

elective contributions of each employee who is not a highly compensated employee to the extent such contributions do not exceed the percentage specified by the plan (not less than 5 percent) of the employee's compensation, or

“(ii) a defined benefit plan which for any plan year requires the employer to make contributions on behalf of each employee who is not a highly compensated employee in an amount which will provide an accrued benefit under the plan for the plan year which is not less than 5 percent of the employee's compensation.”

(b) ALLOWANCE AS GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking “plus” at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting “, plus”, and by adding at the end the following:

“(36) the Patriot employer credit determined under section 45R.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

By Ms. SNOWE (for herself and Mr. WYDEN):

S. 836. A bill to provide enhanced authority to the Congressional Oversight Panel established pursuant to the Emergency Economic Stabilization Act of 2008; to the Committee on Banking, Housing, and Urban Affairs.

Ms. SNOWE. Mr. President, I rise today to introduce legislation to provide the Congressional Oversight Panel, COP, with subpoena authority so that it can more effectively conduct oversight on behalf of American tax payers. Created as part of last fall's Emergency Economic Stabilization Act, EESA, to be Congress' watchdog over the Troubled Asset Relief Program, TARP, it has become apparent that a lack of subpoena authority is actively preventing the COP from obtaining all necessary information to safeguard rescue fund dollars. I would like to thank Senator WYDEN for cosponsoring this legislation that would grant the COP subpoena power should three of the Panel's five members feel it is appropriate.

One of three organizations charged with overseeing TARP, the COP's role is to “review the current state of the financial markets and the financial regulatory system” and to report to Congress every 30 days. Through regular reports, COP must oversee Treasury's actions; assess the impact of spending to stabilize the economy; evaluate market transparency; ensure effective foreclosure mitigation efforts; and guarantee that Treasury's actions are in the best interest of the American people. Notably, Congress provided the COP in EESA the explicit power to secure information from any government agency upon the request of its Chair.

Unfortunately despite the yeoman efforts of COP Chair Elizabeth Warren and her four colleagues, the Panel is having difficulties discharging its duties. In particular, the Panel appears to be having problems obtaining necessary information from the Treasury Department, which is administering

the TARP. Indeed, Ms. Warren told the Senate Finance Committee on March 31 that she feels as though the Panel and its requests for information are simply not a priority for the Department. Unfortunately, the facts appear to bolster Ms. Warren's conclusion.

Ms. Warren's written testimony before the Finance Committee notes, “The Oversight Panel has repeatedly called on Treasury to articulate a clear strategy for its use of TARP funds; the absence of such a vision hampers effective oversight. In fact, our first report outlined a series of ten basic questions, starting with the question, ‘What is Treasury's strategy?’ Months later, Congress and the American people have no clear answer to that question. The ongoing uncertainty has hindered recovery efforts. I have sent two letters to Treasury Secretary Geithner asking for clarification on this specific point. I am disappointed to report that the Oversight Panel has not received a substantive response.”

In addition to a letter the Panel sent to Secretary Geithner on March 5 asking him to outline a strategy for TARP and respond to questions regarding the approach taken by the recently announced Financial Stability Plan, Ms. Warren asked that Mr. Geithner testify before the COP on March 12 or March 19. Although Ms. Warren reports that Secretary Geithner replied to her March 5 letter on April 2, nearly two weeks after the requested response date of March 20, a COP hearing with Mr. Geithner as a witness will only now take place on April 21, a delay that has only further impeded the Panel's effectiveness.

Furthermore, other COP members have also noticed Treasury's apparent pattern of failing to respond to critical questions. Deputy Chair Damon Silvers testified before the Joint Economic Committee, JEC, on March 11 about the Panel's attempt to answer the critical question of whether taxpayers are receiving assets commensurate in value with TARP dollars being expended. Unfortunately, the Treasury Department appears to have been less than helpful in assisting the Panel in its analysis. In fact, Mr. Silvers told JEC the following:

“Our valuation report relied entirely on publicly available data. The Panel did make a broad document request of the Treasury Department pursuant to our authority under Section 125 of the EESA on December 17, 2008. Our purpose was to obtain any non-public information that Treasury possessed that would go to issues of valuation, in addition to contributing to our general ability to oversee the TARP program. In a letter dated December 24, 2008, the Treasury Department declined to provide the material we requested, and raised concerns about our newly formed Panel's internal controls over the confidential documents. Despite extensive discussions between our staff and the Treasury Department, Treasury has only produced a small number of the documents the Panel requested.”

