF CREDIT AMOUNTS.—In the case of a sale or other disposition by the taxpayer of any property to which paragraph (1) applies to another taxpayer, the amount of any credit which would be allowed to the taxpayer under this section shall be allowed to the taxpayer who acquired such property.''.

SA 543. 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 investement, energy efficiency and science, assistance to the unemployed, and State and 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 line 8 and all that follows through page 56, line 24, and insert the following:

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

BROADBAND INFRASTRUCTURE LOANS

For an amount for the development or expansion of broadband or broadband services, $200,000,000, to remain available until September 30, 2010: *Provided*, That the Secretary of Commerce use the amounts under this heading to make loans to Internet service providers and telecommunication service providers to build broadband infrastructure.

DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM

For an amount for ''Digital-to-Analog Converter Box Program'', $650,000,000, for additional coupons and related activities under the program implemented under section 3005 of the Digital Television Transition and Public Safety Act of 2005, to remain available until September 30, 2010: *Provided*, That of the amounts provided under this heading, $90,000,000 may be for education and outreach, including grants to organizations for programs to educate vulnerable populations, including senior citizens, minority communities, people with disabilities, low-income individuals, and people living in rural areas, about the transition and to provide one-on-one assistance to vulnerable populations, including help with converter box installation: *Provided further*, That the amounts provided in the previous proviso may be transferred to the Federal Communications Commission (Commission) if deemed necessary and appropriate by the Secretary of Commerce in consultation with the Commission, and only if the Committees on Appropriations of the House and the Senate are notified not less than 5 days in advance of transfer of such funds: *Provided further*, That $2,000,000 of funds provided under this heading shall be transferred to ''Department of Commerce, Office of Inspector General'' for audits and oversight of funds provided under this heading.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for ''Scientific and Technical Research and Services'', $218,000,000, to remain available until September 30, 2010.

CONSTRUCTION OF RESEARCH FACILITIES

For an additional amount for ''Construction of Research Facilities'', $357,000,000, to remain available until September 30, 2010.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $427,000,000, to remain available until September 30, 2010.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'', $795,000,000, to remain available until September 30, 2010.

DEPARTMENTAL MANAGEMENT

For an additional amount for ''Departmental Management'', $34,000,000, to remain available until September 30, 2010.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $6,000,000, to remain available until September 30, 2010.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For an additional amount for ''Tactical Law Enforcement Wireless Communications'', $200,000,000 for the costs of developing and implementing a nationwide Integrated Wireless network supporting Federal law enforcement, to remain available until September 30, 2010.

DETENTION TRUSTEE

For an additional amount for ''Detention Trustee'', $150,000,000, to remain available until September 30, 2010.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $2,000,000, to remain available until September 30, 2010.

UNITED STATES MARSHALL SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $50,000,000, to remain available until September 30, 2010.

CONSTRUCTION

For an additional amount for ''Construction'', $125,000,000, to remain available until September 30, 2010.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $75,000,000, to remain available until September 30, 2010.

CONSTRUCTION

For an additional amount for ''Construction'', $400,000,000, to remain available until September 30, 2010.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

For an additional amount for ''Federal Prison System, Buildings and Facilities'', $1,000,000,000, to remain available until September 30, 2010.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For an additional amount for ''Violence Against Women Prevention and Prosecution Programs'', $300,000,000 for grants to combat violence against women, as authorized by part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.): *Provided*, That, $50,000,000 shall be transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322).

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for ''State and Local Law Enforcement Assistance'', $1,500,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the Omnibus Crime Control and Safe Street Act of 1968 (''1968 Act''), (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), to remain available until September 30, 2010.

For an additional amount for ''State and Local Law Enforcement Assistance'', $440,000,000 for competitive grants to improve the functioning of the criminal justice system, to assist victims of crime (other than compensation), and youth mentoring grants, to remain available until September 30, 2010.

For an additional amount for ''State and Local Law Enforcement Assistance'', $100,000,000, to remain available until September 30, 2010, for competitive grants to provide assistance and equipment to local law enforcement along the Southern border and in High-Intensity Drug Trafficking Areas to combat criminal narcotics activity stemming from the Southern border, of which $10,000,000 shall be transferred to ''Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses'' for the ATF Project Gunrunner.

