United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, WEDNESDAY, JANUARY 28, 2009 No. 17

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 28, 2009.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, architect of the universe and advocate for us all, each day is a blessing.

When we rise from sleep, activities of the day stir the mind. Having a job to fulfill sets us into routine as a people with purpose.

Daily work, O Lord, invites us to demonstrate responsibility and manifests our participation in Your creative power. Mind and body together become engaged in productivity, sustenance, or service beyond ourselves.

Because we believe human work bestows a special dignity upon a person and is a way to achieve a just society, we know how important it is for us to pray for the unemployed and their families.

Bless the work of Congress today. May this chosen labor be creative, prove responsible, have lasting results, and give You glory now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. DRIEHAUS) come forward and lead the House in the Pledge of Allegiance.

Mr. DRIEHAUS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches from each side of the aisle.

IT'S TIME TO START LOOKING OUT FOR THE AMERICAN PEOPLE AND PASS H.R. 1

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. A 93-year-old man freezes to death in his home because he can't pay the electric bill. A family of seven perishes in a murder-suicide over financial- and job-related matters. A 90-year-old woman tries to kill herself when the sheriff arrives to take her house. And a 75-year-old woman is buried today after predatory lenders drove her to suicide.

More and more Americans are being driven to desperation over losing their jobs and their homes. This economy is literally killing people. The banks get a $700 billion bailout as they continue to kick people out of their homes. We must get help directly to the American people.

There are good reasons to question the $825 billion stimulus, but there's no good reason to oppose it. Not when every crooked interest in this country has been in a long parade at the public trough while factories are shut, jobs are lost, and homes are foreclosed. Congress must act today for the people. We must come back again and again with more comprehensive jobs programs to rebuild infrastructure, fund education including preschool, and create universal health care. We must gain control of our money system and stop taxpayers from being robbed by the banks. The banks already have $700 billion and are looking for another trillion.

It's time we started to look out for number one, the American people, and pass H.R. 1 for the American people and get the American people back some of their money.

JUST PLANE STUPID—CITIGROUP IS ENJOYING SPENDING TAXPAYER MONEY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the big fat cat executives of Citigroup are busy spending taxpayer bailout money on a brand new luxury jet.

That's right, Madam Speaker. Citigroup claimed it was on the brink of financial disaster, then demanded and took $45 billion from the taxpayers through government giveaways. Now they're buying a new $50 million jet. And did I mention this swanky jet is made in France?

Madam Speaker, the arrogance and ignorance of the ''Big Banking Boys Gang'' is astonishing. While average Americans are hunkering down worried about their jobs, food, clothes, and mortgage payments, these irresponsible executives are blowing millions on high-dollar toys.

It's about time the elites in the financial industry quit acting like

Printed on recycled paper.

they're entitled to special perks. Americans shouldn't be forced to pay for CEO bonuses and luxury corporate jets for the rich and famous robber barons.

But you see, Madam Speaker, they must need that jet to fly to New York Mets games because Citigroup is spending $400 million to plaster its name on its new stadium, Citi Field.

And that's just the way it is.

CITIGROUP AND THEIR $50 MILLION FRENCH-BUILT CORPORATE JET

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Madam Speaker, Citigroup did take more than $45 billion in taxpayer-funded rescue money. And imagine the shock and outrage that I and many other Americans felt when we heard this week that Citigroup was buying a $50 million French-built corporate jet.

Is there no shame? America is in the midst of a recession, with the highest unemployment in 16 years and the highest foreclosure rate in more than three decades. People all over the country are losing their jobs, their homes, their small businesses. And in the midst of all this, a company that the taxpayers are bailing out with our tax dollars is buying a plush corporate jet.

I voted to rescue the banks, reluctantly, for one reason and one reason only: to free up credit so that small businesses and individuals could have access to loans for essentials such as college tuition and home mortgages and the economy could keep running. A new private jet is not what I voted for.

Thankfully, pressure from Congress and the White House has forced Citigroup to cancel the purchase of this plane. But the incident is a glaring example of the blatant lack of accountability from banks seeking rescue money. It needs to stop. And I look forward to working with the new Treasury Secretary to correct this oversight and make it clear that explicit restrictions are placed on any rescue money used by the banks.

ECONOMIC STIMULUS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, there are 11 million unemployed Americans receiving a notice that says they owe taxes on their unemployment benefits and they'll have a huge bill due on April 15. After this scary realization, these folks will get on their phones or their computers to ask us where we think they are going to get the money to pay the additional tax.

As this Congress works to find ways to kick-start the economy, I propose we not kick these folks when they're down and we eliminate the tax on unemployment insurance benefits for 2008 and 2009.

This economic stimulus ought to do this. The 1099 statements that are showing up in mailboxes to notify my constituents that they owe Federal taxes on their unemployment is just ridiculous. I'd want to be able to tell my constituents we're going to do something about this problem.

Let's go back to the drawing board and come together to really help the unemployed.

At this time I'd also want to say thank you and God bless to Kathleen Black, who is going from my staff to the Senate, one of the best tax persons in the Congress.

CATHOLIC SCHOOLS WEEK

(Mr. DRIEHAUS asked and was given permission to address the House for 1 minute.)

Mr. DRIEHAUS. Madam Speaker, I rise today to join students and families and educators across the country to mark this very important week, Catholic Schools Week.

For thousands of children in the United States, including my own, Catholic schools are laying the foundation for bright and successful futures while calling young people to service and fostering values that strengthen our families and our communities.

I want to congratulate three people in particular: Father Andrew Umberg, pastor of St. William Parish in Cincinnati; Lisa Driggers, a teacher at St. James School in Green Township; and Tim Otten, principal of Elder High School, my alma mater, who have all been honored this year by the National Catholic Education Association. This week we recognize them and other Catholic educators for their important contributions not only to education but to their community and to their country.

THE AMERICAN RECOVERY AND REINVESTMENT ACT: A MASSIVE GOVERNMENT-SPENDING BILL THAT WILL PLUNGE THE NATION DEEPER INTO DEBT

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN of Colorado. Madam Speaker, the American people are hurting and our economy is in recession.

Congress is right to take action to stimulate the economy, but the American people know that we cannot borrow and spend our way back to prosperity. The American Recovery and Reinvestment Act of 2009 is a massive and wasteful government spending bill that will not stimulate our economy but will recklessly plunge our Nation deeper and deeper into debt.

The deficit for the next 2 years is already projected to be $2 trillion. If deficit spending were an effective economic stimulus, then the economy would be on the verge of a recovery. But it isn't.

Congress can accelerate the process of economic recovery by passing legislation that will improve the incentives that drive economic activity. Lowering tax rates will create the incentives for individuals and businesses to save, to work, to invest their money.

Madam Speaker, the American people are hurting and they deserve a better proposal than this.

THE AMERICAN RECOVERY AND REINVESTMENT ACT WILL REVITALIZE THE ECONOMY

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, I just listened to my friend from Colorado expound upon the problems of deficit spending. Well, he's absolutely right about the deficit spending from the Republican administration and Congress. They piled up debt with tax cuts for people who didn't need it, a reckless war in Iraq on a credit card.

This package that's coming before us today is actually doing something for the American people, investing in infrastructure and energy. It is looking to a plan for the recovery of the economy, using new technology and new ways of doing business, getting more value out of our investment.

I am pleased that the President reached out to the other side of the aisle even as their leaders were saying before the meeting they were against his package. But I am pleased, while he reached out, he was unwavering in his commitment that our package is going to focus on the people who need help the most, revitalizing the economy, and moving us forward.

I look forward to the passage today of this legislation and further refinement as we move it through Congress with our new administration.

DTV TRANSITION

(Mr. RADANOVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RADANOVICH. Madam Speaker, I rise today in opposition to the digital television delay bill that the House will be voting on under suspension today.

The bill needlessly delays the DTV transition date of February 17 and undermines the government's credibility with consumers and broadcasters who have prepared for the transition, as well as the private industry that is relying on the spectrum that they purchased to be available.

The bill also facilitates the need for $650 million in the stimulus to be spent on the converter box coupon program but ironically does not get a single person off the coupon waiting list.

Finally, the bill prevents spectrum from being cleared for first responders and emergency communications.

Delaying the transition is confusing to our consumers, expensive for our broadcasters, will slow down deployment of broadband services, and has potentially dangerous implications for public safety. Therefore, I urge my colleagues to keep the digital transition on the right path and oppose Senate bill 238.

REMEMBERING THE 1969 SANTA BARBARA OIL SPILL

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, 40 years ago today, on January 28, 1969, a ''blowout'' erupted below Union Oil's Platform A 6 miles off the Santa Barbara coast. Before it was capped, more than 3 million gallons of oil spewed into the sea.

For weeks national attention was focused on the spill's disturbing, dramatic images: oil-soaked birds, unable to fly, slowly dying on the sand; 35 miles of sandy beaches coated with thick sludge; over 800 square miles of ocean covered with an oily black sheen.

I lived in Santa Barbara in 1969. I recall how our community came together to save wildlife and clean up our beaches. But the spill's impact went far beyond the ecological and economic damage to our community.

The disaster was considered to be a major factor in the birth of the modern-day environmental movement. There followed a wave of national environmental legislation, including the Clean Air and Water Acts, and laws to protect coastal areas and endangered species.

Now, after 40 years, as we still face the responsibility to protect and preserve our environment, we must never forget this important moment in our Nation's history and commit ourselves to speeding the transition to a clean energy economy.

□ 1015

AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY IN HONOR OF THE BICENTENNIAL OF THE BIRTH OF PRESIDENT ABRAHAM LINCOLN

Mr. CAPUANO. Madam Speaker, I ask unanimous consent to discharge the Committee on House Administration from further consideration of House Concurrent Resolution 27 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 27

Resolved by the House of Representatives (the Senate concurring), That rotunda of the United States Capitol is authorized to be used on February 12, 2009, for a ceremony in honor of the bicentennial of the birth of President Abraham Lincoln. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1, AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 92 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 92

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for further consideration of the bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes. Further general debate shall be confined to the bill and amendments specified in this resolution and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each such further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived except those arising under clause 9 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Sec. 2. The chair of the Committee on Appropriations shall insert in the Congressional Record not later than February 4, 2009, such material as he may deem explanatory of appropriations measures for the fiscal year 2009.

Sec. 3. The chair of the Committee on Ways and Means may file, on behalf of the Committee, a supplemental report to accompany H.R. 598.

POINT OF ORDER

Mr. STEARNS. Madam Speaker, I rise to make a point of order against consideration of the rule.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. STEARNS. Madam Speaker, I raise a point of order against consideration of the rule because the rule contains a waiver of all points of order against the provisions in the bill and amendments made in order by the rule and, therefore, it is in violation of section 426 of the Congressional Budget Act.

The SPEAKER pro tempore. The gentleman from Florida makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden to identify the specific language consisting of the waiver against amendments in the resolution on which the point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

The gentleman from Florida and a Member opposed, the gentlewoman from New York (Ms. SLAUGHTER), each will control 10 minutes of debate on the question of consideration.

After that debate, the Chair will put the question of consideration, to wit: Will the House now consider the resolution?

The Chair recognizes the gentleman from Florida.

Mr. STEARNS. Madam Speaker, thank you very much.

I will be using most of my arguments from the Congressional Budget Office cost estimate dated January 26, 2009. The CBO and the Joint Committee on Taxation estimated that enacting the provisions in division B would reduce revenues by $76 billion in fiscal year 2009, by $131 billion in fiscal year 2010, and by a net of $212 billion over the 2009–2010 period.

So combining the spending and revenue effects of H.R. 1, the CBO estimates that enacting the bill would increase the Federal budget deficit by over $170 billion over the remaining months of the fiscal year 2009, by $356 billion in the year 2010 and $174 billion in 2011, and it continues on, $816 billion over the period 2009 to 2019.

There is a wide range of Federal programs here which increase the benefits payable under the Medicaid unemployment compensation nutrition assistance program, and the legislation would also reduce individual and corporate income tax collections and make a variety of other changes to tax laws. This is basically an unfunded mandate.

CBO anticipates that this bill would have a noticeable impact on economic growth and employment in the next few years. Following long-standing congressional budget procedures, this

estimate does not address the potential budget effects of such changes in economic outlook. But the point that the CBO is making is that this is a huge unfunded mandate, particularly in the Medicaid and unemployment compensation and nutrition assistance program.

So with that, Madam Speaker, in light of the provisions in the bill and the amendments made in order by the rule, are, therefore, in violation of section 426 of the Congressional Budget Act, I do, Madam Speaker, raise this point of order.

I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

Technically this point of order is about whether or not to consider this rule and ultimately the underlying bill. In reality, it's about trying to block this bill without any opportunity for debate and without any opportunity for an up-or-down vote on the legislation itself. I think that is wrong and hope my colleagues will vote ''yes'' so we consider this important legislation on its merits and not kill it on a procedural motion.

We have a long day ahead. Let's not waste more time on dilatory measures. Those who oppose this bill can vote against it on final passage. We must consider this rule, and we must pass H.R. 1 today.

I have the right to close, and, in the end, I will urge my colleagues to vote ''yes'' to consider the rule.

Madam Speaker, I reserve the balance of my time.

Mr. STEARNS. Madam Speaker, I yield such time as he may consume to the distinguished ranking member of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. Madam Speaker, I thank my friend for yielding and let me say that I rise in strong support of this effort to raise this point of order. And I will say to the distinguished Chair of the Committee on Rules, this 10-minute period of time is when we can debate whether or not this is, in fact, an unfunded mandate that is going to dramatically increase costs. That's what this debate is all about.

It's not about simply killing the bill, it's about utilizing a procedure that exists here in this institution, and I hope very much that our colleagues will join with our friend from Florida and ensure that we do address this very, very important issue.

Mr. STEARNS. Madam Speaker, if I may continue, the distinguished chairwoman of the Rules Committee has indicated that this point of order would eliminate debate and not offer the opportunity to Members to really discuss the rule at all. But I would like to say to her, and she was in the Rules Committee when I came out to present my amendment, when the Energy and Commerce Committee marked up that portion of the stimulus package, we were in session for 12 hours. During that time we had six amendments accepted on the Republican minority side.