With \$700 billion in TARP funds at stake, providing the Congressional Oversight Panel with the tools and resources it requires to conduct effective oversight is absolutely essential. The fact is that we in Congress are duty bound to correct TARP inadequacies but can only do so with reliable information from its overseers. Clearly, the examples I have just cited demonstrate that providing the Panel subpoena authority is warranted so that it can compel Treasury and any other entities to provide all requisite information. For this reason, I ask my colleagues to support this legislation that would do just that so that it can be quickly sent to President Obama for his signature.

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. 836

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

SECTION 1. SUBPOENA POWER FOR CONGRESSIONAL OVERSIGHT PANEL.

Section 125(e)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5233(e)(1)) is amended—

(1) by striking “The Oversight” and inserting the following:

“(A) IN GENERAL.—The Oversight”; and

(2) by adding at the end the following:

“(B) SUBPOENA POWER.—For purposes of carrying out this section, upon majority vote of its members, the Oversight Panel may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Oversight Panel considers advisable.

“(C) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

“(i) ISSUANCE.—A subpoena issued pursuant to subparagraph (B) shall bear the signature of a member of the Oversight Panel, and shall be served by any person or class of persons designated by the Oversight Panel for that purpose.

“(ii) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (B), the subpoena shall be enforceable by order of any appropriate district court of the United States. Any failure to obey the order of the court may be punished by the court as a contempt of that court.”

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 104—DESIGNATING THE THIRD WEEK OF APRIL 2009 AS “NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK”

Mr. DODD (for himself, Mr. ALEXANDER, Ms. LANDRIEU, Mr. BAYH, Mr. LIEBERMAN, Mr. CASEY, and Mr. JOHNSON) submitted the following resolution, which was considered and agreed to:

S. RES. 104

Whereas the month of April has been designated “National Child Abuse Prevention

Month' as an annual tradition initiated in 1979 by President Jimmy Carter;

Whereas the National Child Abuse and Neglect Data System reports that 794,000 children were victims of abuse and neglect in the United States in 2007, causing unspeakable pain and suffering for our most vulnerable citizens;

Whereas over 95,000 of those children were younger than 1 year old;

Whereas more than 4 children die each day in the United States as a result of abuse or neglect;

Whereas children younger than 1 year old accounted for over 40 percent of all child abuse and neglect fatalities in 2007, and children younger than 4 years old accounted for nearly 76 percent of all child abuse and neglect fatalities in 2007;

Whereas abusive head trauma, including the trauma known as Shaken Baby Syndrome, is recognized as the leading cause of death among physically abused children;

Whereas Shaken Baby Syndrome can result in loss of vision, brain damage, paralysis, seizures, or death;

Whereas medical professionals believe that thousands of additional cases of Shaken Baby Syndrome and other forms of abusive head trauma are being misdiagnosed or left undetected;

Whereas Shaken Baby Syndrome often results in permanent and irreparable brain damage or death of the infant and may result in extraordinary costs for medical care during the first few years of the life of the child;

Whereas the most effective solution for preventing Shaken Baby Syndrome is to prevent the abuse, and it is clear that the minimal costs of education and prevention programs may avert enormous medical and disability costs and immeasurable amounts of grief for many families;

Whereas prevention programs have demonstrated that educating new parents about the danger of shaking young children and how to protect their children from injury can significantly reduce the number of cases of Shaken Baby Syndrome;

Whereas education programs raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, childcare providers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas National Shaken Baby Syndrome Awareness Week and efforts to prevent child abuse, including Shaken Baby Syndrome, are supported by groups across the United States, including groups formed by parents and relatives of children who have been injured or killed by shaking, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and their families within the health care and criminal justice systems;

Whereas 20 States have enacted legislation related to preventing and increasing awareness of Shaken Baby Syndrome;

Whereas the Senate has designated the third week of April as "National Shaken Baby Syndrome Awareness Week" since 2005; and

Whereas the Senate strongly supports efforts to protect children from abuse and neglect: Now, therefore, be it

Resolved, That the Senate—

(1) designates the third week of April 2009 as "National Shaken Baby Syndrome Awareness Week";

(2) commends hospitals, child care councils, schools, community groups, and other organizations that are—

(A) working to increase awareness of the danger of shaking young children;

(B) educating parents and caregivers on how they can help protect children from injuries caused by abusive shaking; and

(C) helping families cope effectively with the challenges of child-rearing and other stresses in their lives; and

(3) encourages the people of the United States—

(A) to remember the victims of Shaken Baby Syndrome; and

(B) to participate in educational programs to help prevent Shaken Baby Syndrome.