For an additional amount for ''State and Local Law Enforcement Assistance'', $300,000,000, to remain available until September 30, 2010, for assistance to Indian tribes, notwithstanding Public Law 108–199, division B, title I, section 112(a)(1) (118 Stat. 62), of which—

(1) $250,000,000 shall be available for grants under section 20109 of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322);

(2) $25,000,000 shall be available for the Tribal Courts Initiative; and

(3) $25,000,000 shall be available for tribal alcohol and substance abuse drug reduction assistance grants.

For an additional amount for ''State and Local Law Enforcement Assistance'', $100,000,000, to remain available until September 30, 2010, to be distributed by the Office for Victims of Crime in accordance with section 1402(d)(4) of the Victims of Crime Act of 1984 (Public Law 98–473).

For an additional amount for ''State and Local Law Enforcement Assistance'', $150,000,000, to remain available until September 30, 2010, for assistance to law enforcement in rural areas, to prevent and combat crime, especially drug-related crime.

For an additional amount for ''State and Local Law Enforcement Assistance'', $50,000,000, to remain available until September 30, 2010, for Internet Crimes Against Children (ICAC) initiatives.

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for ''Community Oriented Policing Services'', for grants under section 1701 of title I of the 1968 Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3796dd) for hiring and rehiring of additional career law enforcement officers under part Q of such title, and civilian public safety personnel, notwithstanding subsection (i) of such section and notwithstanding 42 U.S.C. 3796dd–3(c), $1,000,000,000, to remain available until September 30, 2010.

SALARIES AND EXPENSES

For an additional amount, not elsewhere specified in this title, for management and administration and oversight of programs within the Office on Violence Against Women, the Office of Justice Programs, and the Community Oriented Policing Services Office, $10,000,000, to remain available until September 30, 2010.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For an additional amount for ''Science'', $500,000,000, to remain available until September 30, 2010.

AERONAUTICS

For an additional amount for ''Aeronautics'', $250,000,000, to remain available until September 30, 2010.

EXPLORATION

For an additional amount for ''Exploration'', $500,000,000, to remain available until September 30, 2010.

CROSS AGENCY SUPPORT

For an additional amount for ''Cross Agency Support'', $250,000,000, to remain available until September 30, 2010.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $2,000,000, to remain available until September 30, 2010.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for ''Research and Related Activities'', $1,200,000,000, to remain available until September 30, 2010.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For an additional amount for ''Major Research Equipment and Facilities Construction'', $150,000,000, to remain available until September 30, 2010.

EDUCATION AND HUMAN RESOURCES

For an additional amount for ''Education and Human Resources'', $50,000,000, to remain available until September 30, 2010.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $2,000,000, to remain available until September 30, 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 201. The Assistant Secretary of Commerce for Communications and Information may reissue any coupon issued under section 3005(a) of the Digital Television Transition and Public Safety Act of 2005 that has expired before use, and shall cancel any unredeemed coupon reported as lost and may issue a replacement coupon for the lost coupon.

SA 544. Mr. BURR submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

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

TITLE XVII—ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS

SEC. 1701. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking ''(a)(1)'' and inserting ''(a)'';

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking ''as adjusted by paragraph (2) of this subsection'' and inserting ''adjusted as provided by law''.

(c) EFFECTIVE DATE.—This section shall take effect on February 1, 2011.

SA 545. Mr. JOHANNS submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 478, strike lines 9 through 12 and insert the following:

(1) by striking ''2008'' and inserting ''2008, 2009, or 2010'', and

(2) by striking ''2008'' in the heading thereof and inserting ''2008, 2009, and 2010''.

SA 546. 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 451, after line 13, insert the following:

SEC. 1008. WAIVER OF 10 PERCENT PENALTY TO MAKE AN EARLY WITHDRAWAL FROM RETIREMENT ACCOUNTS FOR MORTGAGE PAYMENTS.

(a) IN GENERAL.—Section 72(t)(2) is amended by adding at the end the following new subparagraph:

''(H) DISTRIBUTIONS FOR QUALIFIED MORTGAGE PAYMENTS.—

''(i) IN GENERAL.—Any qualified mortgage payment distribution.

''(ii) QUALIFIED MORTGAGE PAYMENT DISTRIBUTION.—For purposes of this subparagraph, the term 'qualified mortgage payment distribution' means any distribution to an individual if such distribution—

''(I) is made for the purpose of making payments relating to a qualifying mortgage or to the refinancing or modification of any outstanding qualifying mortgage, and

''(II) is made on or after the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009, and before January 1, 2011.