It turns out that all six of these amendments were agreed to unanimously by the majority. When the bill went to print and when I went to the Rules Committee, I found my amendment was not included, and neither was the gentleman from Pennsylvania, Mr. MURPHY's or Mr. BLUNT's. Three of the amendments were not included, and we questioned how could this be that out of a full markup of Energy and Commerce Committee, we passed six amendments and only three were put in. Yet the Speaker's office had a sheet, a fact sheet, which indicated that all six amendments were put in the bill and all six of these amendments show the bipartisan-ness of this stimulus package.

Now I think what happened on the Energy and Commerce Committee happened in the Ways and Means Committee and it happened in Appropriations Committee. So this, in fact, stimulus package is not bipartisan.

Reading from the Office of Speaker NANCY PELOSI, her fact sheet of January 27, 2009, she says this is a bipartisan, open and transparent legislative process. It is not, Madam Speaker. The amendments that came out of Energy and Commerce, 50 percent were dropped arbitrarily, capriciously, without any comment from the minority.

Now one of those amendments, which was mine, indicated if you are going to give federal subsidies for COBRA, which is unemployment compensation for individuals in America, why give them to people who have a net worth of $1 million or $100 million?

□ 1030

There was no threshold in this bill. So, I basically said, if you're going to give COBRA subsidies, that is you're asking to have the taxpayers pay 65 percent of the COBRA for anybody unemployed, including a man who, for example, left Lehman Brothers or Bernie Madoff; all those people who, under the Democrats' position in the stimulus package, would be able to apply for COBRA subsidies and have the taxpayers in my home county have to pay for their health benefits.

They are asking the taxpayers to pay 65 percent almost indefinitely. And I basically said this should not apply to people that are making $100 million, $10 million, or have a net worth of that amount. And, Mr. WAXMAN, who is the chairman of the Energy and Commerce, was kind enough to say, I agree with you, and that should be part of the bill. So my amendment was agreed to.

Mr. DREIER. Would the gentleman yield?

Mr. STEARNS. Yes, I'll be glad to yield.

Mr. DREIER. I thank my friend for yielding. I'd simply like to inquire of him again about this procedure through which this committee went. It's my understanding that these amendments were all adopted in a bipartisan way, with a unanimous vote in support of these amendments that were later just dropped from the bill that was introduced. And then, we have this statement from the Speaker's press office, a fact sheet stating, In the Energy and Commerce Committee, 57 amendments were dropped, and 43 by Republicans, 6 of which were adopted and incorporated into the bill.

Is that correct?

Mr. STEARNS. I thank the distinguished Member. That is absolutely true. And I think, as he clearly points out, I think we should really ask the distinguished chairwoman of the Rules Committee, why were, in this case, three amendments that were agreed upon in Energy and Commerce, why were they dropped from the print?

And, perhaps if she can't, then I think really the Speaker, whose office this fact sheet came from, should clearly tell us why she dropped amendments that were passed through the democratic process here in the House of Representatives of the United States of America. Yet, they have a fact sheet saying they are still in here. She uses the word ''bipartisan'' when you can't say it's bipartisan if, in my case, my amendment is not in there. It was agreed upon. And others in the Energy and Commerce, their amendments are not here as well.

So I would be glad to yield time to the distinguished chairwoman of the Rules Committee to find out why these amendments, after they were passed overwhelmingly in the Energy and Commerce Committee, are not in the print.

The distinguished chairwoman of the Rules Committee, does she wish to answer?

Ms. SLAUGHTER. We had a thorough airing of this last night, Madam Speaker. Everybody knows what happened here. It had nothing at all to do with the Rules Committee.

Mr. DREIER. Madam Speaker, would the gentleman yield?

Mr. STEARNS. I'd be glad to yield.

Mr. DREIER. With all due respect, for the Chair of the Committee on Rules to stand up and say we had an hour discussion on this last night, and everybody knows what happened. Madam Speaker, I don't think the author of the amendment, Mr. STEARNS, was there when last night in the Rules Committee discussed this and this came forward. I just don't see that as any kind of answer.

I thank my friend for yielding.

Mr. STEARNS. Madam Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman has 2 minutes remaining.

Mr. STEARNS. I reserve the balance of my time, Madam Speaker.

Ms. SLAUGHTER. I reserve the balance of my time.

Mr. STEARNS. Madam Speaker, it's clear she has no response to the rhetorical question: Why were amendments that were agreed upon in the Energy

and Commerce dropped capriciously and arbitrarily from the print. And I think we will just let that as a question remain in the House of Representatives and point out to all the Members that when the Speaker puts out a sheet, a fact sheet, in which she says it's a bipartisan bill, it's open and transparent, well, that obviously is not true.

There's no one on the Democrat side here this morning to explain how amendments that were agreed upon in Energy and Commerce were dropped, and perhaps the same was true of the Ways and Means, and also the Appropriations Committee.

And, for those Members, like myself, who came up and asked why my amendment that was accepted was not included as an amendment to the stimulus package, and the distinguished chairwoman of the Rules Committee cannot even answer the simple question of why were amendments not included, when in fact they were passed overwhelmingly in Energy and Commerce.

With that, Madam Speaker, I yield back the balance of my time.

Ms. SLAUGHTER. Madam Speaker, let me correct what Mr. DREIER thinks I said. I said we had a thorough airing of this issue last night at Rules. Although it is not our job to explain why the Speaker's press office—

Mr. DREIER. Will the gentlewoman yield?

Ms. SLAUGHTER. I will not.

Certainly, by now, we know a red-herring when we see one. This is one of the reddest I have seen in such time that I have been here. And I urge my colleagues to vote ''yes'' on a motion to consider so that we can get about the business of the United States, debate, and pass this important piece of legislation that over 80 percent of the people want us to do.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired. The question is, Will the House now consider the resolution?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STEARNS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 240, nays 174, not voting 18, as follows:

[Roll No. 39]

YEAS—240

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—174

Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sanchez, Loretta
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf

NOT VOTING—18

Aderholt
Brown-Waite, Ginny
Clay
Cooper
Crenshaw
Culberson
Dingell
Higgins
Hinojosa
Platts
Ruppersberger
Simpson
Solis (CA)
Space
Wexler
Whitfield
Young (AK)
Young (FL)

□ 1105

Mr. TIERNEY and Ms. DEGETTE changed their vote from ''nay'' to ''yea.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

(By unanimous consent, Mr. LATOURETTE was allowed to speak out of order.)

WELCOMING TIBERI TRIPLETS

Mr. LATOURETTE. Madam Speaker, I just for a minute ask the membership to pause for an announcement, and I will be very brief. I do see the dean of our Ohio delegation over there, Ms. KAPTUR, and I know she will want to share in this news as well.

By luck of retirements and defeats and everything else, I now have the pleasant responsibility of being the Republican dean of the Ohio delegation. And some of you may have noticed that our colleague, Mr. TIBERI of Columbus, has not been with us for votes. Some were concerned that he was ill, something was going on.

I have the happy duty to inform the House that he and his wife Denice a week ago Sunday, are now the proud parents of triplets. Daniela, Gabriela, and Cristina are all doing well. Cristina is scheduled to be released from the hospital soon.

So if Congressman TIBERI looks a little tired and a little more worn-out than he has in the past, that is the reason. I know that the House will want to congratulate him and Denice and their three daughters.

The Speaker pro tempore. The gentlewoman from New York is recognized for one hour.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Madam Speaker, nothing is on the minds of Americans more than the sad state of our economy. At dinner tables and water coolers across this great Nation, Americans are concerned not only about our economy, but their own well-being. Will they have a job next week, will they be able to retire when they plan to, will they be able to afford the mortgage, the rent, and their child's education.

Madam Speaker, the Bush administration left us with the worse economy we have faced since World War II. The economic downturn is no longer subject to debate. In the last 4 months, this country has lost 2 million jobs. And, unfortunately, is expected to lose another 3 to 5 million in the next year alone. In fact, 2008 was the worst year for job loss since 1945 while unemployment has skyrocketed to the highest level in 15 years.

This week, major corporations from Caterpillar to Sprint, Nextel to Home Depot announced that they were cutting 62,000 jobs.

Fortunately, it is not too late to turn things around, but the time is almost gone. We must act now. If nothing is done, our economy will continue this downward spiral, and we must take action to boost this economy and to start putting America back to work.

The American Recovery and Reinvestment Act is a critical and necessary investment that will create and save 3 to 4 million jobs, will jump start our economy and begin the process of transforming it for the 21st century with $550 billion in carefully targeted priority investments.

Madam Speaker, this plan helps to strengthen Main Street and the middle class, not Wall Street. In order to improve the plight of hardworking Americans, we will provide immediate, direct tax relief to over 95 percent of Americans.

Not only will the American Recovery and Reinvestment Plan create jobs and grow the economy, it makes a significant investment in our future.

By doubling clean, renewable energy production, we will put people to work in the short term while freeing us from our dependence on foreign oil in the long run.

By renovating public buildings and homes to make them more energy efficient, we will create jobs that can't be exported while curbing global warming at the same time.

By rebuilding our crumbling infrastructure and improving our roads, bridges, and schools, we will strengthen our path forward.

And by investing in our health care system, we will cut red tape, prevent mistakes, and save countless dollars and lives.

I am particularly proud that this bill contains funding for AmeriCorps, which will provide recent college graduates with jobs, sending them into struggling communities to help turn them around, much like the Civilian Conservation Corps did after the Great Depression.

Finally, we will assist those who have been impacted most by the crisis by increasing food stamp and unemployment benefits, and making it easier for those who have lost their jobs to keep their health insurance. And these are just a few highlights of this comprehensive bill.

Madam Speaker, the American people are hurting. They are also justifiably concerned whether government spending in such difficult times is correct. I want them to know that this bill contains strict accountability measures to ensure the maximum return for every tax dollar invested. Americans will be able to go on the web to see how their tax dollars are being spent and to provide public comment.

The bill contains no earmarks and ensures that funds to help small businesses will not go to entities that already receive money from the financial rescue package.

Furthermore, the legislation doesn't waste any time. It will immediately help to put people to work and begin to stabilize our economy.

According to the Office of Management and Budget, three-quarters of the overall package will be spent in the first 18 months. And in an independent analysis, economist and former McCain adviser Mark Zandi found that 41 percent of the funding in this bill will be spent this year alone to jump start our economy and result in 4 million new jobs by 2010.

Madam Speaker, our economic woes will not be solved overnight, but we did not get into this mess overnight. This bill alone will not solve all of our economic challenges. We know that the road back to economic stability and prosperity will require hard work over time to truly turn things around. But America has faced great challenges before and turned crises into opportunity. This legislation is critical to build a foundation for long-term prosperity.

I urge my colleagues on both sides of the aisle to support the American Recovery and Reinvestment Act; and by doing so, to restore confidence, to strengthen our economy, and lift up our hardworking citizens from coast to coast.

I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Madam Speaker, I want to begin by not only thanking the distinguished Chair on the Committee on Rules for yielding me the customary 30 minutes, I would like to associate myself with the first three sentences of her presentation.

It was in the opening remarks that the distinguished Chair of the Committee on Rules presented that she talked about the pain that the American people are feeling as we go through one of the most serious economic downturns in our Nation's history. It is a very, very difficult time. And on that, Democrats and Republicans are in total agreement and it is absolutely imperative that we take action in this institution and that we take action that will provide the best jump start for our economy that we possibly can.

□ 1115

The Republican Conference, Madam Speaker, was very privileged to welcome the President of the United States yesterday afternoon. We had lunch downstairs and a freewheeling discussion on the issue that we are here addressing at this moment. And that issue is how do we get this economy growing again. And we are in the midst of a raging debate on it. It is true that we are very concerned. And most Republicans have, since we saw this $825 billion package introduced, been opposed. But yesterday we did listen to President Obama. A number of questions were posed to the President in this freewheeling discussion.

The thing that I came away with from that meeting yesterday was we need to focus on the merits of this issue that is before us and not on politics. Pointing the finger of blame is useless. What we need to do is figure out how we can come together and put into place the very best fiscal policy that we can to be sure that we grow our economy. I agree totally with President Obama. We need to set politics aside and focus on the merits. And I think that he left us with a good feeling about his commitment to do just that.

Unfortunately, Madam Speaker, what we have seen with the development of this package, the way it was handled in the House Rules Committee, and the way that we are considering this measure on the floor, it appears that there is very little focus on the merits and that most of the attention is focused on politics. I will say that when we focus on merits, it seems to me that the wisest thing for us to do is not to listen to the words of a partisan Republican or the words of a partisan Democrat or even the words of a bipartisan Republican or bipartisan Democrat. What I believe we need to do, Madam Speaker, is to look at the message that has come to us from the professional, nonpartisan Congressional Budget Office.

Now, the Congressional Budget Office had a preliminary study which the distinguished Chair of the Committee on Appropriations dismissed. And I understand that. He made some very compelling arguments before the Rules Committee the day before yesterday on that. And frankly, I couldn't dispute them. But they did come forward yesterday with a very, very exhaustive study in which they say, and I quote, Madam Speaker, ''CBO expects that Federal agencies along with States and other recipients of the funding would find it difficult to properly manage and oversee a rapid expansion of existing programs so as to expend the added funds as quickly as they expend the resources provided for their ongoing programs.'' It goes on, Madam Speaker, to talk about the challenges of dealing with the regulatory structure that is in place. And we looked at the issue of budget authority versus outlays. And I would focus my colleagues' attention on the third-to-the-last graph on the Congressional Budget Office study in which it makes it very clear that $2.3 billion, $2.3 billion, of this package will, in fact, not be expended until after 2019. That is 2–0–1–9. That is not 2009, not 2010, not 2011. That is more than 10 years from now.

So, Madam Speaker, if we are, in fact, coming together in a bipartisan way to figure out how we can jump-start our economy immediately, this is obviously not the answer.

This is a copy of H.R. 1 that has just been given to me. It is 627 pages long. And that totals $1.18 billion for every single page in this bill, H.R. 1.

What we need to focus on, Madam Speaker, is the issue of getting the economy growing with what most economists believe and what history has shown to be stimulative: Tax relief. Growth-oriented tax relief. Now this morning I picked up the US News and World Report issue that has a ''Capital Commerce'' column from James Pethokoukis who quoted a wide range of economists making 10 points that very, very seriously raise concerns. And I would like to point to just one of them. Christina Romer, who is the new head of the Council of Economic Advisers for President Obama, said that tax increases appear to have a very large, sustained and highly significant negative impact on output. The more intuitive way to express this result is that tax cuts have very large and persistent positive output effects.

