S. 144

At the request of Mr. KERRY, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Illinois (Mr. DURBIN), the Senator from Maine (Ms. SNOWE), the Senator from Wyoming (Mr. ENZI) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S.J. RES. 5

At the request of Mr. VITTER, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Kentucky (Mr. BUNNING) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S.J. Res. 5, a joint resolution relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008.

S. RES. 10

At the request of Mr. SPECTER, his name was added as a cosponsor of S. Res. 10, a resolution recognizing the right of Israel to defend itself against attacks from Gaza and reaffirming the United States' strong support for Israel in its battle with Hamas, and supporting the Israeli-Palestinian peace process.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Mrs. MURRAY, Ms. STABENOW, Mr. WHITEHOUSE, Mr. LEAHY, Mr. CARDIN, Mr. SCHUMER, Mr. KOHL, Mr. FEINGOLD, Mr. KENNEDY, Mr. DURBIN, Mr. DODD, Mrs. BOXER, Ms. CANTWELL, Mr. WYDEN, Mr. REED, Mrs. FEINSTEIN, Mr. SANDERS, Mr. UDALL, of New Mexico, Mr. UDALL, of Colorado, Mr. HARKIN, Mr. LAUTENBERG, Mr. KERRY, Ms. KLOBUCHAR, and Mr. MENENDEZ):

S. 231. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, this morning we introduced legislation to protect the coastal plains region of the Arctic National Wildlife Refuge from the threat of oil and gas exploration. S. 231 designates 1.5 million acres of the Refuge as Wilderness to be included in the National Wilderness Preservation System. Bestowing Wilderness designation on this precious piece of national heritage will reaffirm the original intent of the Refuge: to provide habitat for Alaska's wildlife.

As designated Wilderness, that land will become subject to specific management restrictions. Human activities will be restricted to non-motorized recreation, scientific research, and other non-invasive activities. Logging, mining, road building, mechanized vehicles, and other forms of development are generally prohibited in designated Wilderness areas. However, since these particular lands are in Alaska, some public motorized uses will be permitted for subsistence and traditional use. For example, subsistence hunting as well as limited backpacking and hiking will be allowed.

The Arctic Refuge is home to 250 species of wildlife. Drilling there would severely harm its abundant populations of polar bears, caribou, musk oxen, and snow geese, and the amount of commercially recoverable oil in the Refuge would satisfy only a very small percentage of our nation's need at any given time.

The Arctic National Wildlife Refuge is a pristine natural treasure that must be preserved for future generations. We do not have to choose between conservation and exploration when it comes to our energy future; we can do both simultaneously while moving toward a sustainable and diverse national energy policy.

I look forward to working with my colleagues to pass this important legislation.

By Mr. DURBIN:

S. 234. A bill to designate the facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, as the ''Colonel John H. Wilson, Jr. Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

Mr. DURBIN. Mr. President, today I am pleased to introduce legislation to designate the United States Post Office at 2105 East Cook Street in Springfield, IL, as the ''Colonel John H. Wilson, Jr. Post Office Building,'' honoring the first African-American to achieve the rank of Colonel in the Illinois Reserves.

Colonel John H. Wilson, Jr., was born on December 28, 1918, in Springfield, IL. In 1942, he enlisted in World War II and served in five battle campaigns in Europe, including in General Patton's advance in France, for which he was awarded the Silver Star Medal.

In addition to his 14 years of active duty service, he served for 17 years in the Illinois Reserves. He served as group commander in Springfield from 1967–1973 and was promoted to Colonel in 1965, making him the first African-American to achieve that rank in the Illinois Reserves at that time. Upon his retirement in 1973, he was awarded the Legion of Merit from the Army.

In his civilian life, Col. Wilson worked for the United States Postal Service for 57 years. From time to time, he would stop by my office in Springfield to share news about our local post office and make sure our mail was being delivered on time. Whenever he could, he would stop by to see me in Washington.

Anyone who knew Col. Wilson also knew of his love for the Reserves. He was a life member of the U.S. Reserve Officers Association, President of the ROA Springfield Chapter from 1960–61 and President of the ROA Illinois Department from 1971–72.

He was also a commercial photographer, member of the Military Officers of America, and lifelong member of Holy Trinity Lutheran Church.

He died on August 30, 2008, in the same home of his birth. He is survived by his wife of 62 years, Lydie, and their two daughters, Shirley Wilson and Chantal Sneed.

Col. Wilson was a distinguished man of service. My hometown of Springfield, IL and our Nation is a better place because of his lifelong commitment to his country.

I am grateful to Springfield Mayor Timothy Davlin, former Illinois National Guard Adjutant General Lou Myers, and the local branch of the American Postal Workers Union for their support of this legislation. I hope my colleagues will join me in enacting this tribute to Col. Wilson.

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

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

S. 234

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

SECTION 1. COLONEL JOHN H. WILSON, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, shall be known and designated as the ''Colonel John H. Wilson, Jr. Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Colonel John H. Wilson, Jr. Post Office Building''.

By Mr. SCHUMER (for himself and Mr. UDALL of Colorado):

S. 235. A bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. UDALL of Colorado. Mr. President, I am proud to introduce the Credit Cardholders' Bill of Rights today with my friend and colleague, Senator CHARLES SCHUMER. We are introducing this bill today as a way to add some commonsense rules to the laws governing the issuance of credit cards.

Commonsense rules are important at a time when many Americans are hurting and taking on more debt, even as credit card companies are making record profits. I hear often from hardworking, honest Coloradans who are asking only to be treated fairly by the credit card industry, whose deceptive practices have plagued consumers for years.

We need to act to bring greater fairness to the millions of Americans who need and use credit cards every day. I have heard from constituents across Colorado, asking me to help even the playing field on this issue.

They benefit from the widespread availability of consumer credit, and their use of that credit has been important to our economy. In fact, for many Americans, consumer credit is more than a convenience. It is something that many people need to use to pay for their everyday needs. For them, it is a necessity.

Of course, another word for credit is debt, and credit card debt has increased considerably in recent years. Overall, during the last decade, total credit card debt rose by about 70 percent, and this clearly has an effect on consumers.

Some polls have reported that about 70 percent of surveyed families said the quality of their lives is adversely affected by the extent of their debts, and young people are more worried about going deeply into debt than about a terrorist attack.

Some have argued that much of this debt was caused by recklessness and an erosion of financial responsibility. That was one of the main arguments advanced in support of the recent changes in the bankruptcy laws.

But while there was something to that argument, it was not the whole story and it put too much emphasis on borrowers alone. Instead of just focusing on borrowers, Congress should also do more to promote responsibility by those who provide the credit, and one place to start is with credit card companies.

That is the reason I have been working to make some commonsense changes in the rules for credit card companies.

I first introduced a bill to do that back in 2006, and reintroduced it again the following year. I am proud it won the support of an array of consumer groups as well as cosponsors from congressional districts across the country.

Last year, the House passed H.R. 5244, the Credit Cardholders' Bill of Rights, a bill I introduced with Representative CAROLYN MALONEY, that includes many provisions based on my legislation.

The bill I am introducing today with Senator SCHUMER is almost identical to the House-passed bill. It includes protection against arbitrary interest rate increases. It will prevent cardholders who pay on time from being unfairly penalized. It will bar excessive fees and will require more fairness in the way payments are handled. And it will prohibit the use of ''universal default'' clauses—provisions that allow card issuers to impose a new, higher interest rate on a credit card account if there has been any change for the worse in the cardholder's credit score—even if the change is unrelated to the credit card account.

The passage of this legislation is made more urgent by our Nation's worsening financial crisis. I will work with Members of both parties to make these commonsense reforms and even the playing field for credit card consumers in Colorado and throughout the country.