''(iii) QUALIFYING MORTGAGE.—For purposes of this subparagraph, the term 'qualifying mortgage' means a security interest in the debtor's principal residence (within the meaning of section 121), including a principal residence that is purchased using the mortgage funds.''.

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

SEC. 1009. INCREASE IN MANDATORY DISTRIBUTION AGE FOR RETIREMENT ACCOUNTS.

(a) IN GENERAL.—Sections 401, 408, and 408A are each amended by striking ''70 ½'' each place it appears and inserting ''70 ½ (72 ½ in the case of distributions in plan years beginning after the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009, and before January 1, 2011)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in plan years beginning after the date of the enactment of this Act.

SA 547. 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. _____. LAPSE OF ADDITIONAL SPENDING.

(a) LAPSE UNLESS APPROVED.—Notwithstanding any other provision of this Act and subject to subsections (b) and (c), all of the funds appropriated or otherwise made available by this Act shall be available for obligation only through Sept 30, 2009. Any such funds not obligated by Oct. 1, 2009 shall expire.

(b) BUDGET REQUEST.—Not later than September 10, 2009, the President may submit to Congress a written certification that spending provided in this Act is required for fiscal year 2010.

(c) CONGRESSIONAL RESOLUTION OF APPROVAL.—

(1) IN GENERAL.—Amount made available in this Act described in subsection (a) shall be available for fiscal year 2010 if Congress enacts a resolution of approval in accordance with the procedures provided for a resolution of disapproval under section 115(c) of the Emergency Economic Stabilization Act of 2008.

(2) SUBMISSION OF CERTIFICATION.—For purposes of this subsection, the certification of the President under this section shall be deemed to be the report of the plan of the Secretary under section 115(c) of the Emergency Economic Stabilization Act of 2008.

SA 548. Mr. MARTINEZ (for himself, Mr. DODD, and 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:

At the end of division B, add the following:

TITLE VI—FORECLOSURE MITIGATION

SEC. 6001. SHORT TITLE.

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

SEC. 6002. 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;

(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 Act'' 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 6003; and

(9) the term ''prepayment fee'' means the payment to eligible servicers, as determined under section 6003(b).

SEC. 6003. PAYMENTS TO ELIGIBLE SERVICERS AUTHORIZED.

(a) AUTHORITY.—The Secretary is authorized to make payments to eligible servicers, subject to the terms and conditions established under this title.

(b) FEES PAID TO ELIGIBLE SERVICERS.—

(1) IN GENERAL.—An eligible servicer may collect reasonable incentive fee payments, as established by the Secretary, not to exceed $2,000 per loan.

(2) CONSULTATION.—The fees permitted under this section shall be subject to standards established by the Secretary, in consultation with the Secretary of Housing and Urban Development and the Chairman of the Board of Directors of the Federal Deposit Insurance Corporation, which standards shall—

(A) include an evaluation of whether an eligible mortgage is affordable for the remainder of its term; and

(B) identify a reasonable fee to be paid to the servicer in the event that an eligible mortgage is prepaid.

(3) FORM OF PAYMENT.—Fees permitted under this section may be paid in a lump sum or on a monthly basis. If paid on a monthly basis, the fee may only be remitted as long as the loan performs.

(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 or the homeowner; 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 pursuant to a derivative instrument 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) 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 and percent of residential mortgage loans receiving loss mitigation that have become performing loans;

(B) the number and percent 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, including the performance of mitigated loans, disagreggated for each form of loss mitigation, which forms may include—

(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 or forbear with respect to 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 and summary data.

SEC. 6004. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 6005. SUNSET OF AUTHORITY.

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

SA 549. Mr. LEAHY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 237, line 2, strike the period at the end and insert ''*: Provided further,* That the Secretary of Transportation may waive local road limitations under section 133(c) of title 23, United States Code, with respect to a State with no urbanized area with a population that exceeds 200,000.''.

SA 550. 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 year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 229, line 2, after ''publish'' insert ''application procedures and grant''.

On page 237, line 13, strike ''qualify:'' and insert ''qualify, but the Secretary of Transportation may waive the requirement that the project or program be in a State rail plan developed under chapter 227 of title 49, United States Code:''.

On page 237, line 24, strike ''24405(a)'' and insert ''24405''.