Now, Madam Speaker, it's obvious that the kinds of tax cuts that we are talking about are those that generate economic growth, relief on job creators, making sure that we have marginal rate reduction that will benefit 100 percent of American taxpayers. These are the kinds of things that we are offering in our Republican substitute. And I hope very much that our colleagues will support it.

This package that is before us is badly flawed, as we are going to hear throughout this debate and as was pointed out yesterday. And I'm going to urge my colleagues to vote ''no'' on this rule. This rule is very unfair. There were 206 amendments submitted to the Rules Committee. Eleven have been made in order of 206 amendments. A majority of those amendments were offered by Democrats. So obviously there is a desire to make major modifications in this legislation. And for that reason, this rule is badly flawed. I'm going to urge my colleagues to reject it.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 4 minutes to the gentlewoman from California, a member of the Committee on Rules, Ms. MATSUI.

Ms. MATSUI. I want to thank the gentlelady from New York for yielding me time, our leader on the Rules Committee.

Madam Speaker, everyone here knows the dire state of our economy. I have talked with and listened to many of my constituents in Sacramento who are struggling to make ends meet. They are facing layoffs, furloughs, foreclosure, unpaid medical bills and a lack of support to help them in this crucial time.

Last month, the Greater Sacramento unemployment rate rose six-tenths of a point to 8.7 percent, the highest monthly job loss since 1993. Approximately 4,700 jobs were cut in the region just that month. And also last month, the State of California suffered the third biggest monthly job loss since the end of World War II.

That is why my colleagues and I have been working to develop this economic recovery package. This package includes historic investment in clean technology, transportation infrastructure, flood protection and our children's education. It also goes to great lengths to assist our States in these difficult times with unemployment, Medicaid and COPS funding.

These investments will help important priorities in my city and region as well as across the State. Sacramento needs urgent funding to strengthen levees on the Sacramento and American Rivers, make renovations at Sacramento State University and our local schools, invest in Sacramento Regional Transit's light rail and bus, improve the terminal at Sacramento International and work to improve Sacramento Municipal Utility District's electric grid. We also have progress to be made on the downtown intermodal station and the accompanying relocation of the downtown rail lines.

I am glad that all of these important projects will be eligible for funding under this package. Each project will improve our city and create jobs that will stimulate the economy. This legislation will go to great lengths to help Sacramento's 8.7 percent unemployment rate. I also understand that Sacramento will receive, actually California will receive about $4 billion in education funding, something our State desperately needs.

Another key investment in this package is our Nation's broadband. It is unacceptable that our country has progressively fallen behind in broadband deployment. This new investment will ensure that every American can access information so they can achieve the American Dream.

Of significant importance to Sacramento is flood protection. The constant threat of flooding makes it more urgent than ever that the Federal Government commit to flood protection infrastructure. I am encouraged that this bill includes $2 billion to fund the U.S. Army Corps of Engineers Construction account. This money will help restore levees in my district and other flood control infrastructure across the country.

I know that there needs more to be done especially in the Natomas area of Sacramento. And I look forward to working with Chairman OBEY and Chairman VISCLOSKY to continue their commitment to the Corps and ensure that adequate resources are dedicated to flood protection and public safety.

Madam Speaker, we need to address this economic crisis head-on. This package is a substantial step forward. As we have heard from experts on both sides of the aisle, on both sides of the political spectrum, this will not cure our economy's problems. But it will begin to ensure that hardworking Americans get back to work and back on track.

Mr. DREIER. Madam Speaker, at this time, I am happy to yield 2 minutes to our very hardworking new member of the Committee on Rules, the gentlewoman from Grandfather Community, North Carolina (Ms. FOXX).

Ms. FOXX. Madam Speaker, I thank my colleague, the ranking member of the Rules Committee, for giving me this time.

I want to say that our colleagues on the other side of the aisle practice revisionist history. President Bush inherited a recession. But the tax cuts that were put in place in 2001 and 2003 helped revive our economy and put it on the path to having 54 straight months of excellent job growth. When things started going poorly in the economy was when the Democrats took control of the Congress in 2007. That is when we started having problems. And I think it's important that we point that out.

They have a real hard time, I think, dealing with the facts. Yesterday we got what was called a ''fact sheet'' from the Speaker's Office saying that this was a bipartisan, open and transparent legislative process. And yet we learned during the process of the committee meeting that information on here was not accurate. And I think it is important, again, that we see there is a pattern of trying to change the facts to suit themselves.

Now I want to talk a little bit about what else is wrong with this rule and the bill that it supports. I have a

strong background in education. I was a school board member, a university administrator and a community college president. And I want to say that putting money into education in the way it's being done in this bill is not going to help stimulate the economy. We know, again, from research that more spending K–12 does not significantly improve educational performance. So this is not going to stimulate the economy. We also know that Federal early education programs don't have lasting benefits for disadvantaged children. Much as we would like to rewrite the facts, it doesn't happen.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from Colorado, a member of the Rules Committee, Mr. POLIS.

Mr. POLIS of Colorado. Madam Speaker, I rise in support of the rule and the American Recovery and Reinvestment Bill of 2009 and want to thank Speaker PELOSI, Chairman OBEY, Chairwoman SLAUGHTER and all of my colleagues for their timely and decisive leadership on this issue.

Like most Americans, I am distressed about the state of our economy and the impact of our recession on hardworking families.

My home State of Colorado and many of our school districts, faced with draconian budget cuts, are seeing reductions in critical services when they are needed most, workers are being laid off left and right, and there is a massive scaling back of statewide investment. Tens of thousands of Coloradans lost their jobs in October and November alone.

The time has come to set aside partisanship and ideology and to forcefully tackle these underlying conditions and factors that have frozen economic activity in our Nation.

□ 1130

That's why we must ensure that this legislation passes the House and Senate and reaches President Obama's desk as soon as possible.

I urge my colleagues on both sides of the aisle to be part of the solution and be part of supporting this measure to rebuild our Nation's infrastructure, both physical and human infrastructure, and renew confidence in our economy.

As some of you may know, before joining Congress I served as chairman of our State Board of Education in Colorado and superintendent of the New America Charter School. As an educator, I can tell you that education is the most meaningful medium and long-term investment that we can make to stimulate the American economy. This bill lays the foundation of an education system and green economy for the 21st century by investing in our future. It builds high-tech green schools, reaches out to at-risk kids and children with disabilities, and increases Pell Grants and Work Study aid to help students afford college. Without it, we risk losing precious ground in our fight to close the gap in education.

In my district, Adams County has suffered enormously from the economic downturn, experiencing the 10th highest unemployment rate out of Colorado's 64 counties with over 16,000 unemployed workers. This historic bill will immediately prevent further job loss in hard-hit places like Adams County. I urge support of this bill on behalf of American families.

Mr. DREIER. Madam Speaker, at this time, I'm happy to yield 1 minute to our distinguished former Republican whip, my friend from Springfield, Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, last year, I worked with the Speaker to help pass a stimulus bill that the Speaker at that time said had to be, first of all, timely and targeted. And, Madam Speaker, I would argue that this bill is neither. It's certainly not targeted; it's a broad brush of everything that the majority has wanted to do for the last decade even before they were in the majority. And it's not timely. In fact, the estimates are that 7 percent of the money that would be spent in this bill could be spent in the next year.

Alice Rivlin, President Clinton's budget director, said yesterday before the House Budget Committee, we would be a lot better off if we were debating that 7 percent, and we were taking the other 93 percent and having hearings and trying to do what the Speaker said in her fact sheet we had done here. Ms. FOXX just mentioned this fact sheet—which, frankly, Madam Speaker, wasn't even factual when it was printed. It says in my committee, the Energy and Commerce Committee, that six Republican amendments were adopted and incorporated into the bill. Three of them were already taken out of the bill before the fact sheet was printed, Madam Speaker.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. Madam Speaker, I would like to yield my friend an additional 30 seconds to continue his very important argument about the issue that Ms. FOXX raised.

Mr. BLUNT. I thank the gentleman for yielding. Three of these were already out of the bill when this was printed. The amendment I had just simply said nothing in this legislation would prevent pharmacists from talking to their patients. That wasn't quite good enough. So in the 12-hour markup—that really did nothing to change the bill as it turns out—we spent 3 hours of that 12 hours agreeing on language so pharmacists could talk to their patients, and that language was taken out before this fact sheet was even printed. The fact sheet is not factual. The stimulus isn't stimulating. I urge that we defeat this rule and defeat this bill.

The SPEAKER pro tempore. Without objection, the gentleman from Colorado will manage the time of the gentlewoman from New York.

There was no objection.

Mr. POLIS of Colorado. Madam Speaker, I yield 2 minutes to the gentlewoman from California, a member of the Appropriations Committee, Ms. LEE.

Ms. LEE of California. Thank you for yielding. And let me just say I, today, rise in support of the rule and also, of course, the bill.

First let me just say the economic policies of the previous administration we all recognize has left our Nation in shambles. The huge tax cuts for the wealthy, the war in Iraq—$10 billion a month—and the greed in this unregulatory environment of the previous administration has brought us to this point. And so I think it's incumbent upon the Republicans, especially, in this body to work together to try to help this country dig itself out of what has transpired in the last 8 years.

Today, more people are living in poverty, more people are living without health insurance, and more people are unemployed than they were 8 years ago, and it's only getting worse. That's why the bill we're debating today is so important.

I applaud President Obama and Speaker PELOSI, our leadership, Majority Whip CLYBURN and Chairman OBEY, for crafting this robust economic stimulus package and their efforts to ensure bipartisanship in this. I'm pleased that it includes funding for a number of important initiatives that many of us have fought for, including extended unemployment benefits, expanding the food stamp program, and providing increased Medicaid funding to the States to help people just get through this crisis. It also funds a range of transportation and infrastructure projects to rebuild our roads, modernize our schools, rehab our housing stock and prevent foreclosures. It creates jobs. It puts our Nation's path to recovery in a very strong position by including $4 billion in job training, including $500 million in green jobs and $1.2 billion in youth training programs.

I'm pleased that State and local governments will be able to tap into the $2.7 billion of these job training funds to fund innovative programs to provide reemployment services, job training, summer jobs, and year-round employment for youth.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. POLIS of Colorado. I yield an additional 30 seconds.

Ms. LEE of California. Taken together, this bill will help put our Nation back on the right track.

But frankly, I think—and many of us think—it could and should have been much bigger, at least $1 trillion, but we're working together to try to reach some type of consensus so that we can move forward in a bipartisan fashion. It should have been enacted, I think, a year ago, when some of us first called for a new stimulus package to jump-start our economy. Instead, the previous administration just refused to take action, letting our economy collapse before choosing to bail out their

friends. So let's move this bill forward. Let's move this bill forward for Main Street.

Mr. DREIER. Madam Speaker, I tell my friend from California that her dream has come true, this bill, according to CBO, is $1.1 trillion.

With that, I would like to yield 2 minutes to my very good friend from Westminster, South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. I thank the gentleman for yielding.

Madam Speaker, I rise today in opposition to the rule of H.R. 1. And it's surprising that out of the 206 amendments submitted to the Rules Committee only 11 were accepted and going to be debated here today.

Today, we will spend about 8 hours on a bill that cost about $825 billion and could potentially put our country in much more debt than we can handle.

Without a doubt, Madam Speaker, the American people are suffering. In my home State of South Carolina, the unemployment rate was about 9.5 percent in December, the highest in 25 years. Our national debt is increasing. And on Monday alone, 70,000 Americans lost their jobs.

Unfortunately, rather than focusing on job-creating measures like infrastructure and tax cuts—like I think should be in there—the Democrats have put forth legislation with billions in unwarranted and unrelated spending. I believe the government's responsibility is to ensure the actions taken are aimed at providing immediate and meaningful economic stimulus while at the same time trying to offer long-term solutions.

The Democrat plan fails to provide a swift and substantial positive impact on the economy. The Congressional Budget Office alone has estimated that much less than half of this money would be spent over the next 2 years. American families, Madam Speaker, are struggling to make ends meet and cannot afford that long to see an improvement in this economy.

In addition to having reservations regarding the effectiveness of the proposed stimulus package in the short term, I'm concerned that my Democrat colleagues have filled this bill with non-stimulative spending. The Democrat plan provides, for example, $50 million for the National Endowment of the Arts, $250 million for NASA to study climate change, and $1 billion for the 2010 census package.

If Congress truly wants to stimulate the economy without damaging our future by increasing the debt, we should make real choices and cut programs in order to pay for other initiatives that truly stimulate the economy. In these challenging financial times, we cannot afford to open the door to more spending.

I urge my colleagues to vote against this rule.

Mr. POLIS of Colorado. Madam Speaker, I yield 5 minutes to the gentleman from Wisconsin, the chairman of the Appropriations Committee, Mr. OBEY.

Mr. OBEY. Madam Speaker, the constant refrain of Republican critics on this bill is that it spends too much money and spends it too slowly. That shows, in my judgment, a failure to appreciate the depth and the duration of our economic crisis.

In testimony before the House Budget Committee yesterday, the CBO Director, Doug Elmendorf, explained that if nothing is done, our economic output will fall below its potential by $1 trillion in 2009, by $900 billion in 2010, and by at least $600 billion in 2011. That would represent a loss in Americans' income and output of $2.5 trillion, or about $8,000 per person that would be lost forever. Director Elmendorf noted that this would be the largest gap relative to the size of potential output since the Great Depression.

When put in that perspective, this $825 billion package is not too large, even with a sizeable multiplier—in fact, it's probably smaller than it ought to be, but it's well worth doing.

In addition, the fact that some infrastructure efforts will take more than 18 months to complete, and thus outlays will continue into 2011 is also justified despite the criticism.

As economist Alan Blinder recently told the Wall Street Journal, because we face a deep and prolonged gap in output, we could certainly use some time release capsules in the form of infrastructure spending to continue to provide a boost to the economy. It ought also to be worth noting that what matters after all is what employers decide about employment, not when the Federal Government outlay takes place.

State and local governments, as well as private construction companies, are making decisions now about whether to fire their staff or how many to fire. Federal reimbursements to governments for education or infrastructure may not occur for a year, but the jobs are preserved today. I would hope that we would remember that.