By Mr. WYDEN (for himself, Mr. THUNE, Ms. KLOBUCHAR, and Ms. COLLINS):

S. 238. A bill to provide $50 billion in new transportation infrastructure funding through bonding to empower States and local governments to complete significant infrastructure projects across all modes of transportation, including roads, bridges, rail and transit systems, ports, and inland waterways, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, despite the record transportation funding that Congress provided in the 2005 Transportation Reauthorization bill—SAFETEA–LU—our Nation's infrastructure is being stressed to the breaking point. Our ports and rail lines are at or near capacity. Our highways are clogged.

Congress is working with President-Elect Obama on an economic stimulus package that will probably include funding for ''shovel-ready'' transportation projects. But even that won't come close to rehabilitating our Nation's transportation infrastructure.

The American Society of Civil Engineers has noted that over the next 5 years $1.6 trillion in investment is needed from all levels of government to keep our Nation's current transportation system up to date. To put that into perspective, our Nation's infrastructure needs roughly i times as much funding as was included in SAFETEA–LU.

The question is ''Where do we find the transportation funding that our country needs to meet our transportation and our economic needs?''

Senator THUNE's and my answer is to invest in America.

Everyone agrees that our country's infrastructure needs are tremendous. Everyone agrees that our country needs to invest more in transportation. What Congress hasn't been able to agree on is where to find the money. Gas taxes just don't generate enough revenues to even begin to satisfy highway and transit needs.

In this budget climate, pots of extra Federal money are not just sitting around waiting to be used, and States surely don't have any extra money either. Most have budget deficits. All the conventional funding sources are coming up short, so Senator THUNE and I think it's time to think outside the box—and outside the trust funds. The Federal Government is about the only entity in the country that does not borrow money for capital projects, but in this climate it should and it must.

Senator THUNE and I have come up with a creative approach to provide $50 billion of additional new funding for transportation projects our country desperately needs by issuing Build America Bonds. Our country's needs are so great that we think funding should be made available that is in addition to SAFETEA–LU.

Our legislation is not a substitute for fixing the transportation trust fund. We still must address that problem, and later this year we must start on a new Transportation bill. Our legislation is meant to provide extra money on top of regular transportation funding.

This money could not be earmarked by Congress. This will not fund any Senator's pet project. This money will be controlled by the States, and used for the projects they think are most critical.

An annual amount of approximately $500 million from trade fees will be placed in an Infrastructure Finance Account and invested for the life of the bonds, which will generate more than enough to repay the entire $50 billion principal amount.

That means the only cost to the Government is the ''interest portion'' on the bonds, which is in the form of tax credits. With this funding mechanism, as little as $2 billion a year could generate the $50 billion in funding for transportation infrastructure. I call that a very smart investment in our country's infrastructure.

This investment is badly needed.

Citizens stuck in traffic choking on exhaust need relief. Truckers who need to detour miles out of their way to avoid weight-limited bridges need relief. As our economy struggles with millions of workers losing their jobs, stagnating wages, the loss of even basic health benefits for many, and a mortgage market that is spiraling downward, the American economy desperately needs a shot in the arm.

The U.S. Department of Transportation estimates that each $1 billion of funding for transportation directly produces nearly 50,000 jobs. So under the Wyden/Thune proposal the $50 billion of new transportation funding will provide critical economic stimulus that will create up to 2.5 million family wage jobs.

This is an economic stimulus idea that will generate more funding for the economy now. It will create jobs. It's a chance for the Federal Government to hold up its end of the bargain with our States.

By Mrs. SHAHEEN (for herself and Mr. GREGG):

S. 239. A bill to amend title 38, United States Code, to ensure that veterans in each of the 48 contiguous States are able to receive services in at least one full-service hospital of the Veterans Health Administration in the State or receive comparable services provided by contract in the State; to the Committee on Veterans' Affairs.

Mrs. SHAHEEN. Mr. President, I rise to announce that I am introducing the Veterans Health Equity Act of 2009. This legislation requires the Department of Veterans Affairs to ensure that every State has either a full-service veterans hospital or, in the alternative, that veterans in every State have access to instate hospital care and medical services comparable to the services provided in full-service hospitals.

New Hampshire is currently the only State that does not have a full-service veterans hospital or a military hospital that provides comparable care to veterans. This imposes a great burden on too many New Hampshire veterans who are forced to travel out of State for routine medical services. New Hampshire has over 130,000 veterans and this number is projected to grow over the next 10 years. It is unconscionable that New Hampshire veterans must board buses in order to be transported to Massachusetts to get necessary medical care. New Hampshire's entire congressional delegation, Senate and House, Republican and Democratic, is united in our commitment to end this unfair treatment of veterans. I am pleased the senior Senator from New Hampshire, JUDD GREGG, has agreed to cosponsor this legislation with me.

Our bill is companion legislation to that introduced last week in the House by Representative CAROL SHEA-PORTER and cosponsored by Representative PAUL HODES. I wish to take this opportunity to salute Representative SHEA-PORTER for the leadership she has shown on this issue.

Our goal is to ensure that New Hampshire veterans can get the care they need and deserve instate. Our legislation provides the Veterans' Administration with flexibility to achieve this end. If it is not feasible for the VA to construct a new full-service hospital in New Hampshire or to restore full services at the VA hospital in Manchester, this legislation simply requires the Veterans' Administration to contract for comparable instate care.

My father served in Europe during World War II, my husband is a Vietnam era vet from the Army, and my son-in-law Ryan recently served in the Air Force. I am proud of my family's service and the service of all the veterans of New Hampshire and across this country. Every freedom and right we enjoy today was paid for with the sacrifices of the men and women who have served in our Nation's Armed Forces.

Our veterans deserve first-rate medical care, regardless of where they live. There are full-service veterans hospitals in 47 States and veterans in Alaska and Hawaii are able to receive care at military hospitals. New Hampshire alone has neither. I am hopeful our colleagues will recognize this inequity and support our efforts to provide New Hampshire veterans with the same access to health care that veterans in every other State receive.

I look forward to working with New Hampshire's congressional delegation, with my Senate colleagues and with the new Obama administration to end this injustice.

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

S. 239

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Health Equity Act of 2009''.

SEC. 2. AVAILABILITY OF FULL-SERVICE HOSPITAL OF THE VETERANS HEALTH ADMINISTRATION IN CERTAIN STATES OR PROVISION OF COMPARABLE SERVICES THROUGH CONTRACT WITH OTHER HEALTH CARE PROVIDERS IN THE STATE.

(a) IN GENERAL.—Chapter 17 of title 38, United States Code, is amended by inserting after section 1716 the following new section:

''§ 1716A. Access to full-service hospitals in certain States or comparable services through contract

''(a) REQUIREMENT.—With respect to each of the 48 contiguous States, the Secretary shall ensure that veterans in the State eligible for hospital care and medical services under section 1710 of this title have access—

''(1) to at least one full-service hospital of the Veterans Health Administration in the State; or

''(2) to hospital care and medical services comparable to the services provided in full-service hospitals through contract with other health care providers in the State.

''(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to restrict the ability of the Secretary to provide enhanced care to an eligible veteran who resides in one State in a hospital of the Veterans Health Administration in another State.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1716 the following new item:

''1716A. Access to full-service hospitals in certain States or comparable services through contract.''.

(c) REPORT ON IMPLEMENTATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report describing the extent to which the Secretary has complied with the requirement imposed by section 1716A of title 38, United States Code, as added by subsection (a), including the effect of such requirement on improving the quality and standards of care provided to veterans.

Mr. GREGG. Mr. President, I wish to discuss the Veteran's Health Equity Act, a bill that has been introduced by my friend from the other side of the aisle, Senator JEANNE SHAHEEN. I am pleased to start the 111th Congress in a bipartisan fashion and to support legislation that addresses an issue that is extremely important to our Nation's heroic military veterans, especially in my home State of New Hampshire.