On page 238, line 6, strike ''heading.'' and insert ''heading: *Provided further,* That sections 3501 through 3521 of title 44, United States Code, shall not apply to the provision of funds under this heading.''.

On page 238, line 18, strike ''capacity:'' and insert ''capacity or improve passenger rail service reliability:''.

On page 238, line 22, strike ''for such activities''.

On page 238, line 23, strike ''sources:'' and insert ''sources for such activities that are planned to occur within 2 years after the date of enactment of this Act:''.

On page 239, line 18, strike ''paragraph.'' and insert ''paragraph: *Provided further,* That the Secretary of Transportation may administer such grants pursuant to interim guidance to applicants covering grant terms, conditions, and procedures until regulations are issued under section 26106(g) of title 49, United States Code: *Provided further,* That the Secretary may waive the requirement that the project or program be in a State rail plan developed under chapter 227 of title 49, United States Code, or on a designated corridor, for grants made under this heading: *Provided further,* That sections 24403(a) and (c) of title 49, United States Code, shall apply to funds provided under this heading: and *Provided further,* That sections 3501 through 3521 of title 44, United States Code, shall not apply to the provision of funds under this heading.''.

SA 551. 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 448, after line 15, insert the following:

SEC. 1005. MODIFICATION OF QUALIFIED TUITION PROGRAMS.

(a) IN GENERAL.—Subparagraph (A) of section 529(e)(3) is amended—

(1) by striking ''and'' at the end of clause (i),

(2) by striking the period at the end of clause (ii) and inserting ''; and'', and

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

''(iii) expenses relating to repayment, interest, and security of a loan described in section 221(d)(1).''.

(b) SECURITY.—Paragraph (5) of section 529(b) is amended by inserting '', other than a loan described in section 221(d)(1)'' after ''as security for a loan''.

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

SA 552. Mr. BAUCUS (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, strike lines 17 through 22, and insert the following:

SEC. 105. STATE AND LOCAL GOVERNMENTS.

Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (a)(3), by inserting ''(other than an entity referred to in subsection (f)(6))'' after ''an entity''; and

(2) in subsection (f)(6)(A), by inserting ''(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)'' before the period at the end.

SA 553. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, lines 15 and 16, after ''*Provided,*'', insert the following: ''That $100,000,000 shall be made available for grants to homeowners and business owners for the installation of central heating systems using renewable energy sources (including solar radiation, geothermal energy, wood pellets, and wind): *Provided further,*''.

SA 554. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 410, line 3, strike the period and insert ''; and''.

On page 410, after line 3, insert the following:

''(G) reviewing the specific number of jobs created by each title of each division of this Act.''.

On page 410, line 10, after ''agencies.'' insert ''The Board shall include a complete assessment of the number of jobs created by each title of each division of this Act and shall recommend to the appropriate committees of Congress for rescission unobligated balances of any program in this Act that is not creating or cannot be reasonably expected to create jobs or help those displaced by the current recession.''.

On page 431, after line 8, insert the following:

SEC. _____. POINT OF ORDER AGAINST CONTINUING SPENDING LEVELS.

(a) BASELINE.—Section 257(c)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985, as it was in effect on September 30, 2006, shall not apply to any of the discretionary budgetary resources provided in this Act for fiscal year 2009 or any subsequent fiscal year.

SA 555. Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 118, line 4, strike ''$6,400,000,000'' and insert ''$25,400,000,000''.

On page 118, line 5, strike ''$4,000,000,000'' and insert ''$20,000,000,000''.

On page 118, line 9, strike ''$2,000,000,000'' and insert ''$5,000,000,000''.

On page 142, line 13, strike ''$17,070,000,000'' and insert ''$1,070,000,000''.

On page 146, line 3, strike ''$3,500,000,000'' and insert ''$500,000,000''.

SA 556. Ms. LANDRIEU (for herself, Mr. VITTER, Ms. STABENOW, Mr.

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

On page 61, line 22, strike ''$2,000,000,000'' and insert ''$2,450,000,000''.

On page 62, line 3, insert ''*Provided further*, That not less than $430,000,000 of the funds provided shall be provided for large-scale aquatic ecosystem restoration:'' after ''assistance:''.

On page 65, line 4, strike ''$1,900,000,000'' and insert ''$2,350,000,000''.