Much is also made of the fact that this bill will cause an increase in the deficit; absolutely, without question. But the proper question to ask them is how much more would that deficit increase if we do nothing? How much deeper would our employment numbers fall if we do not do something? How many more Americans will lose their health insurance as well as their jobs, as well as their retirement security if we continue to talk about business as usual?

The fact is that we need to compare the cost of this package with the cost of doing nothing. The cost of doing nothing would be catastrophic. The cost of this package is well worth the risk considering the alternative.

Mr. DREIER. Madam Speaker, at this time, I'm happy to yield 1 minute to a hardworking member of our Economic Stimulus Working Group, the gentlewoman from Hinsdale, Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Madam Speaker, I rise today in opposition to the rule for H.R. 1, the so-called ''economic stimulus package.''

At a time of record unemployment, deficits and foreclosures, I believe that we can't do nothing. I believe it is our duty to act swiftly and responsibly to jump-start our ailing economy, and that is why we should be enabling families, entrepreneurs, small businesses and job seekers to keep more of what they earn through fast-acting tax relief, not new wasteful government spending on numerous programs that hold little potential for economic stimulus.

Today, Congress should be considering increased deductions for individuals and small businesses, and tax-free unemployment benefits to help individuals get back on their feet and provide for their families.

Unfortunately, Madam Speaker, the bill before us today misses the mark. It contains at least $132 billion in new programs and spending that will not create jobs in the immediate future. In fact, a report issued on Monday by the Congressional Budget Office and the Joint Committee on Taxation estimated that enacting H.R. 1 would increase budget deficits by $816 billion.

I would urge my colleagues to oppose this rule and the bill before us today.

The SPEAKER pro tempore. Without objection, the gentlewoman from New York (Ms. SLAUGHTER) now controls the time.

There was no objection.

Ms. SLAUGHTER. Madam Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. I thank the gentlelady for yielding.

And as I sat on the floor today and listened to some of the dialogue, let me very quickly, before I make comment, share with you. I had to go home last night to the wake of a very dear friend of mine. As I stood in the receiving line, every single person, irregardless of their party background, came up to me and said, ''You need to go back to Washington and vote for that recovery package. We're hurting, and we need it passed quickly.''

Madam Speaker, I rise in support of the rule for H.R. 1, the American Recovery and Reinvestment Act of 2009, and for the underlying bill. This bill provides urgently needed relief for struggling individuals and businesses and will create or retain three to four million jobs in this country.

H.R. 1 includes America's Better Classroom Act, which will provide tax credits to enable up to $25 billion in school construction and modernization, an initiative that I've been working on for over 12 years, along with my colleagues. Together, with $20 billion in grant funding, these tax credits will enable local communities to address overcrowding and deteriorating classrooms and make sure that students have facilities that prepare them to

enter the workforce of the 21st century. School construction projects will create over 10,000 jobs in North Carolina alone.

While investments are also in this bill for improving roads, bridges, alternative energy, environmentally friendly energy sources, and modernizing public buildings, it will create even more jobs while helping to bring our infrastructure into the 21st century.

We need this legislation to address the urgent and dire economic conditions in my home State of North Carolina and across this country. The tax credits and job creation provisions of H.R. 1 are a bold step that will put our economy back on track quickly. It will invest in the people here in America. And it will do so with accountability and with transparency.

□ 1145

I urge my colleagues to join me in supporting this rule and the underlying bill.

The people I talked with last night in Rocky Mount, they weren't interested in arguments. They want results from this Congress, and they want us to act quickly.

Mr. DREIER. Madam Speaker, I yield myself 15 seconds to respond to the distinguished Chair of the Committee on Appropriations and to respond to his questions by saying again I would commend to him and his colleagues today's U.S. News and World Report that has just come out with an analysis from Democratic- and Republican-leaning economists, all of whom point to the fact that increasing spending dramatically, as this measure would do, in fact, will undermine the potential for what it is we're trying to do and tax cuts are the answer to get the economy growing.

With that, Madam Speaker, I would like to yield 1 minute to our very good friend, my junior colleague from Indianapolis, Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Madam Speaker, instead of tax cuts, we've given Wall Street and the bankers $700 billion in the bailout; $14 billion to the auto industry; and this bill is $850 billion, an ''economic stimulus'' package. No tax cuts really, just more and more spending. And this is going to cause a severe inflationary problem down the road.

And what have the President, the Vice President, and chief economic adviser to the President said? They said this is a good down payment on the problem. So today on television some of the news commentators said, well, is the money we're spending so far going to be enough? And I will just say to them right now if they're paying any attention, according to the administration and the chief economic advisers, this is just a down payment. We're going to spend trillions and trillions more, wasteful spending into a black hole, in my opinion, and it's going to cause severe inflationary problems and economic problems down the road that nobody really anticipates.

We have got to cut spending and we need to cut taxes. That's the solution to the problem.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. SHERMAN).

(Mr. SHERMAN asked and was given permission to revise and extend his remarks.)

Mr. SHERMAN. I thank the gentlewoman for yielding time.

This bill contains aid to States, which is important because the worst thing for us to do in a recession is to fire cops and teachers. This bill includes $114 billion of business tax incentives, which are well crafted because we do not cut tax rates. What we simply do in this bill is allow businesses to take deductions in 2009 that they would otherwise be taking early next decade. And, in fact, of that $114 billion listed as going to business, well more than 80 percent comes back to the Treasury early next decade.

But what can we tell markets today about what is likely to happen to the national debt over the next decade? We are saddled with an $11 trillion national debt. The Fed has quietly issued $7 trillion of guarantees and loans. We've sent nearly a trillion to Wall Street, all on top of a trillion dollar deficit.

Before we do more, we should put into statute the tax increases and expenditure cuts, painful as they will be, that will go into effect in the year after unemployment drops below 4 percent. Sure, we would have to modify such provisions before they go into effect. But we need to adopt both halves of Keynesian economics, both stimulus now and austerity later, and we need to put both halves in statute. Otherwise, those of us who will be advocating fiscal restraint in the future may well lose, and our only recourse will be to prevent the full measure of stimulus that this economy needs now because we are fearful that we will not be able to reverse it later. And, in fact, that is what has happened.

This bill provides inadequate stimulus today and inadequate recapture of that stimulus, actually virtually no recapture of that stimulus, early next decade.

If we're going to use Keynesian economics, let's put into statute both halves. Otherwise, we can provide only empty promises to our children and empty promises to Wall Street and to the world economic community that we will do something about this deficit next decade.

Mr. DREIER. Madam Speaker, I yield myself 15 seconds to respond to my good friend from California, our new father from California, to simply say that if one looks at many analyses that have been provided, it is very apparent that juxtaposing growth-oriented tax cuts to spending, those growth-oriented tax cuts can provide the immediate jump-start that is necessary for the economy, and that's why I think we should come together in support of our package.

With that, Madam Speaker, I am happy to yield 1 minute to our very good friend from Omaha, Nebraska (Mr. TERRY).

Mr. TERRY. Madam Speaker, I rise today to voice my objection and disappointment to this massive spending bill, perhaps a trillion dollars by the time it's all done. And that is being sold as the only way to jump-start the American economy.

Portions of this bill may lead to financial relief for some individuals and some small businesses, but most of the new spending will simply increase the size of the Federal Government, creating a new baseline which is not sustainable. Now, that concerns me greatly because this trillion dollars goes to the national debt, which is, to me, a drag on the economy now.

Economists tell us, and I believe them, that this will cause an increase in the inflation rate, create stagflation, and increase interest rates over the next several years. This is not the right way to go at this point of time.

If the bill contained tax cuts, incentives, as well as the infrastructure that is much needed in America, I could support that.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Madam Speaker, the people of my district, like all Americans, are deeply worried about the economic challenges facing our Nation and optimistic about the future under our new President. They know that swift and meaningful action is needed to restore confidence in our markets, save jobs, and rebuild our economy.

This rule allows the House to take an important step to address the needs of people and industries most affected by the current economic downturn and to stimulate the innovation that is essential to drive our economy in the future. Action is necessary now towards energy independence, educational advancement, infrastructure, and improvements in quality and efficiency in health care to better enable us to meet the economic challenges ahead.

I am particularly proud of the major new investment in health information technology. By increasing the use of health IT to 90 percent of physicians in this country within 10 years, we can assure that vital medical information is available at the point of service, we can improve quality and reduce unnecessary interventions, better coordinate care, save lives, and save costs for patients, employers, and taxpayers, all leading to a healthier, more economically competitive America. It is a smart, timely investment to meet today's challenges and fulfill America's promise.

I encourage my colleagues to vote ''yes'' on the rule, to vote ''yes'' on final passage, and by doing so vote

''yes'' for relief for American families, to vote to stimulate job growth here in America, to vote ''yes'' for the essential investments we need now for the future.

Mr. DREIER. Madam Speaker, at this time I am happy to yield 2 minutes to our friend from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Madam Speaker, I'm glad that this stimulus, and I think all of us are glad, most of us are glad, that this stimulus contains no earmarks from Congress. There's a lot of pork in it certainly, but not earmarks from Congress.

What most people don't realize, however, is that next week we're slated to consider a huge omnibus bill to pass spending bills that didn't get passed in last year's session. That bill, that massive, massive, massive bill, is going to come to the floor with at least, and we have no idea how many, but at least 4,000 earmarks, 4,000 earmarks that have not been vetted by the whole House. Most of them have not even been vetted by the full Appropriations Committee. Some were passed by the subcommittees, but few of them, like the Labor-HHS bill with about, I think, 1,200 earmarks, wasn't even vetted by the full committee; yet it's going to be considered on the floor without the ability to challenge these individual earmarks. Nobody can stand and challenge individuals earmarks. There may be questions about campaign contributions that coincide with earmarks being put out. We can't challenge that. We can't do it because it simply wasn't allowed.

Now, the other side will likely blame our side, well, you guys held up appropriations. We have not been in charge of this body for 2 years; yet we're going to be asked to consider legislation with thousands of earmarks that have not been vetted by the full House and where there is no ability by anyone in this Chamber to actually strike an individual earmark or to question spending.

Now, the reason I bring it up now, this rule, section 2 reads: ''The Chair of the Committee on Appropriations shall insert in the CONGRESSIONAL RECORD not later than February 4, 2009, such material as he may deem explanatory of appropriations measures for the fiscal year 2009.''

What that is to do is to finally get the report of actually what earmarks will be in the bill. Well, guess what.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. Madam Speaker, I am happy to yield my friend an additional 30 seconds.

Mr. FLAKE. February 4 is the same day we will actually be considering this bill on the floor.

I would yield to the chairman of the Rules Committee to see if she would consider amending the rule to allow the report to be filed on February 2. That is what our own rules say we should have, that space of time, at least 2 days for people to actually consider these earmarks.

I yield to the gentlewoman of the Rules Committee.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DREIER. Madam Speaker, I would like to yield my friend from Mesa an additional 30 seconds.

Mr. FLAKE. I thank the gentleman.

I yield to the gentlewoman.

Ms. SLAUGHTER. I thank the gentleman for yielding.

We appreciate your thoughtfulness, Mr. FLAKE, and the good work that you do in the House. But we don't have the capacity to change the date for that report. Otherwise, we would have been happy to consider it.

Mr. DREIER. Madam Speaker, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from California.

Mr. DREIER. Madam Speaker, the majority has the ability to modify that date as they see fit, and it's a very easy procedure that can be done.

I thank my friend for yielding.

Mr. FLAKE. Keep in mind, Madam Speaker, that unless the date is changed, we are likely to get a report on the same day that we vote. More than 4,000 earmarks stuffed into an omnibus bill that we've had no ability to see.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentleman from Wisconsin, the chairman of the Appropriations Committee (Mr. OBEY).

Mr. OBEY. Madam Speaker, I would offer a proposition to the gentleman from Mesa.

He continually raises the question of the nexus between earmarks and campaign contributions. I think there's a terrific way to eliminate that nexus. Would he care to join me in cosponsoring the legislation which I introduced in the first day of the Congress to create 100 percent total public financing and to forbid a single private dollar from being contributed to any Member of the House's campaign? That certainly would eliminate totally any potential nexus between campaign contributions and earmarks and allow the Congress to use its judgment legislatively without bringing into question the integrity of the political process.

□ 1200

Mr. FLAKE. Will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Arizona.

Mr. FLAKE. I see no reason to put the taxpayers on the hook to fund our campaigns. We shouldn't——

Mr. OBEY. Taking back my time, it's obvious the gentleman, I guess, is more comfortable complaining about earmarks than doing something about campaign financing.

Mr. DREIER. Madam Speaker, at this time I am happy to yield 1½ minutes to our new colleague from Peoria, Illinois, the home of Caterpillar, Mr. SCHOCK.

Mr. SCHOCK. Madam Speaker, I rise in strong opposition to the amendment process for H.R. 1.

A couple of points. First of all, I rise in opposition as a Member who has submitted a thoughtful, bipartisan amendment to the Rules Committee, one of the over 200 that was submitted, one of the few that had bipartisan support. I worked with my good Democratic colleague from the State of Washington.

Simply put, it would have required the Federal Government, State government and local governments receiving this stimulus money to spell out who is getting this money, what contractors were awarded the money and its intended use. Just shortly, a few months ago, we awarded nearly $700 billion to financial institutions; $350 billion has been spent, and many taxpayers in my district and around the country are asking where it went. This simply would have required that this money moving forward would clearly spell out who is getting it for what purposes.

I can tell you, coming from the State of Illinois, where we have a Governor on trial right now for giving pay-to-play contracts for campaign contributions, I and many of my colleagues from our State wish to know where this money is going to go given the great latitude given to local governments and States.

The second point. This bill flies in the face of the American public's wishes. Frank Luntz just released a survey that over 84 percent of the American people wish for more spending on infrastructure as a means to stimulus, yet $800 billion in this bill, less than 8 percent is going to go for infrastructure. A similar super majority of Americans oppose giving tax incentives, tax credits, tax cuts to people in this country who do not pay income tax, yet this bill does just that.

So we have heard a lot of talk about bipartisanship, we had a great meeting yesterday with the President, his willingness to work with us, but bipartisanship is not ''you write the bill, we vote for it.''