This important piece of legislation, which I hope will have the Senate's full support, would require the Department of Veterans Affairs to guarantee that veterans in every State have access to instate hospital care. More specifically, the Veteran's Health Equity Act would require the VA to either provide a full-service VA hospital in every State or contract with one or a number of full-service hospitals to provide veterans with a comparable level of care.

At this time, New Hampshire, like Alaska and Hawaii, is without a full-service VA hospital and veterans are being forced to travel to Maine, Massachusetts, and Vermont in order to receive necessary medical treatment. Oftentimes, especially during the winter months, interstate travel can be extremely dangerous in New England, and our veterans should not be forced to travel long distances in order to receive the medical care they have earned and deserve.

I will continue to press the VA until veterans have access to local, full-service medical care. Our Nation's veterans, who have selflessly served our country, are owed high-quality medical care in exchange for their courageous service. The Veteran's Health Equity Act will guarantee that they receive that care in a local health care facility.

By Mrs. FEINSTEIN (for herself and Mr. ENSIGN):

S. 242. A bill to amend the Elementary and Secondary Education Act of 1965 to specify the purposes for which funds provided under part A of title I of that Act may be used; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President. I rise today with Senator Ensign to introduce legislation to ensure that Federal Title I education funds are targeted to help our Nation's neediest students learn.

Title I provides assistance to virtually every school district in the country, serving over 12.5 million children in low-income schools, including about 3 million California school children.

Although it has always been the intent of Congress for Title I funds to be used for academic instruction and instructional services, the Federal Government has never provided clear guidelines for how these important dollars should be used.

This lack of Federal guidance has become especially clear now, as States are struggling to comply with the Title I accountability standards established under ''No Child Left Behind''.

While State administrators of Title I are directed by law to meet these specific requirements, they have been given little guidance as to how to ensure that they are in compliance with the law.

I believe that the Federal Government is responsible for making this process as clear as possible to States and school districts.

This legislation would define Title I direct and indirect instructional services.

It would set a standard for the amount of Title I funds that can be used to achieve the academic and administrative objectives of this program.

It would ensure that the majority, 90 percent, of Title I funds are used to improve academic achievement by stipulating that a school district may not use more than 10 percent of these funds for administrative or indirect instructional services.

By setting a standard for the amount of funds that school districts can spend on administrative or indirect services, we ensure that the majority of Title I dollars are used by districts to help improve student academic achievement.

Furthermore, by defining direct and indirect services, all States can apply

the same standards for how Title I funds are used nationwide.

Examples of permissible Direct Services are: employing teachers and other instructional personnel, including employee benefits; intervening and taking corrective actions to improve student achievement; purchasing instructional resources such as books, materials, computers, and other instructional equipment; developing and administering curriculum, educational materials and assessments.

Examples of Indirect Services limited to no more than 10 percent of Title I expenditures are: business services relating to administering the program; purchasing or providing facilities maintenance or janitorial, gardening, or landscaping services or the payment of utility costs; buying food and paying for travel to and attendance at conferences or meetings, except if necessary for professional development.

Current law on Title I is much too vague.

It says, ''a State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.''

Basically, it says that Title I funds are to be used for the ''education of pupils.'' This is too ambiguous.

The U.S. Department of Education has given States a guidance document that explains how Title I funds can be used.

Under this guidance document, only two uses are specifically prohibited: construction or acquisition of real property; and payment to parents to attend a meeting or training session or to reimburse a parent for a salary lost due to attendance at a ''parental involvement'' meeting.

We should give the Department, States, and school districts clearer guidance in law.

During consideration of ''No Child Left Behind,'' I worked hard to get my bill defining appropriate Title I uses included in the Senate version of the bill.

Unfortunately, during conference consideration, that language was stripped out and in its place language was inserted directing the General Accounting Office to report on how States use their Title I funds.

In April 2003, GAO released the report that Congress directed them to submit on Title I Administrative Expenditures.

What GAO found is that while districts spent no more than 13 percent of Title I funds on administrative services, these findings were based on their own definition ''because there is no common definition on what constitutes administrative expenditures.''

Therefore, the accounting office could not precisely measure how much of schools' Title I funds were used for administration.

Because uses of Title I funds are not defined consistently throughout the States, the accounting office created its own definition by compiling aspects of State priorities to complete the report.

The very reason I worked to define how Title I funds should be used—to create consistency and distribution priority nationwide—became the definitive aspect preventing GAO from effectively drawing conclusions to their report.

The report highlights two concerns that I have with the lack of universal definitions in the Title I program: the lack of Federal guidance on effective uses of Title I funds; and the government's inability to accurately measure whether the academic needs of low-income students are being met.

This bill takes some strong steps by balancing the needs for States to retain Title I flexibility and providing them with the guidance needed to administer the program uniformly throughout the country.

My reasons for introducing this bill are two-fold: First, I believe that States must use their limited Federal Title I dollars for the fundamental purpose of providing academic instruction to help students learn.

Second, I believe that it is nearly impossible to achieve this fundamental purpose without providing a clear definition of what is considered an instructional service.

Federal funding is only about 8 percent of the total funding for elementary and secondary education and Title I is even a smaller percentage of total support for public schools.

That is why it is imperative to better focus Title I funds on academic instruction, teaching the fundamentals and helping disadvantaged children achieve.

It is critical that Federal guidance be provided to ensure that Title I funds go where they are needed most—improving the academic performance of low-income children.

I urge my colleagues to support this legislation.

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

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

S. 242

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Title I Education Funding Integrity Act of 2009''.

SEC. 2. DIRECT AND INDIRECT INSTRUCTIONAL SERVICES.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

''SEC. 1120C. DIRECT AND INDIRECT INSTRUCTIONAL SERVICES.

''(a) IN GENERAL.—

''(1) USE OF FUNDS.—Notwithstanding any other provision of this Act, a local educational agency shall use funds received under this part only for direct instructional services and indirect instructional services.

''(2) LIMITATION ON INDIRECT INSTRUCTIONAL SERVICES.—A local educational agency may use not more than 10 percent of funds received under this part for indirect instructional services.

''(b) INSTRUCTIONAL SERVICES.—

''(1) DIRECT INSTRUCTIONAL SERVICES.—In this section, the term 'direct instructional services' means—

''(A) the implementation of instructional interventions and corrective actions to improve student achievement;

''(B) the extension of academic instruction beyond the normal school day and year, including during summer school;

''(C) the employment of teachers and other instructional personnel, including providing teachers and instructional personnel with employee benefits;

''(D) the provision of instructional services to prekindergarten children to prepare such children for the transition to kindergarten;

''(E) the purchase of instructional resources, such as books, materials, computers, other instructional equipment, and wiring to support instructional equipment;

''(F) the development and administration of curricula, educational materials, and assessments;

''(G) the transportation of students to assist the students in improving academic achievement;

''(H) the employment of title I coordinators, including providing title I coordinators with employee benefits; and

''(I) the provision of professional development for teachers and other instructional personnel.

''(2) INDIRECT INSTRUCTIONAL SERVICES.—In this section, the term 'indirect instructional services' includes—

''(A) the purchase or provision of facilities maintenance, gardening, landscaping, or janitorial services, or the payment of utility costs;

''(B) the payment of travel and attendance costs at conferences or other meetings;

''(C) the payment of legal services;

''(D) the payment of business services, including payroll, purchasing, accounting, and data processing costs; and

''(E) any other services determined appropriate by the Secretary that indirectly improve student achievement.''.