On page 65, line 23, insert ''*Provided further*, That in any case in which restoration or storm protection benefits are available through the beneficial use of dredged material produced by an operation and maintenance activity, that use, up to an additional 15 percent of least-cost disposal, shall be required as part of the operation and maintenance activity and budget:'' after ''complete:''.

On page 115, line 4, insert before the period at the end the following: '', of which not less than $50,000,000 shall be used for habitat restoration projects (including grant programs for wetlands restoration)''.

On page 120, between lines 10 and 11, insert the following:

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for ''Environmental Programs and Management,'' $300,000,000, for existing large-scale aquatic ecosystem programs and related activities: *Provided*, That funds provided under this heading shall be used only for programs, projects, or activities that, as of the date of enactment of this Act, receive funds provided in Acts making appropriations available for the Department of the Interior, the Environmental Protection Agency, and related agencies: *Provided further*, That the Administrator of the Environmental Protection Agency may waive cost-sharing requirements for the use of funds made available under this heading.

SA 557. Mr. REID (for Mr. KENNEDY (for himself, Mr. VOINOVICH, Mr. KERRY, and 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:

At the end of section 404, add the following:

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Energy should—

(1) expedite the issuance of all pending and qualified loan guarantees to maximize the rapid stimulus effect of provided funds;

(2) immediately issue loan guarantees under section 1705 of the Energy Policy Act of 2005 (as added by subsection (a)) using funds provided to carry out that section for the subsidy cost for existing final round applicants under the loan guarantee program under section 1702(b)(2) of that Act (42 U.S.C. 16512(b)(2)) that fall within the categories described in section 1705(b) of that Act ; and

(3) apply the loan guarantee authority made available to move expeditiously to award other pending and qualified loan guarantee applications under section 1702(b)(2) of that Act (42 U.S.C. 16512(b)(2)).

SA 558. 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 231, line 24, after the semicolon, insert the following: ''*Provided further*, That the Federal Aviation Administration shall make available amounts appropriated under this Act to reimburse eligible expenditures for the relocation and digitization of omni directional range navigation devices (DVOR) to enable or facilitate the construction of wind power development projects:''.

SA 559. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title IV of this Act, for the Department of Energy under the heading ''Fossil Energy Research and Development'' may be available for the 1 or more zero emission powerplants, and the amount made available under such title is reduced by $2,000,000,000.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title IV of this Act, for the Coast Guard under the heading ''Acquisition, Construction, and Improvements'' may be available for the design of a new polar icebreaker or the renovation or major repair of an existing polar icebreaker, and the amount made available under such title is reduced by $87,500,000.

(c) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title VIII of this Act, for the Department of Health and Human Services under the heading ''Public Health and Social Services Emergency Fund'' may be available for sexually transmitted diseases prevention, and the amount available under such title is reduced by $400,000,000.

(d) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title VIII of this Act, for the Department of Health and Human Services under the heading ''Public Health and Social Services Emergency Fund'' may be available for tobacco cessation and smoking prevention, and the amount available under such title is reduced by $75,000,000.

(e) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title V of this Act, for the General Services Administration under the heading ''Federal Buildings Fund'' may be available, and the amount available under such title is reduced by $9,048,000,000.

(f) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title IV for the Bureau of Reclamation under the heading ''Water and Related Resources'' may be available for an inspection of canals program in urbanized areas, and the amount made available under such title is reduced by $10,000,000.

(g) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title V of this Act, for the General Services Administration under the heading ''Energy-Efficient Federal Motor Vehicle Fleet Procurement'' may be available, and the amount made available under such title is reduced by $600,000.

(h) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title XII of this Act, for the Federal Railroad Administration under the heading ''Supplemental Capital Grants to the National Railroad Passenger Corporation'' may be available, and the amount made available under such title is reduced by $850,000,000.

(i) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II of this Act, for the National Aeronautics and Space Administration may be available, and the amount available under such title is reduced by $1,500,000,000.

(j) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II of this Act, for the National Science Foundation may be available, and the amount available under such title is reduced by $1,402,000,000.

(k) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title X of this Act, for the Department of State under the heading ''Diplomatic and Consular Programs'' may be available for consolidated security training facility in the United States, and the amount made available under such title is reduced by $75,000,000.

(l) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title VI, of this Act, for the Health Resources and Services Administration under the heading ''Health Resources and Services'' may be available for leasing and renovating a headquarters building for Public Health Service agencies, and the amount made available under such title is reduced by $88,000,000.