I urge a ''no'' vote.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Madam Speaker, bipartisanship is important, and we are reaching out for it. There is no President in history that has reached out and has done more to reach out and to show them than President Barack Obama. He has done so.

On our side, the amendments that you wanted, many of those were included by Chairman OBEY, Chairman RANGEL and the other chairmen in this. There were some objectionable items.

Mr. DREIER. Will the gentleman yield?

Madam Speaker, I would like to yield my friend an additional minute.

Mr. SCOTT of Georgia. Well, thank you very much, I can certainly use it.

Because of this, this country is looking for us to provide the kind of leadership that is needed. They don't want us to hang around the docks like little boats. They are looking for us to go way out where the big ships go. We must think big and bold. Our economy is crumbling around us.

Let me speak for a moment about what we need in Georgia. I don't know about your States, but Georgia's economy is crumbling and is in need. We will get just more than $6 billion in construction, and these are ready-made construction projects. Let me read what we have in the law.

It says these new starts and priority projects would be under construction, and, we would be able to award contracts at least within 120 days so that we are moving forward and making sure that these jobs are created in the areas that are needed most.

Now, we don't have a choice in this. The wrong thing for us to do is to do nothing. We have got to act big, we have got to act bold, and the American people are looking to us. We have got to move with confidence.

Mr. DREIER. Madam Speaker, would the gentleman yield?

Mr. SCOTT of Georgia. I would yield.

Mr. DREIER. I thank my friend for yielding and let me say I completely concur with several points that he has made which I think are very important. His first point that President Obama has reached out in a bipartisan way, it is nearly unprecedented, very unprecedented that he came and met, as he and the gentleman and I discussed yesterday privately, right here in this Capitol with Republican members.

The second, the fact you said we have, in fact, seen bipartisanship from the other side, there were 94 amendments submitted by Republicans and 104 amendments submitted by Democrats. A grand total of 11 amendments have been made in order. When you have so many Democrats and so many Republicans who have been cut out of the process, it's very unfortunate.

The third point that the gentleman makes, which I think is a very valid one, we need to have a bold, strong package here rather than doing nothing. That's why I believe passionately that growth-oriented tax rates, as has been stated by economist after economist, are the way to the future, and I thank my friend for yielding.

Mr. SCOTT of Georgia. Well, tax cuts are good, but they are not the only thing. Every economist that we have talked with has said it is spending, because when you spend, you are putting money directly into the economy, creating jobs, and those jobs will yield back tax receipts as well.

When you have tax cuts, it's discretionary. A person can use it to save, they can use it to do whatever. But when you inject money directly into the economy, you are, in fact, stimulating that economy.

Mr. DREIER. Madam Speaker, I would like to yield myself an additional 30 seconds and engage in a discussion with my colleague on this.

Madam Speaker, let me just say that economist after economist has pointed to the fact that if we focus on spending, which the gentleman has talked about, there is a lag time. In fact, the nonpartisan Congressional Budget Office analysis has indicated that spending will go as far as beyond the 10 years from now.

So the gentleman is absolutely right, Madam Speaker, we need to immediately stimulate the economy. And more than a few of these economists, including the President's Chairman of the Council of Economic Advisers, Christina Romer, pointed to the fact that tax cuts are, in fact, the way to provide that immediate stimulus.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of Georgia. Does the gentleman have more time to yield?

Mr. DREIER. We have got a limited time. I have already yielded my friend an additional minute. Maybe Ms. SLAUGHTER might yield the gentleman a minute so that he could respond.

Ms. SLAUGHTER. I can yield the gentleman 30 additional seconds but no more.

Mr. SCOTT of Georgia. I am so glad you pointed that out, because let me show you, let me just illustrate to you, everything is different, every State is different.

My State has over 6 billion shovel-ready projects ready to go. In one county alone, in Clayton County, we have got $43 million ready to go; in Cobb County, $50 million; Henry County, $12 billion; in Douglas County, $11 million and in Fulton County, $62 million. These are shovel-ready projects ready to go that will create jobs.

Mr. DREIER. Madam Speaker, let me yield myself 15 seconds to simply say to my colleague that yesterday we had a great discussion about Clayton County. I appreciate the fact that he has several shovel-ready projects.

I still point to the fact that the CBO analysis points out that getting those dollars immediately is, in fact, not going to happen in fact as fast as the gentleman from Clayton County and I would like to see happen.

At this point I would like to yield, Madam Speaker, 1½ minutes to our very hardworking friend, the former chairman of the Committee on Small Business, the gentleman from Egan, Illinois (Mr. MANZULLO).

Mr. MANZULLO. Madam Speaker, I rise in opposition to this rule. The problem today is nobody is talking about restarting manufacturing. That's what we need to do in order to re-stimulate the economy.

We need to help businesses create orders and make sales, and the place to start is by offering a voucher, so that if you buy a brand-new automobile you get a $5,000 voucher. This is the way to jump-start the economy without continuing to spend trillions of dollars.

In 2007, 17 million new cars were sold, a year later, only 10 million. That sucked $175 billion out of the economy. If we can get back to selling 15 million cars, we can add $125 billion to the economy, and if you multiplied that times three or seven, which is economic growth, easily over $1 trillion.

When cars and trucks start selling, people go back to work. It refurbishes local and State tax funds. It restarts the manufacturing and supply chains. People, instead of receiving unemployment compensation, start paying Federal and State income tax.

This is so easy. Get the people back to work to manufacture the automobiles, have a $5,000 voucher. The total cost is only $75 billion for 15 million new automobiles. This is what it takes. This is called trickle-up economy. You aim the focus of the stimulus at the problem, and that's the lack of sales of automobiles and trucks in this country.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the chairman and rise in support of the rule and the stimulus bill.

In 2008, more than 2.6 million Americans lost their jobs, the highest yearly job loss total since 1945. In my home State of California, the unemployment rate soared to 9.3 percent last month, its the highest in 15 years.

It's clear that Congress must take aggressive action to stave off a long and deep recession. This legislation will help create jobs quickly, restore purchasing power and help those in need.

With such a large stimulus under consideration, we also have an opportunity to build infrastructure that will promote long-term prosperity. While we have to place a premium on dispensing funds quickly, we must also make a large significant and lasting investment in our country's future. When this recession is far behind us, I hope we can look back and see that something positive came out of it.

By investing in renewable energy, we can achieve both short-term and long-term goals. We can fund many shovel-ready projects that will give the economy a quick boost, but we can also make an investment in America's future, creating high-paying jobs and changing the energy paradigm of this country.

Let's make sure we produce a foundation for the Nation's long-term health and prosperity and a lasting improvement in our standard of living.

In 2008, more than 2.6 million Americans lost their jobs, the highest yearly job-loss total since 1945. In my home state of California, the unemployment rate soared to 9.3 percent last month—its highest point in 15 years. It is clear that Congress must take aggressive action to stave off a long and deep recession and that we must do more to ensure that appropriated money is spent efficiently and effectively to ensure America's future success.

This legislation will create jobs quickly, help restore purchasing power, assist those in need and begin to reignite our flagging economy.

With such a large stimulus package under consideration, we also have a unique opportunity to build infrastructure that will promote long-term prosperity. While we must place a premium on dispersing these funds quickly, we must also make a large, significant and lasting investment in our country's future. I hope to be able to look back on this period, when the recession is far behind us and see that something positive came out of this crisis.

By investing in renewable energy, we can achieve both short-term and long-term goals. The green energy sector has many shovel-ready projects that would give the economy a quick boost. But renewable energy is also vital to our continued economic health—it creates high-paying American jobs in a fast-growing industry and protects our nation's natural resources. In passing this bill, we take the first step on the path toward a clean sustainable high-tech economy.

I believe that the stimulus will help revive our economy both by helping American families who are struggling to make ends meet and by making critical investments in our future. It will help establish the foundation for the nation's long-term economic health and prosperity and ensure a lasting improvement in the standard of living for our children and their children.

Mr. DREIER. Madam Speaker, at this time I am happy to yield 1 minute to our very thoughtful and hard-working colleague from Knoxville, Tennessee (Mr. DUNCAN).

Mr. DUNCAN. I thank the gentleman.

Madam Speaker, I rise in opposition to the rule and the bill that it brings to the floor. The bill has some good things in it, but we simply can't afford them.

When a family falls deeply head over heels into debt, it doesn't go out and immediately and greatly increase its spending. If it does, it gets in even worse trouble.

The majority voted to increase our national debt to an incomprehensible $11.315 trillion in the last big bailout bill. Now we are told we face trillion-dollar deficits for several years to come.

We simply cannot afford this so-called stimulus package. All it is really a short-term fix for our addiction to spending. And it's false to say if we don't pass this package, we are voting to do nothing. We haven't given enough time to see what effect all the trillions of dollars of actions taken by the Federal Reserve and the Treasury over the last few months have had and will have.

Most Americans support more spending on our infrastructure, but this is less than 8 percent of this bill, and highway spending is only 3 percent. We could do far more, Madam Speaker, for our economy at far less cost if we would give significant tax credits to anyone who would buy or build a new home and people who would buy new or used cars and trucks.

Ms. SLAUGHTER. Madam Speaker, may I inquire from my colleague how many speakers he has remaining?

Mr. DREIER. I think at this juncture we have a couple of speakers remaining.

May I inquire of the Chair how much time is remaining on each side, Madam Speaker.

The SPEAKER pro tempore. The gentleman from California has 4¾ minutes remaining and the gentlewoman from New York has 1 minute remaining.

Ms. SLAUGHTER. I reserve the balance of my time.

Mr. DREIER. At this time I am happy to yield 1 minute to our very, very good friend from Highland Park, Illinois (Mr. KIRK).

Mr. KIRK. Madam Speaker, I have now successfully amended this bill twice. The first Kirk amendment blocked stimulus funds from going through Governor Blagojevich's hand.

The second Kirk amendment deleted funding for $200 million to resod the National Mall. Now the Mall plan collapsed last year after the Park Service received 13,000 objections, including the ACLU, that objected to the plan's restrictions on protest space.

I also objected to the need to turn the reflecting pool into an ice-skating rink, for an expensive contemplation area and new water-taxi service the taxpayers would pay for but no one would use.

It's surprising the Appropriations Committee even approved this funding. Unfortunately, congressional leaders have rejected my amendment allowing bipartisan oversight over the $825 billion of spending in this bill.

This bill claims to set up a transparency board and an advisory committee, but all of the members will work for the White House. Congressional leaders rejected any oversight by anyone who does not report directly to the President.

Mr. DREIER. Madam Speaker, at this time I would like to yield 1 minute to another member of our Economic Stimulus Working Group, our new colleague from Buffalo, New York (Mr. LEE).

Mr. LEE of New York. I thank our esteemed ranking member for yielding.

I rise in opposition to the rule, but more importantly to the underlying bill. The stimulus bill is fraught with spending that truly misses the mark, and what we need to turn around is our struggling economy. The stimulus should spark job creation and ease the strain on middle class America.

□ 1215

We spent our way to prosperity and a bloated Federal Government. The bill does not provide adequate tax relief to small business and middle-class Americans who are on the front line of this crisis. For every dollar this plan devotes to small business, $6 are used to create new Federal programs, programs which never seem to end.

Creating new Federal programs for every American is not a responsible blueprint for creating jobs in our country and in western New York. Western New Yorkers are no strangers to doing more with less. It's time the Federal Government follow that same pattern. Now Washington needs to do something quickly and responsibly.

Mr. DREIER. Madam Speaker, may I inquire of the Speaker again how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 2¾ remaining, the gentlewoman from New York has 1 minute remaining.

Mr. DREIER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, on the 9th of January, then President-elect Obama made it very clear. He said, There is no disagreement. That we need action by our government; a recovery plan that will jump-start our economy. And there is total agreement on that. Total agreement on that.

We all know, both sides of the aisle, that in our districts, whether it's Georgia, New York, California, our constituents are hurting. We are all feeling the pain of this economic downturn. The question is: What action will we take? Are we going to put into place a bill that is 627 pages long, $1.18 billion for every single page of that bill, with spending that will go beyond the next 10 years as we seek to immediate immediately jump-start our economy, or are we going to do what so many economists from both sides of the aisle have indicated we need to do—put into place strong growth-oriented tax cuts that can provide the fast-acting jump-start that we all seek. That is the choice that we have here.

Now, Madam Speaker, unfortunately, this rule, this rule does not allow the kind of debate the Democrats and Republicans deserve: 206 amendments offered to the Rules Committee, most of them amendments from Democrats. Ninety-four of those 206 came from Republicans. Yet, only 11 were made in order.

That is why this rule is unfair, and it's unfair to the American people. We need to have a growth-oriented package, and we are going to come forward with that, but we also need to have a number of these other creative, thoughtful proposals that so many of our colleagues have offered come before us.

This bill, according to the Congressional Budget Office, will exceed $1.1 trillion if you take into consideration the interest payments. That is going to impose a tremendous burden on future generations, and it is not going to provide the jump-start that President Obama has talked about.

Madam Speaker, I urge my colleagues to vote ''no'' on this rule, ''no'' on the underlying legislation. But when we do have our opportunity to provide a balanced, growth-oriented package, I hope the Democrats and Republicans can come together to provide that immediate jump-start that we need.

With that, I yield back the balance of my time.

Ms. SLAUGHTER. Madam Speaker, not anyone in the Rules Committee last night would ever have guessed that

I was importuned more than once to make sure there weren't too many amendments out here today; that there were pending trips, things that people had to go to.

The hypocrisy of it sometimes gets the better of me, and I must admit that even mentioning it is somewhat petty on my part. But, nonetheless, I think it needs to be said.

I would be happy to stay here tomorrow and continue to debate this. Frankly, I don't know how anyone can go home this weekend and look in the faces of our constituents and look at the young people, as one of my neighbors said, who had to be pulled from college because he couldn't afford it; for people who don't know if they are going to be working next week; for people who absolutely don't know if they have any future, how do we continue this cold and bitter winter in upstate New York, where the heating prices go up every single day, and where absolutely too many people don't know where the next meal is coming from at the same time as the community kitchens are running out of food.

We are in a very serious condition here, Madam Speaker. This is no time for politics. Everybody says it, but so few people mean it. I mean it. I urge a ''yes'' vote on the previous question and on the rule, and hope that we can do one today that will begin to rebuild the country we love, America.