By Mr. CARDIN (for himself, Ms. SNOWE, Mr. SCHUMER, Mr. ENSIGN, Ms. FEINGOLD, Mr. GRASSLEY, Mr. LEAHY, Mr. ALEXANDER, Mr. BURR, Mr. DODD, Ms. CANTWELL, and Mr. SANDERS):

S. 243. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to establish the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction and to exclude charitable mileage reimbursements for gross income; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise today to reintroduce a bill, the Giving Incentives to Volunteers Everywhere Act. In today's economic climate, Americans need relief—especially people who volunteer to help the less fortunate in their communities. We can't let an out-of-date mileage rate for volunteers who use their vehicles for charitable purposes exacerbate the pinch at the pump they are experiencing. Now,

while it is true that gas prices have retreated from their historic highs since last summer, the principle still stands: the Internal Revenue Service, IRS, should have discretion in setting the mileage rate for charitable organizations. This legislation will provide immediate relief for volunteers serving our elderly, poor, frail, and at-risk Americans. I'm pleased that the senior Senator from Maine, Senator SNOWE, and my other colleagues, the senior Senator from New York, Senator SCHUMER, and the junior Senator from Nevada, Senator ENSIGN, have joined me in introducing this legislation. They have worked extremely hard on this issue. I would also like to thank Senators GRASSLEY, FEINGOLD, LEAHY, ALEXANDER, SANDERS, BURR, DODD, and CANTWELL for being original co-sponsors of this bill.

The Internal Revenue Code does not fix a rate for individuals who are required to use their own vehicle for work, or for individuals taking a mileage deduction for moving purposes. The IRS is able to increase the deduction amount for these purposes to reflect the current economic climate and dramatically higher fuel prices. This is exactly what the IRS recently did.

Last July, the IRS modified the standard mileage rates for computing the deductible costs of operating an automobile for business, medical, or moving expenses. The revised standard mileage rate for business purposes increased from 50.5 cents per mile to 58.5 cents. For medical and moving expenses, the IRS increased the rate from 19 cents per mile to 27 cents per mile. I think the Nation's volunteers who travel on behalf of charitable organizations deserve an increase in their mileage rate, too.

Just recently, the IRS again modified the standard mileage rates for computing the deductible costs of operating an automobile for business, medical, or moving expenses. As of January 1, the revised standard mileage rate for business purposes was decreased from 58.5 cents to 55 cents. For medical and moving expenses, the IRS decreased the rate from 27 cents per mile to 24 cents per mile. This ability to change the rate due to the cost of gasoline or the economic climate is crucial and should be permitted for the Nation's charitable organizations.

My bill gives the IRS flexibility in setting the rate so that volunteers for charitable organizations could be given the same tax benefit accruing for moving, medical, and business expenses. It also provides a floor for volunteers, not allowing their rate to be set lower than moving and medical rate. In today's climate of increasing food and fuel prices, this bill will help relieve some of the pressure on charitable organizations and their volunteers. Additionally, this bill will allow the organization to reimburse the volunteer up to the business rate without any tax impact to volunteers.

Take Meals on Wheels, for example. This organization delivers nutritious meals and other nutrition services to men and women who are elderly, homebound, disabled, frail, or otherwise at-risk. The services Meals on Wheels provides significantly improve the recipients' quality of life and health, and often help to postpone institutionalization.

Over the past year, there has been nearly a 20 percent increase in fuel and food prices, coupled with reduced government funding and fewer donations across the country. Nearly 60 percent of the estimated 5,000 programs that operate under the auspices of the Meals on Wheels Association of America have lost volunteers, in large part because it became too expensive for the volunteers to drive back and forth. Nearly half the programs have eliminated routes or consolidated meal services. About 38 percent of the programs have switched to delivering frozen meals, and about 30 percent are cutting personal visits from 5 days a week to one.

In Maryland, the Central Maryland Meals on Wheels has experienced an increase of 7 percent in food costs and suppliers are charging higher delivery fees. The cost to fill up the vans with gas has increased. Fuel costs averaged $72,538.70 in fiscal year 2007; this year, the costs have jumped to $86,790.63. This is an organization with volunteers serving over 3,100 elderly, disabled, frail, and at-risk Marylanders. Its volunteers deserve relief from high gas prices just as much as people who use their car for work or for medical purposes or for moving.

Throughout the United States, Meals on Wheels served over 3 million people and more than 250 million meals in fiscal year 2006. This is just one of thousands of charitable organizations. We need to encourage and support the Meals on Wheels volunteers and all other volunteers who need their cars to help their neighbors and communities. The Giving Incentives to Volunteers Everywhere bill will do just that, and I hope my colleagues will support it.

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

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

S. 243

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Giving Incentives to Volunteers Everywhere Act of 2009'' or the ''GIVE Act of 2009''.

SEC. 2. DETERMINATION OF STANDARD MILEAGE RATE FOR CHARITABLE CONTRIBUTIONS DEDUCTION.

(a) IN GENERAL.—Subsection (i) of section 170 of the Internal Revenue Code of 1986 (relating to standard mileage rate for use of passenger automobile) is amended to read as follows:

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

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

SEC. 3. EXCLUSION FROM GROSS INCOME FOR CHARITABLE MILEAGE REIMBURSEMENTS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by adding at the end the following new section:

''SEC. 139C. CHARITABLE MILEAGE REIMBURSEMENT.

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

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

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

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

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

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

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

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

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

By Mr. KOHL (for himself, Mrs. LINCOLN, and Mr. CASEY):

S. 245. A bill to expand, train, and support all sectors of the health care workforce to care for the growing population of older individuals in the United States; to the Committee on Health, Education, Labor, and Pensions.

Mr. KOHL. Mr. President, I rise today to introduce the Retooling the Health Care Workforce for an aging America Act, a bill that will address the impending and severe shortage of health care workers who are adequately trained and prepared to care for older Americans. The unfortunate fact of the matter is that while our country is aging rapidly, the number of health care workers devoted to caring for older Americans is experiencing a shortage—one that will only grow more desperate as the need for these caregivers skyrockets.

We face many challenges. We know that few nursing programs require coursework in geriatrics and that in medical schools, comprehensive geriatric training is a rarity. Currently, only one percent of all physicians are certified geriatricians, even as the population of older people is on track to double by 2030, and less than one percent of all nurses are certified gerontological nurses. Absent any change, by 2020, the supply of nurses in the United States will fall 29 percent below projected requirements, resulting in a severe shortage of nursing expertise relative to the demand for care of frail older adults.

Ensuring that health care workers are properly trained in the provision of care to our seniors is vital. For the direct care workforce, which includes home care aides and personal care attendants, we know that state training requirements vary enormously, despite the fact that studies show that more training is correlated with better staff recruitment and retention. We also know that family caregivers want enhanced education and training to develop the necessary skills to provide the best possible care for an ailing family member. There are more than 44 million people providing care for a family member or friend nationwide. These caregivers frequently do the same work as a professional caregiver, but they do so voluntarily and with little or no training. To their loved one, they are the doctor, the nurse, the assistant, the therapist, and oftentimes the sole source of emotional and financial support.

Fortunately, knowing what we need to change is half the battle. The bill I introduce today will expand, train, and support the workforce that is dedicated to providing care for the older members of our population, incorporating the major recommendations for improving the skills and preparedness of the health care workforce put forth in the Institute of Medicine report, ''Retooling for an Aging America: Building the Healthcare Workforce.'' It has the support of many national organizations, such as AARP, the American Health Care Association, the American Association of Homes and Services for the Aging, Consumers Union, Family Caregiver Alliance, the National Alliance for Caregiving, the National Association of Area Agencies on Aging, Alzheimer's Association, the American Geriatrics Society, the National Association for Home Care and Hospice, Paraprofessional HealthCare Institute, the American Association of Geriatric Psychiatry, Alliance for Aging Research, and The Catholic Health Association.

By the year 2020, it is estimated that the number of older adults in need of care will increase by one-third. The United States will not be able to meet the approaching demand for health care and long-term care without a workforce that is prepared for the job. Bolstering the health care workforce will be an integral part of national health care reform, and I look forward to working with Finance and HELP Committee leaders on incorporating this legislation into their policy proposals.

By Mr. DURBIN:

S. 246. A bill to amend title 38, United States Code, to improve the quality of care provided to veterans in Department of Veterans Affairs medical facilities, to encourage highly qualified doctors to serve in hard-to-fill positions in such medical facilities, and for other purposes; to the Committee on Veterans' Affairs.