(m) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II of this Act, for the Federal Prison System may be available, and the amount made available under such title is reduced by $1,000,000,000.

(n) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title VIII of this Act, for the Employment and Training Administration under the heading ''Training and Employment Services'' may be available for grants to States for youth activities, and the amount made available under such title is reduced by $1,200,000,000.

(o) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title VIII of this Act, for the Centers for Disease Control and Prevention under the heading ''Disease Control, Research, and Training'' may be available for the acquisition of real property,

equipment, construction, and renovation of facilities, and the amount made available under such title is reduced by $412,000,000.

(p) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title VIII of this Act, for the National Institutes of Health under the heading ''Buildings and Facilities'' may be available, and the amount made available under such title is reduced by $500,000,000.

(q) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title V of this Act, for the Bureau of the Census under the heading ''Periodic Censuses and Programs'' may be available, and the amount available under such title is reduced by $1,000,000,000.

(r) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title VII of this Act, for the Smithsonian Institution under the heading ''Facilities Capital'' may be available, and the amount made available under such title is reduced by $150,000,000.

(s) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title XII of this Act, for the Department of Housing and Urban Development under the heading ''Office of Healthy Homes and Lead Hazard Control'' may be available, and the amount made available under such title is reduced by $100,000,000.

(t) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II of this Act, for the National Institute of Standards and Technology under the heading ''Construction of Research Facilities'' may be available, and the amount made available under such title is reduced by $357,000,000.

(u) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II of this Act, for the National Telecommunications and Information Administration under the heading ''Digital-To-Analog Converter Box Program'' may be available for the digital-to-analog converter box program, and the amount made available under such title is reduced by $650,000,000.

(v) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title IV of this Act, for Department of Homeland Security under the heading ''Office of the Under Secretary for Management'' may be available for the planning, design, and construction costs to consolidate the Department of Homeland Security headquarters, and the amount made available under such title is reduced by $448,000,000.

SA 560. Mrs. HUTCHISON (for herself, Mr. ROCKEFELLER, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

FEDERAL AVIATION ADMINISTRATION

NEXTGEN ACCELERATION

For grants or other agreements to accelerate the transition to the Next Generation Air Transportation System by accelerating deployment of ground infrastructure for Automatic Dependent Surveillance–Broadcast, by accelerating development of procedures and routes that support performance-based air navigation, to incentivize aircraft equipage to use such infrastructure and procedures and routes, and for additional agency administrative costs associated with the certification and oversight of the deployment of these systems, $200,000,000, 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.

(RECISSION)

Of the amounts authorized under sections 48103 and 48112 of title 49, United States Code, $200,000,000 are permanently rescinded from amounts authorized for the fiscal year ending September 30, 2009.

SA 561. Mr. TESTER (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 106, line 21, strike ''border'' and insert ''and Northern borders''.

SA 562. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and 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 in the matter under the heading ''DEPARTMENT OF LABOR'' in title VIII, insert the following:

SEC. ____. Notwithstanding any other provision of law, in the case of a national emergency grant under section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) to address the effects of the May 4, 2007, Greensburg, Kansas tornado, funds made available for such grant shall remain available for expenditure through June 30, 2010.

SA 563. 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 451, between lines 13 and 14, insert the following:

SEC. _____. LOSS FROM SALE OR EXCHANGE OF STOCK OR DEBT SECURITIES OF, OR HELD BY, CORPORATIONS.

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

''SEC. 1261. LOSS FROM SALE OR EXCHANGE OF STOCK OR DEBT SECURITIES OF, OR HELD BY, CORPORATIONS.

''In the case of a taxable year beginning after December 31, 2008, and before January 1, 2011, loss from the sale or exchange of stock or debt securities of, or held by, any corporation which would (but for this section) be a loss from the sale or exchange of a capital asset shall be treated as an ordinary loss.''.

(b) CLERICAL AMENDMENT.—The table of sections for such part IV is amended by adding at the end the following new item:

''Sec. 1261. Loss from sale or exchange of stock or debt securities of, or held by, corporations.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges occurring after the date of the enactment of this Act, in taxable years ending after such date.

SEC. _____. TEMPORARY INCREASE IN PERSONAL CAPITAL LOSS DEDUCTION LIMITATION.