Mr. LARSON of Connecticut. Madam Speaker, I rise today to highlight an amendment included in the legislation before us today that will not only put Americans to work, but will also improve the safety of our communities. This amendment will go a long way to help put firefighters back in our neighborhoods.

President Obama clearly understands the value of firefighters in our communities, as in his inaugural address he spoke of the firefighters' ''courage to storm a stairway filled with smoke'' in describing the faith and determination of the American people.

By waiving the matching requirement under the Staffing for Adequate Fire and Emergency Response (SAFER) program, this amendment will ensure that thousands of firefighters are either hired or retained nationwide without adding a single penny to the federal deficit.

All across our Nation, State and local governments are struggling. My State of Connecticut is currently facing a one billion dollar budget deficit this year alone. As a result, our governors, mayors and selectmen are being forced to make deep and at times dangerous budgetary cuts that are unfortunately resulting in many localities not being able to participate in the SAFER program, which is meant to assist departments in hiring additional firefighters.

Congress has funded the SAFER program in the past, and it would be irresponsible for the House to allow this funding to go unused. For this reason, I am extremely pleased that we adopted the aforementioned amendment and ensured that this funding gets to the local fire departments during this time of need.

Madam Speaker, this is just one more example of the responsible, beneficial provisions included in the American Economic Recovery and Reinvestment Act that will lead our country back to economic stability. I thank all of my colleagues for their support.

Ms. SLAUGHTER. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 92 will be followed by a 5-minute vote on the motion to suspend the rules on S. 328.

The vote was taken by electronic device, and there were—yeas 243, nays 185, not voting 4, as follows:

[Roll No. 40]

YEAS—243

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—185

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sanchez, Loretta
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Brown-Waite, Ginny
Cassidy
Delahunt
Solis (CA)

□ 1243

Mr. MINNICK changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DTV DELAY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 328, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BOUCHER) that the House suspend the rules and pass the Senate bill, S. 328, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 258, nays 168, not voting 6, as follows:

[Roll No. 41]

YEAS—258

Abercrombie
Ackerman
Aderholt
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McClintock
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Perriello
Peters
Petri
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Woolsey
Wu
Yarmuth

NAYS—168

Adler (NJ)
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Berkley
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Doggett
Dreier
Ehlers
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Larsen (WA)
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McCotter
McHenry
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perlmutter
Peterson
Pitts
Platts
Poe (TX)
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Walz
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Brown-Waite, Ginny
Delahunt
Payne
Solis (CA)
Towns
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

□ 1253

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 96

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON HOMELAND SECURITY.—Ms. Loretta Sanchez of California, Ms. Harman, Mr. DeFazio, Ms. Norton, Ms. Zoe Lofgren of California, Ms. Jackson-Lee of Texas, Mr. Cuellar, Mr. Carney, Ms. Clarke, Ms. Richardson, Ms. Kirkpatrick of Arizona, Mr. Luján, Mr. Pascrell, Mr. Cleaver, Mr. Al Green of Texas, Mr. Himes, Ms. Kilroy, Mr. Massa, Ms. Titus.

(2) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Kanjorski, Mrs. Maloney, Mr. Cummings, Mr. Kucinich, Mr. Tierney, Mr. Clay, Ms. Watson, Mr. Lynch, Mr. Cooper, Mr. Connolly of Virginia, Ms. Norton, Mr. Kennedy, Mr. Davis of Illinois, Mr. Van Hollen, Mr. Cuellar, Mr. Hodes, Mr. Murphy of Connecticut, Mr. Welch, Mr. Foster, Ms. Speier, Mr. Driehaus.

Mr. LARSON of Connecticut (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

Mr. PRICE of Georgia. Madam Speaker, reserving the right to object, we weren't able to hear on this side what the gentleman asked unanimous consent for.

The SPEAKER pro tempore. The Clerk will continue to read.

The Clerk continued to read.

The SPEAKER pro tempore. Does the gentleman from Georgia withdraw his objection?

Mr. PRICE of Georgia. Further reserving, Madam Speaker, I would just point out that the ratio on the floor of the House is approximately 59 percent majority party, 41 percent minority party. However, in committees, many committees, that ratio is not adhered to.

We on the minority side have asked the Speaker to make certain that the committees reflect the percentages on the floor of the House. It was impossible to discern from the names read, but we would reiterate our concern to the Speaker regarding the percentages on committees reflecting majority and minority party.

The SPEAKER pro tempore. Does the gentleman from Georgia withdraw his objection?

Mr. PRICE of Georgia. I withdraw my objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 92 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1.

□ 1256

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes, with Mr. TIERNEY in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose on Tuesday, January 27, 2009, all time for general debate pursuant to House Resolution 88 had expired.

Pursuant to House Resolution 92, further general debate shall be confined to the bill and amendments specified in that resolution and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I yield to the gentlewoman from New York for a unanimous consent request.

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. I thank the gentleman for yielding and for his leadership on this tremendously important bill, and I place in the RECORD my statement in strong support of the American Recovery and Reinvestment Act.

Mr. Chair, the current economic crisis requires bold solutions that address the enormity of our economic woes, and the American Recovery and Reinvestment Plan will do just that.

The $825 billion recovery package that we are voting on will create or save an estimated 4 million jobs and will make key investments in our future.

But first and foremost, the economic recovery package focuses on blunting the effects of the recession and helping families in need.

In addition to increasing food stamp benefits and expanding unemployment benefits, our plan protects health care coverage for roughly 20 million Americans during this recession by increasing the Federal Medicaid Assistance Percentage (FMAP) so that no state has to cut eligibility for Medicaid and SCHIP, the children's health insurance program, because of budget shortfalls.

For my home state of New York it more than doubles the FMAP match resulting in roughly $10.42 billion over 9 quarters. This is critical funding for our state which is seeing an increase in caseloads as a result of the recession.

The recovery plan also invests in important needs that have been neglected over the past eight years. America's school, roads, bridges, and water systems are in disrepair and this is creating a drag on economic growth.

Our plan will spread job creation out over the next two years, which will soften the downturn and foster a solid economic recovery.

We have an historic opportunity to make the investments necessary to modernize our public infrastructure, transition to a clean energy economy, and make us more competitive in the 21st century.

It's time to get our economy back on track. I urge my colleagues to support the American Recovery and Reinvestment Plan.

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this economy is in crisis. The financial system of the country is in crisis. Retirement plans of millions of Americans have been destroyed. Families are angered and terrified. They see layoffs happening all around them. They and their friends are not only losing their jobs, they are losing health coverage. They are losing their ability to help their kids pay for college education.

President Bush, when he saw the initial stages of the problem, got Congress to give him $750 billion to try to calm the chaos on Wall Street.

□ 1300

President Obama is now looking for action to help Main Street. This package is designed to create jobs through construction and through changing the way we do business in the field of energy. It attempts to try to help victims of the recession by providing unemployment insurance, by increasing their ability to get Medicaid coverage if they lose their health care coverage and by increasing their ability to be able to afford COBRA payments if they lose their health insurance. This proposal is also aimed at rebuilding the economy, especially by changing the way this economy works in the energy area, in the science area and in the technology area. And I think we need to be about getting that done.

This bill is hugely expensive. But it is not nearly so costly as continuing business as usual. It has a big price tag because we are dealing with a big problem.

Unfortunately, the debate has been incredibly trivialized. Last night, for instance, we heard speaker after speaker discuss the need to act. But then they would say, ''Well, I can't vote for this package because it contains money for the arts or money for the Mall.'' I would like to put those two items in perspective.

The arts funding in this bill is a tiny fraction of this entire bill. The arts expenditure in this bill represents about 6 cents out of every $1,000 contained in this legislation. People ask, well, what does funding for the arts have to do with jobs? It is very simple. People in the arts field are losing their jobs just like anybody else. You have local arts agencies, you have local orchestras, local symphonies and local arts groups of all kinds who are shutting down, laying people off, and in a number of instances going bankrupt. This is a small, tiny effort to keep some of those people employed over the next 2 years. I make no apology for it. We have an obligation to salvage as many jobs as we can regardless of the fields in which people work.

The second issue is the Mall. People say, ''Well, goodness gracious, what on Earth does spending for the Mall have to do with creating jobs?'' Well, Mr. Chairman, I would point out that, again, the funding for the Mall represents about 25 cents of every $1,000 in this bill, a tiny, tiny fraction. Three-quarters of that amount was directed at trying to preserve the Jefferson Memorial which is slowly sinking into the Tidal Basin and needs to be salvaged. But because these items have become such distractions, we've decided to take several items out. So the Mall is gone. We don't have to worry about refurbishing the Mall any more. That will have to wait for another time.

My point in discussing these two items is to simply express my regret at the way this debate has been trivialized. But I also think that it is revealing because I think it tells us what is really going on. And in my view, what is going on is this. At least one of the leaders in the Republican Caucus advised his caucus members that the way for the Republican minority to behave was to behave ''like a thousand mosquitoes'' to harass the majority. That may suit somebody's legislative style. It would not suit mine.

The CHAIR. The time of the gentleman has expired.

Mr. OBEY. I yield myself 3 additional minutes.

But I think that comment is revelatory because that, for all practical purposes, is what we saw last night, many Members behaving like mosquitoes, focusing on trivia and ignoring the big picture. Some people will say, ''Oh, you're moving too fast.'' I would point out, this work should have been done 3 and 4 months ago. Some of us tried in September to pass a very small economic recovery package. The then-Bush White House would have no part of it. They were not interested. So we've had to wait until now. But it is now essential for us to move. We've got to get this job on the road. Every week that we delay is another 100,000 or more people unemployed. I don't think we want that on any of our consciences.

This package is aimed at creating jobs. It's aimed at helping people who

are most impacted by the recession. And it is aimed at trying to modernize and freshen parts of the economy so that we can rebuild the ability of middle-income families to actually increase their income over time.

Mr. Chairman, the main reason we're in this fix today is because over the last almost 20 years or more, we have had very little wage growth and very little income growth on the part of average working families in this country. In fact, if you go back to the year 2001, 95 percent of the income growth in this country has gone into the pockets of the wealthiest 10 percent of American families. That means that the other 90 percent, the great middle American family swath, those families have been trying to keep their heads above water. And how have they been doing it? By borrowing. So they borrowed for housing. They borrowed for tuition. They borrowed for health care. They borrowed for a lot of other things. And now the rubber band has finally snapped. The markets are in chaos, people are panicked, and we've got to try to do something to stabilize the situation. We have to try to reinflate the purchasing power of consumers, and we have to do it in such a way that we build an opportunity for average working families to raise their income again so that they aren't beset by the same economic problems that they were beset by the last 10 years.

With that, Mr. Chairman, I would urge an ''aye'' vote for this package.

I reserve the balance of my time.

The CHAIR. The Chair recognizes the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate your recognizing this mosquito who is rising to urge people to look very, very carefully at this package before they decide to vote ''yes'' or ''no,'' but specifically for those who really want to see our new President have a chance at success over these next couple of years. Indeed we are going to need as many people positively addressing this huge package as we possibly can.

The CHAIR. Does the gentleman from California wish to yield himself such time as he may consume?

Mr. LEWIS of California. I very much appreciate the Chairman asking that question, and since you did, I will yield myself such time as I may consume.

I am very, very intrigued by my colleague suggesting that this bill really shouldn't bother too many people because it's long overdue and certainly desperately needed. And indeed, he was almost mocking some of those questions raised yesterday about programs, people suggesting that the money that we're talking about for the arts in some way is not stimulus, that the money that we might put in the National Mall in some ways isn't really meaningful stimulus. I have the bill here on my desk. Someone wrote earlier that the cost of this bill is approximately $1.18 billion per page.

It's about time we began to recognize that the money we're talking about is not just huge in terms of numbers of dollars, but potentially a very huge burden on future generations of Americans. As we debate this stimulus package, we're throwing around an awful lot of big numbers. But let's be very clear that these big numbers are real dollars and that real families are involved. In my own family, we have seven children, my wife and I, and from that some 11 grandchildren. Those grandchildren are going to be paying for this all their lifetime, long after the chairman and I are angels. If every American family were asked equally to shoulder the burden of this $816 billion stimulus package, it would be like asking to take on an additional $10,247 for each family.

Our constituents are already facing unprecedented economic challenges. They want credible economic stimulus.

I remember the chairman suggesting throughout this discussion that he spent an awful lot of time with us in consultation looking for input as to what ought to be in this package. I remember the first session that he and I had in his office. It wasn't a long session, but it was a stimulating one in which he suggested that the package that was going to come forth would likely be designed to stimulate the economy to create jobs. And he talked about infrastructure as being one of the major items. My goodness. The infrastructure in this bill, the infrastructure spending is something less than 10 percent of the whole package. And for shovel-ready projects, it is smaller than that. I also remember the second session I had with my chairman regarding this matter. We spent almost a whole hour together in that discussion. He asked if I had a pencil so I could write down some of the numbers. He was going to describe what might be a part of the package. I was really thrilled he was going to be that personal with his ranking member on the committee and actually get involved so we would have a chance to evaluate it. And my chairman, as he was watching me make notes and my staff making notes, decided probably not to tell me that a day and a half later he was issuing a 15-page press release before the bill had been filed that went into a considerable amount of detail, considerably more than he shared with either his ranking member or any of the rest of the members, at least on my side of the aisle, in the Appropriations Committee.

It is my understanding that many a subcommittee chairman, or at least their staff, were told very specifically that there was an embargo relative to their communicating and sharing information with our subcommittee staff people as well as subcommittee members. The minority was not included in developing this package. And it has become a horrendous package that is going to place a burden on the American people for a lifetime.

While Members are proceeding with nothing but good intentions in this package, let us be mindful of the fact that this additional burden will be placed squarely on the backs of our children. But also let us be mindful of the fact that next week we are going to be considering an omnibus package that involves over 410 billion additional dollars. And we didn't get the work done. Indeed, that package is going to come to us with all kinds of funding that should have been done and should be available already. But the chairman chose to put that spending on the shelf in order to develop this stimulus package with others in his leadership.

I presume what that really means is that within this bill is all kinds of funding that had its beginning within those nine other bills that now we are going to eventually get to next week. You combine TARP with this package, you take a look at that 400 plus billion dollars, people have been talking about additional interest costs—we are talking about in a very short period of time over $1.5 trillion that the majority is running forward with, with very little concern about the impact that this might very well have on our grandchildren.