SENATE RESOLUTION 105—DESIGNATING APRIL 24 THROUGH 26, 2009, AS "GLOBAL YOUTH SERVICE DAYS"

Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BAYH, Mr. BEGICH, Mr. BINGAMAN, Mr. BURR, Mr. CARDIN, Mr. COCHRAN, Ms. COLLINS, Mr. CORNYN, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. INOUE, Mr. KENNEDY, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MARTINEZ, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. SPECTER, Mr. WHITEHOUSE, Mr. JOHNSON, Mr. HATCH, Mr. GREGG, Mr. BROWN, and Mrs. HAGAN) submitted the following resolution; which was considered and agreed to:

S. RES. 105

Whereas Global Youth Service Days is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities throughout the year;

Whereas the goals of Global Youth Service Days are to mobilize the youth of the United States to identify and address the needs of their communities through community service and service-learning opportunities, to support young people in embarking on a lifelong path of volunteer service and civic engagement, and to educate the public, the media, and policymakers about contributions made by young people as community leaders throughout the year;

Whereas Global Youth Service Days, a program of Youth Service America, is the largest service event in the world and in 2009 is being observed for the 21st consecutive year in the United States and for the 10th year in more than 100 countries;

Whereas young people in the United States and in many other countries are providing more volunteer service to their communities than in any other generation in history, thereby demonstrating that children and youth not only represent the future of the world but are also leaders and assets today;

Whereas recent research shows that when high quality, semester-long service-learning is used as a teaching and learning strategy that integrates meaningful community service with the academic curriculum, it increases students' cognitive engagement, motivation to learn, school attendance, and academic achievement scores;

Whereas several private foundations and corporations in the United States support community service and service-learning as a means for young people to explore career aspirations and develop the leadership and career-preparedness skills that are necessary for the United States to be competitive in the 21st century, including time management, decision-making, teamwork, and problem solving;

Whereas a fundamental and conclusive correlation exists between youth service, char-

acter development, lifelong adult volunteering, philanthropy, and other forms of civic engagement;

Whereas community service and service-learning provide opportunities for youth to apply their knowledge, idealism, energy, creativity, and unique perspectives to improve their communities by addressing a myriad of critical issues, such as poverty, hunger, illiteracy, education, natural disasters, and climate change;

Whereas a growing number of Global Youth Service Days projects involve youth working collaboratively across borders to address global issues, to increase intercultural understanding, and to promote the sense that they are global citizens;

Whereas Global Youth Service Days engages millions of young people worldwide with the support of 50 International Coordinating Committee member organizations, more than 150 National Partners in the United States, 75 State and local Global Youth Service Days Lead Agencies, and thousands of local organizers; and

Whereas both young people and their communities will benefit greatly from expanded opportunities for youth to engage in volunteer community service and service-learning: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of the youth of the United States and encourages the cultivation of a civic bond between young people dedicated to serving their neighbors, their communities, and the Nation;

(2) designates April 24 through 26, 2009, as "Global Youth Service Days"; and

(3) calls on the people of the United States to observe Global Youth Service Days by—

(A) encouraging youth to participate in community service and service-learning projects and joining youth in such projects;

(B) recognizing the volunteer efforts of the young people of the United States throughout the year; and

(C) supporting the volunteer efforts of young people and engaging them in meaningful community service, service-learning, and decision-making opportunities, as an investment in the future of the United States.

NOTICES OF HEARINGS

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 the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, April 22, 2009, at 10:00 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on energy efficiency resource standards, including S. 548, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal energy efficiency resource standard for retail electricity and natural gas distributors, and for other purposes.

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 may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Rosemarie Calabro@energy.senate.gov.