(a) IN GENERAL.—Section 1211 is amended by adding at the end the following new subsection:

''(c) SPECIAL RULE FOR TAXABLE YEARS BEGINNING IN 2009 AND 2010.—In the case of a taxable year beginning after December 31, 2008, and before January 1, 2011, subsection (b)(1) shall be applied by substituting '$10,000 ($20,000 in the case of a joint return)' for '$3,000 ($1,500 in the case of a married individual filing a separate return)'.''.

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

SA 564. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 410, line 3, strike the period and insert ''; and''.

On page 410, after line 3, insert the following:

''(G) reviewing the specific number of jobs created by each title of each division of this Act.''.

On page 410, line 10, after ''agencies.'' insert ''The Board shall include a complete assessment of the number of jobs created by each title of each division of this Act and shall recommend to the appropriate committees of Congress for rescission unobligated balances of any program in this Act that is not creating or cannot be reasonably expected to create jobs or help those displaced by the current recession.''.

On page 431, after line 8, insert the following:

SEC. _____. POINT OF ORDER AGAINST CONTINUING SPENDING LEVELS.

(a) BASELINE.—The second sentence of Section 257(c)(1) of The Balanced Budget and Emergency Deficit Control Act of 1985, as it was in effect on September 30, 2006, shall not apply to any of the discretionary budgetary resources provided in this Act for fiscal year 2090 or any subsequent fiscal year.

SA 565. Ms. SNOWE (for herself 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:

Beginning on page 338, strike line 19 and all that follows through line 9 on page 339, and insert the following:

''(1) BREACH.—

''(A) IN GENERAL.—The term 'breach' means the unauthorized acquisition, access, use, or disclosure of protected health information which compromises the security or privacy of such information, except where an unauthorized person to whom such information is disclosed would not reasonably have been able to retain such information.

''(B) EXCEPTIONS.—The term 'breach' does not include—

''(i) any unintentional acquisition, access, or use of protected health information by an employee or individual acting under the authority of a covered entity or business associate if—

''(I) such acquisition, access, or use was made in good faith and within the course and scope of the employment or other professional relationship of such employee or individual, respectively, with the covered entity or business associate; and

''(II) such information is not further acquired, accessed, used, or disclosed by such employee or individual; or

''(ii)(I) any inadvertent disclosure from an individual who is otherwise authorized to access protected health information at a facility operated by a covered entity or business associate to another similarly situated individual at same facility; and

''(II) any such information received as a result of such disclosure is not further acquired, accessed, used, or disclosed without authorization by such employee or individual.''.

SA 566. Ms. SNOWE (for herself 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:

Beginning on page 338, strike line 19 and all that follows through line 9 on page 339, and insert the following:

''(1) BREACH.—

''(A) IN GENERAL.—The term 'breach' means the unauthorized acquisition, access, use, or disclosure of protected health information which compromises the security or privacy of such information, except where an unauthorized person to whom such information is disclosed would not reasonably have been able to retain such information.

''(B) EXCEPTIONS.—The term 'breach' does not include—

''(i) any unintentional acquisition, access, or use of protected health information by an employee or individual acting under the authority of a covered entity or business associate if—

''(I) such acquisition, access, or use was made in good faith and within the course and scope of the employment or other professional relationship of such employee or individual, respectively, with the covered entity or business associate; and

''(II) such information is not further acquired, accessed, used, or disclosed by such employee or individual; or

''(ii)(I) any inadvertent disclosure from an individual who is otherwise authorized to access protected health information at a facility operated by a covered entity or business associate to another similarly situated individual at same facility; and

''(II) any such information received as a result of such disclosure is not further acquired, accessed, used, or disclosed without authorization by such employee or individual.''.

SA 567. Mr. BENNETT (for himself, Ms. MURKOWSKI, 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 investement, energy efficiency and science, assistance to the unemployed, and State and 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 70, strike line 12 and all that follows through page 72, line 22, and insert the following:

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For an additional amount for ''Energy Efficiency and Renewable Energy'', $14,398,000,000, for necessary expenses, to remain available until September 30, 2010, which shall be used as follows:

(1) $2,000,000,000 shall be available for grants for the manufacturing of advanced batteries and components and the Secretary of Energy shall provide facility funding awards under this heading 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*, That section 136(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(b)) shall be applied for each of fiscal years 2009 and 2010 by striking ''30 percent'' and inserting ''90 percent''.