□ 1315

I must say that many of us feel a little sorry for what this work will do to our families.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the minority continually spouts the myth that the minority was not allowed to be involved in the development of this legislation. Here are the facts:

In September, when we developed our first recovery package, I specifically asked the ranking minority member of this committee to please let us know what he felt ought to be in that package and what shouldn't.

In December, we held a hearing with a number of governors and other witnesses on the issue of a stimulus or recovery package. The ranking minority member urged Republican members of the committee not to show up at that hearing, and only three did.

In December again, I sent a letter to every member of the Appropriations Committee, Republican and Democratic alike, asking them for their input. We got a lot of suggestions from both sides of the aisle, although obviously a number of the Republican members preferred to provide their information on a confidential basis because they evidently felt——

The CHAIR. The time of the gentleman has expired.

Mr. OBEY. I yield myself an additional minute. They evidently felt they were being discouraged from participating so that it would be easier for them to vote ''no'' on the final package.

On January 11, I sat down with the ranking member of this committee and discussed in general terms where I

thought the bill was going and again urged that we be given any information about what program levels they thought were appropriate; got no real indication of interest.

On January 13, I met and went over what we were thinking about doing in detail with the ranking member of this committee. And again, we got very little indication that there was any real interest at the top of the power ladder in the Republican Caucus in having the Republicans participate in this process.

So if someone says, ''I'm sorry I was shut out,'' but it is they who turned the key in the lock that kept them on the outside, that certainly isn't our fault. We have tried to welcome any advice, any suggestions from any source—not just Members of Congress, but others in this society—and this product reflects that.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I normally would not proceed in this fashion, but I could have guessed that the chairman might react to some of those remarks that I made—especially remarks about his falling over backwards to cooperate with the minority—so I would like to take a little time to be very specific about this.

I appreciate Chairman OBEY making the point that he reached out to the minority on the stimulus package. He did reach out to me, as the ranking member of the Appropriations Committee, and I made three suggestions relating to how the bill could become a bill that many Republicans could support.

I suggested that Chairman OBEY consider less spending, and especially removing spending for those items that are not stimulus and should be funded through the regular appropriations process. What happened? Spending on programs that don't create jobs actually increased, particularly those in the Labor, Health and Human Services Subcommittee that Chairman OBEY chairs himself.

I suggested that Chairman OBEY consider lowering the top line of spending on this package. What happened? The top line on spending actually increased.

I suggested a greater emphasis on targeted tax cuts for low-income families and small businesses. What happened? The tax relief portion of this stimulus bill got smaller as the top line on spending increased.

It's one thing to seek constructive input in the hopes of building bipartisan consensus on a bill as important as this package, but that clearly has not happened. Judging from the legislation as presently written, it's quite clear that the majority's desire is less about creating jobs and stimulating the economy and more about spending the public's money.

Do not for one minute believe that this bill reflects the input of House Republicans or even many House Democrats. This bill was largely written by two people. Any suggested negotiations on this legislation occurred between the Speaker and my chairman, Mr. OBEY. That's not a negotiation, that is a travesty, a mockery, a sham. Wow! What a shame to waste a historic opportunity to bring Republicans and Democrats together to roll up our sleeves and work in a bipartisan fashion.

It's not too late to make this a better bill, a bipartisan bill. As I said in my opening remarks, I sincerely want the President to be successful. The challenges we face do transcend politics. If the President or his staff are listening, I ask them to pursue bipartisanship so this can be a package both Democrats and Republicans will support.

I say one more time, travesty begins when there's a flat embargo at a subcommittee level when our majority staff is told they shouldn't be communicating with the minority staff. Bipartisanship is the best of our committee, and if this pattern continues, our committee is not going to be able to continue to produce products worthy of its name.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished majority whip.

Mr. CLYBURN. I thank the gentleman for yielding time and thank him so much for all that he's done to put together this great package.

Mr. Chairman, I rise in strong support of this balanced, responsible recovery package that will put America back to work. I want to thank—in addition to Chairman OBEY—Speaker PELOSI, Chairman RANGEL, Chairman OBERSTAR, Chairman MILLER, Chairwoman SLAUGHTER, and all the other chairmen who have made sure that the bill reflected the pressing needs of our economy.

I also would like to thank the staffs who worked so diligently in constructing this bill, particularly Amy Rosenbaum in the Speaker's office, Beverly Pheto of the Appropriations Committee, Janice Mayes of Ways and Means, and David Hensfelt of Transportation and Infrastructure.

I have listened intently to the opponents of this legislation, and per their usual prescription, they tell us that only tax cuts can cure this recession. But Mr. Chairman, what good is a tax cut when you don't have a job? America works when Americans work.

In South Carolina, my home State, the unemployment rate is 9.5 percent, the third highest in the Nation. More than 26,000 South Carolinians joined the jobless ranks last month, raising the total number of unemployed in the State to a record 210,000.

Our package is balanced. It has middle class tax cuts, it has business tax cuts, it has investments in our physical infrastructure. It is the right mix of spending and tax breaks to get America working again.

This legislation is pro-growth and pro-business. Allow me to quote from the letter that the National Association of Manufacturers sent yesterday. ''We strongly support a number of provisions in the American Recovery and Reinvestment Act. This legislation—which combines targeted tax incentives and increased investments in areas critical to our competitiveness—will help get our Nation's economy back on track and ensure job creation and sustainable economic growth.''

The CHAIR. The time of the gentleman has expired.

Mr. OBEY. I yield 1 additional minute.

Mr. CLYBURN. I also have a stack of letters from business organizations, all endorsing this package, including the National Black Chamber of Commerce, the Community Bankers, and the National Association of Realtors.

President Obama was joined by a dozen CEOs this morning who have endorsed this package. We have a letter from 120 high-tech CEOs endorsing the investments we make in our digital infrastructure.

So in closing, Mr. Chairman, Fortune 100 CEOs from all sectors are telling us that this is the right course of action. I urge my colleagues to choose progress over partisanship. Vote ''yes'' on this recovery package. And let's put Americans back to work.

NATIONAL ASSOCIATION
OF MANUFACTURERS,
Washington, DC, January 27, 2009.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, Washington, DC.

Hon. JOHN BOEHNER,
Minority Leader, House of Representatives, Washington, DC.

Hon. STENY HOYER,
Majority Leader, House of Representatives, Washington, DC.

Hon. ERIC CANTOR,
Minority Whip, House of Representatives, Washington, DC.

Hon. JAMES CLYBURN,
Majority Whip, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER, LEADER HOYER, LEADER BOEHNER, CONGRESSMAN CLYBURN, AND CONGRESSMAN CANTOR: The National Association of Manufacturers (NAM) is gratified by the commitment of the bipartisan, bicameral Congressional leadership and the Obama Administration to move quickly on a legislative package to help get America working again. Manufacturers recognize that immediate action is needed to address the unprecedented challenges faced by all sectors of the economy.

NAM members believe a balanced tax and investment package designed to have an immediate impact on job providers and the people who depend on them, will go a long way to spur economic revitalization. To this end, we strongly support a number of provisions in the American Recovery and Reinvestment Act scheduled for debate this week. This legislation—which combines targeted tax incentives and increased investment in areas critical to our competitiveness—will help get our nation's economy back on track and ensure job creation and sustainable economic growth.

In particular, the NAM supports the following measures:

Tax Relief for Struggling Companies: Net operating loss (NOL) relief has a proven

track record of helping companies through tough times. Extending the carry back period to five years will provide an immediate infusion of cash for struggling companies of all sizes, in a broad, cross-section of industries. The loss carry back extension will help companies retain jobs, make critical investments and, in some cases, simply keep their doors open.

Broad Investment Incentives: Capital investment is key to sustainable economic growth and job creation. Extending the 2008 ''enhanced'' expensing and ''bonus depreciation'' provisions that allow all companies to take a current 50 percent write-off will help spur needed investment.

Housing: The housing market collapse remains at the core of our nation's economic crisis and it is critical that any economic recovery plan include proposals to stabilize and revitalize the housing industry. The proposed enhancements to the home buyers' tax credit will encourage people to reenter the housing market, helping to retain and create job opportunities in numerous housing-related industry sectors.

Energy Efficiency and Renewable Energy: Energy efficiency upgrades can reduce energy costs. Proposed new incentives and extensions and enhancements of existing provisions will encourage investment in energy efficient equipment and sources of renewable energy. While we support an investment strategy to achieve energy efficiency, the NAM would oppose mandates that lock in higher energy costs for manufacturers. We continue to believe that the adequacy of domestic energy supply remains one of the biggest challenges impacting manufacturers and their decisions on where to locate.

Highway, Aviation and Waterways: Providing additional funding to states and localities struggling to make progress on the growing backlog of transportation infrastructure projects will go a long way to strengthen our nation's transportation infrastructure, a critical priority for manufacturers. Similarly, funding a 21st century satellite-based air traffic control system will significantly enhance safety and energy efficiency while relieving congestion at our nation's crowded airports. Likewise, fully funding the Army Corps of Engineers water resources program will address millions of dollars of unmet needs related to high priority operations and maintenance along the inland waterway system.

Water and Sewer Facilities: Funding to update and modernize our nation's drinking and wastewater infrastructure will help promote sound environmental policy and manufacturing competitiveness, while providing manufacturing and construction jobs.

Health Information Technology: Rising health care costs are a significant concern because they limit manufacturers' ability to create new jobs or invest in new technologies, ideas, or products. New funding and incentives to promote the widespread adoption of a uniform, interoperable system of health information technology (HIT) will increase transparency, reduce medical costs and improve the quality of patient care.

Workforce Development: Many unemployed workers are not trained in the techniques and technologies necessary to fill a number of the jobs existing today and those that would be created by the stimulus package. These technical jobs require either post-secondary training or specific skills, which is why this must be an important component of any economic stimulus.

Broadband: Initiatives to promote the deployment of high-speed broadband infrastructure in unserved and underserved areas will help ensure that high-speed Internet service is available everywhere in America. Benefits will be felt immediately in business, education and healthcare.

Basic R&D: Federal funding for basic research and development by the Department of Energy's Office of Science, the Department of Commerce's National Institute of Standards and Technology (NIST) and the National Science Foundation will support our nation's ability to strengthen innovation in industries, foster a green economy and create new jobs in cutting-edge technologies.

The NAM recognizes that action by the House of Representatives will be a significant step. We urge you to move expeditiously to address our economic crisis. Throughout the debate in the House and Senate, we are committed to working with you to strengthen the American Recovery and Reinvestment Act with additional provisions that will also create jobs and have a highly beneficial impact on our economy, including needed pension changes, additional tax relief to accelerate clean coal technologies, incentives to bring foreign earnings back to the United States, expansion of domestic energy resources, such as offshore exploration, and expansion of our nuclear energy infrastructure.

If the National Association of Manufacturers can provide any information on these or any other issues, please do not hesitate to call me at (202) 637–3000.

Thank you for your leadership.

Sincerely,

JOHN ENGLER,
President and CEO.

BUSINESS ROUNDTABLE,
Washington, DC, January 27, 2009.

TO MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: Business Roundtable supports the Administration and Congress' goal to develop an economic package to put our economy back on the path of long-term growth and urges swift action.

In working with the Congress and Administration to put together this critically important economic package, Business Roundtable relied on several key principles that we believe are necessary to ensure growth and which are being incorporated into both the House and Senate bills: provide middle class tax relief, which will increase American families' net incomes and bolster consumer confidence; repair and modernize our infrastructure, which will help put Americans back to work and enhance American competitiveness; stabilize the deteriorating housing market; enhance access to education and training so American workers can develop the skills needed to take on new jobs and more effectively compete in the global economy; and stimulate business investment.

We are facing one of the most difficult periods in the history of the U.S. economy. Business Roundtable believes that a stimulus package that targets projects that can be rapidly deployed in the economy is the quickest way to stabilize the economy and create new jobs. With more than two million jobs lost in 2008—and accelerating job losses in the past three months—decisive action is needed if we are to return our economy to a path for growth and full employment and provide American workers and families with the opportunity to enhance their standards of living.

To be effective quickly, the stimulus package needs to focus on areas of the economy that provide maximum effects in terms of new jobs and investments that will enhance our nation's ability to compete in the global economy. At the same time, it must reject policies, such as ''Buy American'' and other restrictions, which would lead to further net job loss or cause additional economic deterioration. It is also important that the economy's response to any stimulus initiatives be carefully measured to ensure we are on a path to long-term, sustainable growth before the initiatives are withdrawn. As the Congress moves forward in shaping the stimulus package, it must ensure that these objectives are met.

We recognize that the stimulus package will increase an already significant deficit in 2009. Business Roundtable always has placed a high priority on deficit reduction as a means to achieving sustained economic growth. However, an increase in the deficit is an unavoidable outcome at this critical time if we are to avert a prolonged and potentially deep recession. Nevertheless, high deficits are unacceptable over the long term. Once we return to solid economic footing, the Congress, the Administration and private sector need to work together quickly to implement measures to control future spending, including a comprehensive ''top down'' review of all federal spending.

Business Roundtable's highest priority is to drive sustained growth in the U.S. economy in order to achieve higher living standards for all Americans. Our membership includes the CEOs of leading U.S. corporations. With a combined workforce of nearly 10 million employees and $5 trillion in annual revenues we are on the front-lines of the battle to prevent a prolonged and deep recession and to return the economy to strong growth with new jobs.

We look forward to working further with the House and Senate to finalize an emergency economic package that will work for all Americans—our workers, families, communities and companies.

Sincerely,

JOHN J. CASTELLANI,
President.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chairman, I rise in opposition to this so-called stimulus bill which seems only to stimulate one sector of our economy—the government.

As a person who was a small business person—a realtor and restauranteur and a member of small business organizations—I can tell you that most small businesses out there are in opposition to this legislation.

There is no doubt that our country is going through some difficult economic times. There are many steps Congress can and should take to get our economy back on a path to prosperity. Unfortunately, it appears that the majority party is using our current economic woes to grow government spending to epic and historic proportions.

By way of comparison, in 1934, government spending reached about 11 percent of GDP in response to the Great Depression, and if passed, this stimulus bill will increase government spending to 23 percent of GDP. The question remains, what will all this spending get the American people? Will it truly provide more middle class jobs or improve infrastructure? The answer, sadly, is no. The bill provides a mind-boggling $365 billion for Labor, Health and Human Services programs.