Mr. DURBIN. Mr. President, in the fall of 2007, at least nine veterans died at the Marion VA Medical Center as a result of the poor medical care they received. We immediately learned that a VA surgeon, who had operated on some of these veterans, was not qualified to work at the VA but slipped through the hiring process. Later, VA investigations revealed much larger problems in the management of the facility—problems that employees kept secret out of fear for losing their jobs. Today, I am reintroducing legislation to help ensure that incidents like these never take place again at Marion or another VA medical center.

I asked the VA to investigate the circumstances surrounding these unfortunate deaths as soon as they came to light. The VA investigation revealed that Marion hospital management knew that doctors, including the surgeon at issue, were not properly credentialed but failed to act. The surgeon remained employed at the Marion hospital and practiced there for more than a year. Had he not been hired to work at Marion, many of his patients may have survived their surgeries.

The VA investigation revealed additional quality of care issues at the Marion hospital. Management disregarded VA quality care directives in the face of serious patient incident reports and surgical data collected to ensure quality of care. They ignored or failed to recognize warning signs that there were problems in the surgical program.

The investigation also showed many Marion Medical Center employees feared reporting quality of care issues. They worried that quality of care might be suffering at the facility but hesitated to report those concerns for fear of losing their jobs. A primary reason is that such reports were funneled through management at the facility, rather than being handled by an independent and confidential outlet focused solely on quality of care.

The legislation I am introducing would improve quality of care across the VA medical care system.

First, it would improve the process of vetting doctors who apply to or work for the VA and restore accountability to physician hiring and retention practices.

Second, the legislation would expand the quality control programs in the VA health care system. The bill creates new quality assurance officer positions, gives VA employees new forums to raise concerns about the quality of care at a VA facility, without fear of retribution, and establishes strong peer review mechanisms for physicians.

Third, the legislation would create incentives to encourage high-quality doctors to practice at VA hospitals. In return for agreeing to practice in hard-to-serve areas, doctors and medical students could participate in student loan forgiveness and tuition reimbursement programs. Doctors would also be eligible to participate in the federal employee health insurance program.

Fourth, where practical, VA medical facilities would be required to establish affiliations with nearby medical schools. These partnerships would expose medical students to careers with the VA. In return, the VA would benefit from the energy and innovative ideas brought by students working in their facilities. In addition, VA hospitals would benefit from access to experienced medical school faculty members.

Finally, the bill would encourage the VA to increase its recruitment of experienced doctors who are willing to practice for our veterans. The VA must hire and retain only highly qualified doctors as it takes on these tremendous responsibilities.

Every one of the tragic deaths at the Marion VA hospital violated the obligation our Nation owes to its veterans. Each of their lives can never be replaced. The Veterans Health Care Quality Improvement Act is a strong step toward avoiding such tragedies in the future and reestablishing trust in the veterans health care system.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, and Mr. SCHUMER):

S. 247. A bill to accelerate motor fuel savins nationwide and provide incentives to registered owners of high fuel consumption automobiles to replace such automobiles with fuel efficient automobiles or public transportation; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the ''Accelerated Retirement of Inefficient Vehicles Act.'' This legislation is cosponsored by Senators SUSAN COLLINS and CHARLES SCHUMER. A companion bill is also being introduced today in the House of Representatives by Mr. ISRAEL and Mr. INSLEE.

Let me first acknowledge the important role of one of my colleagues, Senator SALAZAR, who initiated much of the thought and drafting for this legislation at the end of the last Congress. I thank him for his leadership, and I thank him for letting us take up the work needed to move this bill forward as he begins to transition into his new role with the incoming Obama administration.

Last Congress, we successfully enacted legislation—which I authored

with Senator SNOWE and others—to improve the fuel efficiency of America's fleet of new cars, trucks and SUVs by 10 miles per gallon over 10 years, or from 25 miles per gallon to at least 35 miles per gallon by 2020.

But the fact is that we face real challenges with trying to encourage drivers to trade in their older, less fuel efficient vehicles for a cleaner and more fuel efficient vehicle—particularly in this tough economic climate.

This bill is designed to address that problem.

First, let me explain this legislation.

This bill would establish an incentive program at the Department of Energy to provide a voucher, or coupon, of between $2,500 to $4,500 to a consumer who trades in an inefficient, used vehicle for a much more efficient car, truck, or SUV.

The traded-in vehicles—which must be then dismantled or scrapped—must meet the following requirements; have a fuel economy of no more than 18 miles per gallons, be in drivable condition, and have been registered for at least the past 120 days.

To receive the benefit of the coupon, purchased vehicles must exceed Corporate Average Fuel Economy, CAFE, Standards for that class of vehicle by at least 25 percent and have a suggested retail price below $45,000.

The size of the coupon varies based upon the expected oil savings created by trading in the vehicle.

The voucher program will be set up to provide larger credits to new, more recent vehicles that would otherwise be on the road for many more years, while older ''clunker'' models would be eligible for smaller credits.

The bill specifies that during the first year of the program, vouchers will be issued for the following amounts: For model year 2002 and later: new vehicle: $4,500, used vehicle: $3,000, transit fare credit: $3,000. For model year 1999–2001: new vehicle: $3,000, used vehicle: $2,000, transit fare credit: $2,000. For model year 1998 and earlier: new vehicle: $2,500, used vehicle: $1,500, transit fare credit: $1,500. In each subsequent year, 2010, 2011, and 2012, the model years would be advanced by 1 year.

Vouchers would be eligible for redemption for up to 2 years after the date of issuance, and no individual would be eligible to obtain more than one voucher in any 3-year period.

Dealers, dismantlers and scrap recycling facilities would also be eligible for a payment of $50 per vehicle, or an alternative amount to be specified by the Secretary of Energy.

Simply put, this legislation offers a unique opportunity to both stimulate automobile industry sales and reduce vehicular oil use, creating a win-win policy for all involved.

As we know, our Nation's automobile industry is in serious trouble.

Chrysler, General Motors, and Ford have all asserted in their recent viability plans that their dire financial situation is a direct result of the collapse in automobile sales.

The new car sales rate has dropped to less than 11 million vehicles sold annually, compared to the 16.2 million vehicles sold in the United States in 2007.

The major Detroit and Japanese carmakers all reported double digit sales drops for December. General Motors reported sales dropped 31 percent; Ford Motor Co. reported a drop of 32 percent; Chrysler LLC reported sales plummeted 53 percent; Honda Motor Co. said its sales fell 34 percent; Nissan North America said its sales fell 30 percent and Toyota Motor Co. said its U.S. sales fell 37 percent.

Bottom line: The automobile companies are all in trouble because far fewer people are buying automobiles.

According to J.D. Power and Associates, this has produced dealer lots full of vehicles that can't be sold. Over the past year the number of days that a vehicle sits on a lot has almost doubled.

The problem is most severe for Chrysler, GM and Ford. Their vehicles all sat on dealer lots for in excess of 100 days last year.

By encouraging automobile sales, this legislation would go a long way to addressing the significant troubles that America's once mighty car industry now faces.

While emergency bridge loans help auto companies make payroll, only stimulating automobile sales will cure the disease that confronts the automobile sector.

By creating a voucher system for the purchase of a vehicle with certain attributes, this legislation would stimulate sales at precisely the right moment.

Perhaps that is why General Motors went out of its way to endorse this kind of program in its recent Viability Plan, recommended ''tax credits for scrapping older, higher-carbon emitting vehicles.''

This legislation would also assist owners of the least efficient vehicles who are least likely to trade their cars in for something more efficient.

The trade-in value of inefficient vehicles has plummeted, making a trade-in financially difficult.

In a November 2008 analysis, Kelley Blue Book concluded: ''[T]his year's vehicles with the lowest retained value include vehicles that are not fuel friendly with large V–8 engines. . . . These gas misers . . . will only maintain 20 percent of their original value after five years of ownership.''