(2) $2,048,000,000 shall be available for expenses necessary for energy efficiency and renewable energy research, development, demonstration, and deployment activities: *Provided further*, That—

(A) 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);

(B) 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); and

(C) 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.

(3) $2,900,000,000 shall be available 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.).

(4) $500,000,000 shall be available for the State Energy Program authorized under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321).

(5) $4,200,000,000 shall be available for Energy Efficiency and Conservation Grants, of which—

(A) $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.); and

(B) the remaining $2,100,000,000 shall be awarded on a competitive basis.

(6) $350,000,000 shall be available for grants to implement section 721 of the Energy Policy Act of 2005 (42 U.S.C. 16091) for acquisition and alternative fuel or fuel-cell vehicles, especially for transportation purposes.

(7) $200,000,000 shall be available for 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 and for near term large-scale electrification projects aimed at the transportation sector.

(8) No funds are provided for grants under section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h-1).

(9) $2,200,000,000 shall be available to off-set the costs associated with Federal purchases of electricity generated by renewable energy under section 203(e) of the Energy Policy Act of 2005 (42 U.S.C. 15852(e)).

(10) Notwithstanding section 3304 of title 5, United States Code, and without regard to sections 3309 through 3318 of such title 5, the Secretary of Energy, on a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, may, using funds provided under this heading, recruit and directly appoint highly-qualified individuals into the competitive service: *Provided further*, That—

(A) such authority shall not apply to positions in the Excepted Service or the Senior Executive Service;

(B) any action authorized under this paragraph shall be consistent with the merit principles of section 2301 of such title 5; and

(C) the Department of Energy shall comply with the public notice requirements of section 3327 of such title 5.

(11) $60,000,000 shall be available for infrastructure investments to support smart grid and related grid equipment testing activities of the National Laboratories.

On page 73, line 18, insert ''transmission plans, including'' before ''regional''.

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.

On page 77, line 14, before the period, insert the following: '': *Provided further*, That any fee imposed on an applicant in excess of the actual administrative costs to the Department of Energy in processing a loan guarantee application shall be refundable to the applicant if there is no financial close on that application''.

On page 85, line 25, insert ''and demand responsive equipment and'' after ''grid''.

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

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

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) 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 568. Mr. BOND (for himself and 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 investement, energy efficiency and science, assistance to the unemployed, and State and 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___. REQUIREMENT RELATING TO USE OF CERTAIN FUNDS.

(a) DEFINITION OF PROJECT.—In this section, the term ''project'' means the Mississippi River and Tributaries Project authorized by the Act of May 15, 1928 (45 Stat. 534; 100 Stat. 4183).

(b) RESTRICTION.—No amount appropriated or otherwise made available in the matter under the heading entitled ''DEPARTMENT OF DEFENSE—CIVIL'' may be used to deconstruct any work (including any partially completed work) completed under the project during fiscal year 2009 or 2010.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce that the Senate Committee on Energy and Natural Resources hold a business meeting on Wednesday, February 11, 2009 at 11:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider pending business before the committee.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources. The hearing will be held on Thursday, February 12, 2009, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the current state of the Department of Energy Loan Guarantee Program, authorized under Title 17 of the Energy Policy Act of 2005, and how the delivery of services to support the deployment of clean energy technologies might be improved.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact Mike Carr at (202) 224–8164 or Rachel Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, February 6, 2009 at 10 a.m.

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

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Bruce Fergusson be allowed the privilege of the floor during consideration of the American Recovery and Reinvestment Act.

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

Mr. ENZI. Mr. President, I ask unanimous consent that a fellow in my office, Gemma Weiblinger, be granted floor privileges for the duration of debate on the stimulus legislation.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that Miki Hanada of my staff be afforded floor privileges for the purposes of the consideration of this legislation.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the Republican leader, pursuant to 22 U.S.C. 2761, as amended, appoints the following Senator as Vice Chairman of the British-American Interparliamentary Group conference during the 111th Congress: the Honorable THAD COCHRAN of Mississippi.

ORDERS FOR SATURDAY, FEBRUARY 7, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 12 noon, Saturday, February 7; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the H.R. 1, as under the previous order.

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

PROGRAM

Mr. REID. Mr. President, the next vote will be on Monday at about 5:30 p.m.

ADJOURNMENT UNTIL NOON TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 12:39 a.m., adjourned until Saturday, February 7, 2009, at 12 noon.