Bottom line: The legislation is stimulus of the most important kind. It would provide incentives for new vehicle sales, incentivize the trade-in of inefficient vehicles, and reward consumers who want to reduce their oil use and carbon footprint.

This proposal also provides important benefits for the environment—and addressing the challenges of climate change.

I have been a long time champion of increasing fuel economy standards, and I was extremely proud to have authored the new fuel economy law with Senator SNOWE, which was enacted by Congress and signed into law in December 2007.

But new CAFE standards will not take effect until model year 2011. They cannot make up for our failure to increase standards for the past 3 decades.

The bill we are introducing today would target the very vehicles that CAFE standards are unable to reach: older fuel-inefficient cars, trucks and SUVs

It will provide incentives to consumers who wish to buy the most efficient vehicles available during the 2 years before the new CAFE standards will require improvement.

It will provide incentives to remove the most inefficient vehicles that would have never been part of the fleet had Congress acted to increase CAFE standards 5 years ago.

The result is considerable oil savings and significant reductions of greenhouse gas emissions.

According to analysis by the non-partisan American Council for an Energy Efficient Economy, ACEEE, by 2013 this legislation would prompt the trade in of between 500,000 and 1 million of the dirtiest, least efficient vehicles on the road today.

As a result, by 2013 between 40,000 and 80,000 fewer barrels of oil per day will be burned; between 6.6 million metric tons and 13.3 million metric tons of carbon dioxide per year will not be emitted.

This is the equivalent of removing between 1.1 million and 2.2 million cars from the road.

In our current economic and environmental circumstance, there are few opportunities to both help the automobile industry evolve and improve the fuel economy of the fleet.

This idea—providing consumers with an incentive to trade in their inefficient vehicle for something far better—will stimulate the economy and save oil, and I encourage my colleagues to support it.

I strongly encourage the Obama administration and the Appropriations Committee to authorize and fund this proposal in the stimulus.

I am committed to advancing the goals of stimulus and fuel savings, and have put what I believe to be the best proposal to meet these goals.

I understand that within the details of this idea, there may be different views. I am open to suggestions that improve the structure of the program proposed by this legislation, and ask my colleagues to communicate their thoughts soon.

Finally, I hope non-related matters—such as trade policy—will not prevent my colleagues from supporting this legislation.

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

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

S. 247

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Accelerated Retirement of Inefficient Vehicles Act of 2009''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AUTOMOBILE; MANUFACTURER; MODEL; MODEL YEAR.—The terms ''automobile'', ''manufacturer'', ''model'', and ''model year'' have the meanings given such terms in section 32901(a) of title 49, United States Code.

(2) CERTIFICATE OF TITLE.—The term ''certificate of title'' means a State-issued document showing ownership of an automobile.

(3) DEALER.—The term ''dealer'' means a person residing in a State that engages in the sale, lease, or distribution of new automobiles to the first person (except a dealer buying as a dealer) that is an ultimate purchaser.

(4) DISMANTLER.—The term ''dismantler'' means a person residing in a State who is licensed to operate a business employing 3 or more persons to take automobiles apart for the purpose of reclaiming usable parts and recyclable materials.

(5) ELIGIBLE FLEET OPERATOR.—The term ''eligible fleet operator'' means—

(A) the operator of a fleet of automobiles that is owned by a State, Indian tribe, or local government; or

(B) the owner of 2 or more automobiles authorized to carry passengers for hire under State, tribal, or local regulations governing the operation of taxi cabs.

(6) ELIGIBLE HIGH FUEL CONSUMPTION AUTOMOBILE.—The term ''eligible high fuel consumption automobile'' means a high fuel consumption automobile that, at the time it is presented for participation in the program established under section 3—

(A) is in drivable condition; and

(B) has been continuously registered and licensed to operate in any State for a period of not fewer than 120 consecutive days for operation on public roads.

(7) FUEL EFFICIENT AUTOMOBILE.—The term ''fuel efficient automobile'' means an automobile manufactured for any model year after 2003 that, at the time of the original sale to a consumer—

(A) carries a manufacturer's suggested retail price of $45,000 or less;

(B) complies with the applicable air emission and related requirements under the National Emission Standards Act (42 U.S.C. 7521 et seq.);

(C) qualifies for listing in emission bin 1, 2, 3, 4, or 5 (as defined in section 86.1803–01 of title 40, Code of Federal Regulations); and

(D)(i) for automobiles manufactured in any of the model years 2004 through 2010, achieves a measured fuel economy level that exceeds by 25 percent the fuel economy standard prescribed by the Secretary of Transportation under section 32902 of title 49, United States Code, for the model year and compliance category of such automobile; or

(ii) for automobiles manufactured for any model year after 2010, achieves a measured fuel economy level that exceeds by 25 percent the fuel economy target prescribed by the Secretary of Transportation under such section 32902 for the model year and automobile attribute group into which such automobile is classified.

(8) HIGH FUEL CONSUMPTION AUTOMOBILE.—The term ''high fuel consumption automobile'' means an automobile manufactured for any model year before 2008 for which the originally certified measured fuel economy level is less than 18 miles per gallon.

(9) MEASURED FUEL ECONOMY LEVEL.—The term ''measured fuel economy level'' means the fuel economy level of a new automobile model measured in accordance with section 32904 of title 49, United States Code, and regulations prescribed thereunder.

(10) NEW AUTOMOBILE.—The term ''new automobile'' means an automobile for which a manufacturer, distributor, or dealer has never transferred the equitable or legal title to such automobile to an ultimate purchaser.

(11) NONPASSENGER AUTOMOBILE.—The term ''nonpassenger automobile'' means an automobile classified as a light truck under part 523 of title 49, Code of Federal Regulations.

(12) PERSON.—The term ''person'' has the meaning given such term in section 551 of title 5, United States Code.

(13) PROGRAM.—The term ''Program'' means the Accelerated Retirement of Inefficient Vehicles Program established under section 3.

(14) REGISTERED OWNER.—The term ''registered owner'' means, with respect to an automobile, the person whose name appears on the current State certificate of registration for such automobile.

(15) SCRAP RECYCLING FACILITY.—The term ''scrap recycling facility'' means a business—

(A) employing 3 or more individuals at a fixed location in a State, where machinery and equipment are utilized for processing and manufacturing scrap metal into prepared grades; and

(B) whose principal product is scrap iron, scrap steel, or nonferrous metallic scrap for sale for remelting purposes.

(16) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(17) STATE.—The term ''State'' has the meaning given such term in section 32101 of title 49, United States Code.

(18) ULTIMATE PURCHASER.—The term ''ultimate purchaser'' means, with respect to any new automobile, the first person who in good faith purchases such automobile for purposes other than resale.

(19) VOUCHER.—The term ''voucher'' means a voucher issued to the registered owner of an eligible high fuel consumption automobile under section 3(a).

SEC. 3. ACCELERATED RETIREMENT OF INEFFICIENT VEHICLES PROGRAM.

(a) ESTABLISHMENT.—There is established in the Department of Energy a program to be known as the ''Accelerated Retirement of Inefficient Vehicles Program'', through which the Secretary shall—

(1) authorize the issuance of a voucher, subject to the limitations described in subsection (e)(1), to any person or eligible fleet operator who is a registered owner of an eligible high fuel consumption automobile, which voucher may be used solely by such person or eligible fleet operator for the purchase of a new or used fuel efficient automobile upon the transfer of the certificate of title to such high fuel consumption automobile to a dealer, dismantler, or scrap recycling facility participating in the Program;

(2) allow any dealer, dismantler, or scrap recycling facility to participate in the Program if the dealer, dismantler, or scrap recycling facility agrees to—

(A) scrap any eligible high fuel consumption automobile upon receiving the certificate of title to such automobile pursuant to the Program;

(B) issue a voucher to the registered owner of such automobile;

(C) certify to the Secretary that such automobile has been crushed or shredded in accordance with subsection (e)(4); and

(D) comply with all applicable requirements under this Act and any regulations promulgated by the Secretary to carry out this Act;

(3) require that all dealers accept vouchers presented by a person or eligible fleet operator described in paragraph (1) as partial payment for the purchase of a new or used fuel efficient automobile; and

(4) make payments to dealers for vouchers accepted by such dealers under paragraph (3) between January 1, 2009 and December 31, 2014, in accordance with the provisions of this section.

(b) AMOUNT OF VOUCHER.—

(1) VOUCHER REDEMPTION VALUE IF USED TOWARD PURCHASE OF NEW FUEL EFFICIENT AUTOMOBILE.—A voucher issued under the Program during the 4-year period beginning on January 1, 2009, may be applied to offset the purchase price of a new fuel efficient automobile by—

(A) $4,500 if the eligible high fuel consumption automobile was manufactured for a model year that is 7 or fewer years less than the calendar year in which the voucher was issued;

(B) $3,000 if the eligible high fuel consumption automobile was manufactured for a model year that is 8 to 10 years less than the calendar year in which the voucher was issued; and

(C) $2,500 if the eligible high fuel consumption automobile was manufactured for a model year that is 11 or more years less than the calendar year in which the voucher was issued.

(2) VOUCHER REDEMPTION VALUE IF USED TOWARD PURCHASE OF USED FUEL EFFICIENT AUTOMOBILE.—A voucher issued under the Program during the 4-year period beginning on January 1, 2009, may be applied to offset the purchase price of a used fuel efficient automobile by—

(A) $3,000 if the eligible high fuel consumption automobile was manufactured for a model year that is 7 or fewer years less than the calendar year in which the voucher was issued;

(B) $2,000 if the eligible high fuel consumption automobile was manufactured for a model year that is 8 to 10 years less than the calendar year in which the voucher was issued; and

(C) $1,500 if the eligible high fuel consumption automobile was manufactured for a model year that is 11 or more years less than the calendar year in which the voucher was issued.

(3) VOUCHER REDEMPTION VALUE IF USED TOWARD PURCHASE OF A HIGHLY FUEL EFFICIENT AUTOMOBILE.—The values determined under paragraphs (1) or (2) shall be increased by $1,000 if the voucher issued under the Program is applied to offset the purchase price of a fuel efficient automobile that achieves a measured fuel economy level that exceeds by 50 percent the fuel economy standard prescribed by the Secretary of Transportation under section 32902 of title 49, United States Code, for the model year and compliance category of such automobile.

(4) VOUCHER REDEMPTION VALUE IF USED FOR TRANSIT FARE CREDITS.—A voucher issued under the program during the 4-year period beginning on January 1, 2009, may be applied to acquire single-passenger transit fare credits from participating transit operators in an amount equal to the amounts provided under paragraph (2).

(c) ADMINISTRATIVE PAYMENTS TO PARTICIPATING DEALERS, DISMANTLERS, AND SCRAP RECYCLING FACILITIES.—The Secretary shall provide for a payment of $50, or another amount determined reasonable by the Secretary, to participating dealers, dismantlers, and scrap recycling facilities for each voucher issued under the Program in consideration of the administrative costs related to such issuance.

(d) LISTS OF ELIGIBLE AUTOMOBILES TO BE MAINTAINED.—The Secretary, in cooperation

with the Secretary of Transportation, shall prepare, maintain, publicize, and make available through the Internet, lists of automobiles, classified by make and model, which are classified under this section as—

(1) eligible high fuel consumption automobiles;

(2) new fuel efficient automobiles; or

(3) used fuel efficient automobiles.

(e) PROGRAM SPECIFICATIONS.—

(1) LIMITATIONS.—

(A) VOUCHERS PER PERSON.—Not more than 1 voucher may be issued to a person in any period of 3 successive calendar years. A person may be issued a voucher if the person demonstrates, in a manner prescribed by rule by the Secretary, that such person—

(i) is the registered owner of an eligible high fuel consumption automobile; and

(ii) attests that such high fuel consumption automobile has not been imported into the United States during the previous 4-month period.

(B) VOUCHERS FOR ELIGIBLE FLEETS.—A voucher for the purchase of a new or used fuel efficient automobile from a dealer may be issued to an eligible fleet operator for each eligible high fuel consumption automobile for which such eligible fleet operator is the registered owner, as demonstrated in a manner prescribed by rule by the Secretary.

(C) OFFSET.—A dealer—

(i) shall credit the amount of the voucher being applied toward the purchase of a fuel efficient automobile; and

(ii) may not offset the amount of the voucher against any other rebate or discount otherwise being offered by the dealer or manufacturer.

(D) JOINT OWNERSHIP.—Not more than 1 voucher may be issued to the joint owners of an eligible high fuel consumption automobile, unless such automobile is operated by an eligible fleet operator.

(E) NO COMBINATION OF VOUCHERS.—A person may not apply 2 or more vouchers issued under the Program toward the purchase of a single fuel efficient automobile.

(F) COMBINATION WITH OTHER INCENTIVES PERMITTED.—Notwithstanding any other provision of law, the availability or use of a Federal or State tax incentive or a State-issued voucher for the purchase of a fuel efficient automobile shall not limit the value or issuance of a voucher under the Program to any person or eligible fleet operator otherwise eligible to receive such a voucher.

(G) DURATION.—Each voucher shall expire 2 years after the date on which the voucher is issued and may not be renewed.

(H) PROMPT FULFILLMENT OF REDEMPTION REQUESTS REQUIRED.—The Secretary shall provide for the payment of all vouchers submitted to the Secretary for redemption in accordance with the provisions of this Act not later than 60 days after such submission, or within such lesser period as the Secretary determines to be practicable.

(I) NUMBER AND AMOUNT.—The total number and value of vouchers issued under the Program may not exceed the amounts appropriated for such purpose.

(2) CONSUMER EDUCATION PROGRAM.—The Secretary shall carry out a consumer education program aimed at informing persons about the Program, its fuel economy purposes, and the availability of vouchers under the Program.

(3) TRANSIT FARE CREDITS.—The Secretary shall promulgate regulations that allow operators of bus and rail public transit systems to redeem vouchers properly issued to any person under this Act to offset the purchase price of annual transit passes or any other form of individual transit fare credit designated by the transit system operator. Participating transit system operators shall establish the terms and conditions for the ownership, use, and expiration of any transit fare credits acquired through the use of a voucher issued under this Act.

(4) DISPOSITION OF ELIGIBLE HIGH FUEL CONSUMPTION AUTOMOBILES.—

(A) IN GENERAL.—Any automobile dealer, dismantler, or scrap recycling facility who receives a certificate of title to any eligible high fuel consumption automobile in exchange for a voucher under the Program shall certify to the Secretary, in such manner as the Secretary shall prescribe by rule, that such automobile and engine—

(i) have been crushed or shredded within such period as the Secretary prescribes;

(ii) have been processed prior to crushing or shredding to ensure the removal and appropriate disposition of refrigerants, antifreeze, lead products, mercury switches, and such other toxic or hazardous vehicle components as the Secretary may specify by rule; and

(iii) have not been, and will not be, sold, leased, exchanged, or otherwise disposed of for use as an automobile in the United States or in any other country.

(B) SAVINGS PROVISION.—Nothing in subparagraph (A) may be construed to preclude a dismantler from—

(i) selling any parts of such scrapped automobile other than the engine block and drive train for use as replacement parts; or

(ii) retaining the proceeds from such sale.

(C) COORDINATION.—The Secretary shall coordinate with the Attorney General to ensure that the National Motor Vehicle Title Information System is appropriately updated to reflect the crushing or shredding of high fuel consumption automobiles under this section.

(f) RULEMAKING.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to implement the Program, including—

(1) the removal and disposition of toxic or hazardous materials from eligible high fuel consumption vehicles presented for participation in the program; and

(2) the enforcement of the penalties described in section 4.

(g) DISCLAIMER.—Nothing in this Act or any other provision of law limits the authority of Congress or the Secretary to terminate or limit the Program or the issuance of vouchers under the Program.

SEC. 4. PENALTIES.

(a) VIOLATION.—It shall be unlawful for any person to violate any provision under this Act or any regulations issued pursuant to section 3(f).

(b) PENALTIES.—Any person who commits a violation described in subsection (a) shall be liable to the United States Government for a civil penalty of not more than $5,000 for each violation. A separate violation shall be deemed to have occurred for each day the person continues to be in violation of any provision under this Act.

SEC. 5. REPORT.

The Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives every 6 months that specifies, for the most recent 6-month period—

(1) the number of vouchers which have been used under the Program; and

(2) the make, model, model year, location of sale, and manufacturing location of each vehicle traded in or purchased under the Program.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated, for each of the fiscal years 2009 through 2014, such sums as may be necessary to carry out this Act, which sums shall remain available until expended.

By Mr. BOND:

S. 248. A bill to prohibit the use of certain interrogation techniques and for other purposes; to the Select Committee on Intelligence.

Mr. BOND. Mr. President, I rise to introduce the Limitations on Interrogation Techniques Act of 2009. This bill is identical to one I introduced last summer, along with Senators HATCH, CHAMBLISS, BURR, and WARNER. Last week, my colleague and good friend on the Intelligence Committee, Senator FEINSTEIN, introduced a bill that, among other things, requires all intelligence interrogations to be conducted only in accordance with the Army Field Manual. The Army Field Manual was designed to monitor and to describe the techniques which could be used by the many thousands and tens of thousands of Army personnel who might be engaged in interrogating people caught in field operations. Unfortunately, I believe this is the wrong approach.

First, the Army Field Manual is a document that can be changed by the Secretary of the Army without ever coming back to Congress. It was meant to deal with Army personnel—the fine men and women of the Army. The next problem is that by setting legislative standards according to a departmental policy manual, Congress, in effect, would be ceding our legislative function to the Secretary of the Army. Even more importantly, I don't believe we should have a one-size-fits-all approach when we are talking about interrogations that would be conducted by the military or the FBI over here or the CIA over here and a host of other different agencies, all with different missions and priorities.

Mr. President, if you have followed the history of intelligence from the post-9/11 system, you know there are certain high-value detainees—who are captured on infrequent occasions—who are questioned at length by skilled interrogators to find out the details of potential plans of which they know—attacks on allies or in our country. It is different from capturing somebody in the field who might be able to yield tactical intelligence but certainly has no strategic intelligence. We are much safer today because we have been able to garner intelligence from high-value detainees who have known about a broad range of people involved and those potential operations they may undertake.

The final, and perhaps the most important reason not to limit interrogation techniques for other agencies beyond the Army—to limit them to that published in the field manual—is because broadcasting to al-Qaida and other terrorists exactly what techniques will be used in interrogating them is a recipe for failure. We know these high-value targets, the people who are leaders of these organizations, will train for whatever techniques we tell them we are using. It is not too hard to figure out that if we tell them

with certainty only 19 techniques listed in the field manual will be used, they will train to resist them, and the net result will be we will not get anymore intelligence.

The bill I am introducing does not have that flaw. Rather than authorizing intelligence agencies to use only those techniques that are allowed in the Army Field Manual—the AFM—I believe the better approach, if any change needs to be made to current law, is to preclude the use of specific techniques that are prohibited under the AFM. Specifically, the bill says you cannot use interrogation techniques; No. 1, forcing the individual to be naked, to perform sexual acts or pose in a sexual manner; No. 2, placing hoods or sacks over the heads of individuals or using duct tape over the individual's eyes; No. 3, applying beatings, electric shock, burns or similar forms of physical pain; No. 4, using the technique known as waterboarding; No. 5, using military working dogs; No. 6, inducing hypothermia or heat injury; No. 7, conducting mock executions; or, No. 8, depriving the individuals of adequate food, water, or medical care.

Now, these list the kinds of techniques that are generally described as torture. Let me assure you there are many techniques which are similar in degree of duress to those permitted in the Army Field Manual. The reason to be able to use others is because the most important part of any interrogation technique is the unknown. When the detainee does not know what techniques are permitted, then the detainee does not know what to expect. Under those circumstances, even though the techniques are no more harsh, no more painful than Army Field Manual techniques, there is a much greater chance a skilled interrogator will get that information.

I believe in this way Congress can state clearly that harsh interrogation techniques will not be permissible without advertising the techniques that are permissible. The Intelligence Committee will be briefed on any techniques that are considered for use and have the opportunity to object to anything we believe should not be permissible. This new approach allows for the possibility that new techniques that are not explicitly authorized in the Army Field Manual but which comply with law may be developed in the future.

I invite my colleagues to join me in supporting this legislation. This legislation establishes an important principle, and I hope we can adopt this legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 22. Mr. REID (for Mr. NELSON, of Florida) proposed an amendment to the resolution S. Res. 13, congratulating the University of Florida football team for winning the 2008 Bowl Championship Series (BCS) national championship.

TEXT OF AMENDMENTS

SA 22. Mr. REID (for Mr. NELSON, OF FLORIDA) proposed an amendment to the resolution S. Res. 13, congratulating the University of Florida football team for winning the 2008 Bowl Championship Series (BCS) national championship; as follows:

On page 3, strike lines 11 through 18 and insert the following:

(A) President of the University of Florida, J. Bernard Machen;

(B) Athletic Director of the University of Florida, Jeremy N. Foley; and

(C) Head Coach of the University of Florida football team, Urban Meyer.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, January 14, 2009, at 10 a.m. in room G50 of the Dirksen Senate Office Building to consider the nomination of Gov. Thomas J. Vilsack, of Iowa, to be Secretary of Agriculture.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, January 14, 2009, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, January 14, 2009, at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing on the nominations of Lisa P. Jackson to be Administrator of the U.S. Environmental Protection Agency and Nancy Helen Sutley to be Chairman of the Council on Environmental Quality.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, January 14, 2009, at 2 p.m. to consider the nomination of Peter R. Orszag to be Director, Office of Management and Budget.

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

COMMITTEE ON VETERANS' AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, January 14, 2009, at 10 a.m. to conduct a hearing on the nomination of General Eric Shinseki to be Secretary of the Department of Veterans Affairs. The committee will meet in room 106 of the Dirksen Senate Office Building beginning at 10 a.m.

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

PRIVILEGES OF THE FLOOR

Mr. INHOFE. I ask unanimous consent that Ryan Levesque be granted the privileges of the floor for the duration of my time.

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

CONGRATULATING THE UNIVERSITY OF FLORIDA FOOTBALL TEAM

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 13 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 13) congratulating the University of Florida football team for winning the 2008 Bowl Championship Series (BCS) national championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that a Nelson of Florida amendment, which is at the desk, be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statement relating to the resolution be printed in the RECORD.

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

The amendment (No. 22) was agreed to, as follows:

On page 3, strike lines 11 through 18 and insert the following:

(A) President of the University of Florida, J. Bernard Machen;

(B) Athletic Director of the University of Florida, Jeremy N. Foley; and

(C) Head Coach of the University of Florida football team, Urban Meyer.

The resolution (S. Res. 13), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 13

Whereas on January 8, 2009, before a crowd of more than 78,000 fans in Miami, Florida, the University of Florida Gators won the 2008 Bowl Championship Series (BCS) national title with a stunning 24–14 triumph over the University of Oklahoma Sooners;

Whereas the University of Florida is one of the premier academic institutions in the State of Florida;

Whereas the University of Florida Gators captured the Southeastern Conference championship title on December 6, 2008;