The strategy under this bill is to throw billions of dollars in every bureaucratic direction, cross our fingers, and hope for the best. Not only are we wagering our future with this bill, but we're crossing a point of no return. This bill moves us dramatically closer

to a welfare state. It is forcing people who are the backbone of our economy, the middle class, into a troubling kind of public dependency.

Mr. Chairman, let us take time to truly do what is right for the American people and provide targeted and limited stimulus through tax cuts and spending on ready-to-build infrastructure that will really put Americans back to work immediately. That's what my constituents want, that's what they deserve.

Let's not exploit this economic crisis to push legislation that will increase the size and scope of the Federal Government above and beyond anything our country has seen in its 233 years.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished majority leader.

Mr. HOYER. I thank the chairman of Appropriations for yielding, and I want to thank him for the extraordinary work he has done to put this package together. I want to thank Mr. LEWIS for the work that he has done as well, even though he may not agree with the final product.

I want to start by remarks—and I may take a little bit of time—I want to start my remarks talking about bipartisanship, and how we got here and why we're here.

Over a year ago, it appeared to us that the economic program adopted in 2001 and 2003 was not working. It also appeared to the administration that it was not working. It appeared to Mr. BOEHNER that it was not working, that we were in real trouble, and that we weren't producing jobs. We had the worst 8 years of job production that we've had in any administration since Herbert Hoover. And as a result of the failure to produce jobs, our country was in great distress and our people were challenged and at risk.

And so the administration and the Democratic leadership of the Congress and the Republican leadership of the Congress sat down at the table together and came up with a program to stimulate the economy, about $160 billion. And we worked together in a bipartisan fashion. It was a Republican President, but a Democratic-led Congress—in fact, agreed to the administration's increase in that program, as you recall, because we had suggested $100 billion—and we worked in a bipartisan fashion.

And then in September, some months later, Secretary Paulson, the Republican Secretary of the Treasury, came to us, met with the leadership, and said we have a crisis. Indeed, we had invited him down because we thought that there was real trouble. He said we have a crisis, we need to act, and we need to act immediately. A Democratic-led Congress responded to Secretary Paulson and said, we'll work with you. We'll work with you because our country needs a joint response. And we did that.

And when that legislation came to the floor, very frankly, a majority of Democrats supported the Republican administration's request; a majority of his party in this House did not. We now have a Democratic administration and a Democratic-led Congress, and I'm hopeful that we'll have bipartisan work continuing to meet this crisis caused, from my perspective, by the failure of policies that we've been pursuing economically over the last 8 years.

□ 1330

I do not say that for the purposes of being partisan. I say that for the purposes of our being instructed on what has worked and what has not worked.

As you know, we're dealing with one of the worst economic climates in memory: 2.6 million jobs last year; the worst housing market since the Great Depression; financial turmoil that has threatened the savings and retirement of millions. That's the context in which this administration is taking office.

As we move to confront this crisis, we welcome the criticism of our Republican friends and others. But let's put that criticism in some context, again, not for a partisan sense but for a sense of instruction of the perception of what worked and what did not. I would suggest that, frankly, much of what I have heard from my Republican colleagues over the last 20 years in terms of what would work and what would not work was inaccurate.

Let's remember President Bush's saying, ''My administration remains focused on economic growth that will create more jobs.'' Let's remember how the minority party reacted to the Clinton economic plan in 1993. Newt Gingrich said of that plan that it would lead to ''a job-killing recession.'' A leader of the Republican Party made that observation. He was dead, flat, 100 percent wrong. In fact, we created 22 point some odd million jobs in those 8 years, an average of 256,000 per month. This administration has averaged less than 40. You need 100 to stay even.

JOHN BOEHNER, the Republican leader, said at that point in time, ''The message is loud and clear, cut spending first and shrink the size of this Federal Government,'' in opposing the economic program.

In reality, the Democratic plan led to unprecedented economic growth. We all know that. The 1990s were the best economic period of time statistically that we have had in this country in the service of anybody in this Congress including the Reagan years.

Let's remember how Republicans reacted to Budget Reconciliation Act in 1990 when George Bush the first was President of the United States. Tom DeLay said, ''The Democratic package will destroy our economy.'' Now, the Democratic package was, of course, an accommodation made between President Bush; Dick Darman, head of OMB; and ourselves. In reality, that program, opposed overwhelmingly by Republicans, reduced the budget deficit by approximately $482 billion.

What we have seen from our Republican colleagues is history, frankly, of overstatement of what their program would do and a great understatement of what the programs and policies that we pursued would do. I would suggest that we consider the representations being made today in that context. Today, I hope that our Republican colleagues will put that history aside and join with us to pass this bill and try to help restore our prosperity.

None of us have served in this Congress at a lower ebb of the economy than today. Nobody in this Congress including JOHN DINGELL, the Dean of the Congress of the United States.

The American Recovery and Reinvestment Act is projected to create or save 3 to 4 million jobs. What does it do? I know Mr. OBEY has said this, but let me repeat it. Tax relief, $275 billion to working Americans and to small businesses. States will be helped. Policemen, teachers won't have to be laid off so that we can keep our communities safe and our children educated. Core investments in infrastructure. I know we'd like to do more in infrastructure. The sad news is it's tough to spend it quickly in the infrastructure field. We need to do more. We will do more.

Protecting vulnerable populations. People are in food lines historically long. People are unemployed in historic numbers. States are stretched with their Medicaid assistance to people who need health care.

In energy, we have all talked about energy independence. We had a big debate last year about energy independence and how to get there. This bill deals with energy independence and creating jobs in the course of getting to energy independence.

Health care, we all know JOHN MCCAIN talked about it in his campaign. Barack Obama talked about it in his campaign. Everybody knows that if we don't get soon to health care reform and health care progress, we won't be able to afford the kind of health care that Americans need and want accessible to them and their families.

Education, training, we're not going to be competitive in this world if we don't make sure our children are well educated. We're pricing young people and their families out of an education. We can't afford to do that or we won't compete with the Japanese, the Chinese, the Germans, the Indians, and others.

Mark Zandi, a former economic adviser to Senator MCCAIN's presidential election, found that ''the jobless rate will be more than 2 percentage points lower by the end of 2010 than without the fiscal stimulus.''

I'm sure almost every Member of the House could find something that he or she thinks should not be in here. I know I could. I know others could. Some people want more in, some people want less in. But, frankly, most of the economists I have talked to think

this is about the right mix. It may not be specifically what each wants but about the right mix between tax cuts and spending.

This legislation is a result of an honest, urgent effort to include the best ideas from economic experts from across the spectrum as well as both sides of the aisle. It's an effort that cannot become weighed down by bipartisanship or parochial interests. There are no earmarks in this bill. Overall, this plan contains what is widely viewed as the right mix of spending and tax cuts to spur our economy. It will include tax relief for 95 percent of working families; tax cuts for job-creating small businesses; projects to put Americans to work renewing our crumbling roads and bridges; and nutrition, unemployment, and health care assistance to those families who are being hit hardest by this recession.

This administration inherited the situation in which we find ourselves. The Democratic leadership tried to work with the Bush administration to get us out of it. Hopefully, we will continue to do that in a bipartisan fashion.

The Congressional Budget Office estimates that two-thirds of the recovery funds will be spent in the first 18 months, which means an immediate jolt to our economy. And we will continue working with President Obama to increase that number.

The CBO also estimates that if we pass this bill, by the end of next year, America will have up to 3.6 million more jobs, 3.6 million more Americans working and being able to support their families.

Besides creating jobs immediately, we will invest in new energy technology, upgrade our schools with 21 Century classrooms, and computerize health records to reduce costs and improve care.

All of those are investments that promise growth and savings in the years to come to ensure that our Nation does not slip back after bringing us out of recession, which is what this is designed to do. We don't want it to slip back. So we have medium-term investment as well as short-term investment.

Finally, we have included in the recovery plan unprecedented levels of accountability and transparency so we and our constituents will know that their tax dollars are being spent on getting us out of a rescission, not siphoned off to the politically connected. So there will be no earmarks or pet projects in this bill. The new Accountability and Transparency Board will be working to keep waste and fraud far away from this bill. And all of the plan's details, all, will be published online so that we and our constituents can track the success of these efforts to turn our economy back into the productive engine that it's been in the past.

I close the way I started. We worked in a bipartisan fashion with the Bush administration. When they saw a crisis, we responded. The majority of our Members supported the programs suggested, promoted by the Bush administration. We did so because we believed it was in the best interest of our country. We move on this bill because we believe it's in the best interest of our country.

So I ask all of us, Democrats and Republicans, but people who care about their country, their constituents, our families and our children, to join together. Lyndon Johnson said once, ''It's not difficult to do the right thing; it's difficult to know what the right thing is.'' We have worked together over the last months to try to come up with as close to the right thing as we can.

We urge all of the Members on this floor to vote for America, its people, its economic health. Support this legislation.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chairman, this magnificent Capitol Building houses the greatest legislative bodies ever created in the history of humanity, which were created because of a terrible abuse of power in this Nation's history. And this legislation we are being asked to vote on today, this 647-page bill, represents one of the worst abuses of power I think that we've probably ever seen in the history of the Congress.

The legislative process has been terribly abused in the creation of this bill because in a short 15-day legislative period, a short 21 days, the new ruling majority of Congress has in a single bill spent more money than the entire annual budget of the United States. In a short 21-day period, with virtually no committee hearings and a hearing in the Appropriations Committee which lasted a matter of hours and a hearing in Ways and Means which lasted a matter of hours, they've created a bill which spends over $800 billion. In a period of 21 days, the new majority, this new President has spent about $1.5 trillion, in the first 21 days. That's the change America, unfortunately, has to look forward to.

We already face, Mr. Chairman, in this country an $11 trillion national debt, a $1.5 trillion deficit, about $60 trillion in unfunded liabilities. The most urgent question facing us as a Nation is how do we pay for this massive accumulation of debt? A debt-based economy, as my friend DENNIS KUCINICH said, who often votes on the other end of the spectrum but shares with me the concern I have for the debt we are passing on to our kids.

And it is utterly irresponsible, it is immensely destructive to the financial health of our Nation to govern in a way that shuts out the American people. Shutting out the minority doesn't mean shutting out a representative. It means shutting out the people we represent.

The CHAIR. The time of the gentleman has expired.

Mr. LEWIS of California. Mr. Chairman, I yield the gentleman an additional minute.

Mr. CULBERSON. You're not shutting out JOHN CULBERSON or JERRY LEWIS or JACK KINGSTON. You're shutting out the 651,000 people that I represent. Every one of us has a job description as representative, an obligation to be accountable, open, responsive, transparent to our constituents. This legislative process works best when the American people are truly involved and have an opportunity to be educated and told what we are voting on. And this bill was written in secret by dedicated professional staff people but not with the involvement of the American people.

We have already been notified formally by Moody's that they're considering beginning the process of downgrading the AAA bond rating of the United States. And before you reach the merits of the bill, Mr. Chairman, we must remember the process that we all have a sacred obligation to preserve. The involvement, the advice, the input of the American people is essential.

I urge the majority to stand by their promise to be open, accountable, and transparent. Lay it all out there on the Internet for everyone to see. What are you afraid of? You've got the votes. Give the public a chance to be heard. Let them read the bill.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

We are on the Internet. That's all I would say to the gentleman.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. LARSON).

□ 1345

Mr. LARSON of Connecticut. I thank the distinguished chairman for his incredible work bringing this legislation forward.

Last week, 2 million of our fellow citizens stood on our Nation's front lawn and brought their aspirations and hope as they listened to President Barack Obama. His message was clear and realistic and hopeful.

We face, as they do here in this Chamber this day, at this moment, a rendezvous with reality, the crushing reality of what the last 8 years has brought to our American citizens. Our budget deficits, trade deficits and debt have reached record levels.

Unemployment has reached its highest level in 15 years. On Monday of this week alone, 71,000 jobs were lost. Inflation is on the rise. States are facing enormous budget shortfalls and are being forced to cut services. My own home State of Connecticut is facing a $1 billion deficit just this year.

Our economy is in a deep, cavernous hole. Our climb out will be steep, but it will be steady, and it will take hard work and sacrifice that the President called upon, but it will also take innovation by the American people, an investment in this country that we are

making in putting forward here today in this package, this package, this effort. This work is for those citizens who are not concerned about 15 days, they are living moment to moment and counting on us as we face this daunting reality to bring recovery, investment and hope by redressing the reality that our constituents, who we are sworn to serve, face every day.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the chairman, and I wanted to respond to some of the comments that my Democrat friends have been making. Number one, we do want to work with them on this package. We met with President Obama yesterday to pledge our support of turning this economy around. We have offered a lot of good ideas, ideas that the House Democrats have not embraced as of yet, but we hope that they will, because we think President Obama and we made some progress yesterday.

One of the things we talked about is extending tax breaks for small businesses so that they can create more jobs. We think that is very important.

We talked about easing the credit crisis so people can go out and borrow money and make investments in new jobs. We also talked about housing, stabilizing the housing market so that people can become homeowners.

One of the things that's not in this package is also tax credits for small businesses to purchase health care for their employees. We think that would be very, very helpful. And also ending some of the unfunded mandates that are strapping our cities and local governments.

We believe we have a lot of good ideas. We are very disappointed that this committee, Appropriations, only had one hearing and we were shut out of some of the subsequent negotiation and crafting of this bill that we think could have been helpful to do on a bipartisan basis.

Now Mr. HOYER had talked about history and how stimulus bills work. Let's talk about the stimulus bills and let's talk about recent history. I don't need to go back to Ronald Reagan.

Last year, 2008, $29 billion for Bear Stearns, $168 billion for the other stimulus package we just passed in May, $200 billion for Fannie Mae bailout, $85 billion for AIG bailout, $700 billion for the TARP, the Wall Street bailout. If this kind of spending worked, we would be in great shape in our economy right now. But we keep throwing more and more money on the problem to the extent that this country now has a $10.6 trillion national debt.

In fact, the interest on this package alone, Mr. Chairman, will be $347 billion a year. And so this really isn't just an $825 billion package, this is a $1.1 trillion expenditure. Who is going to pay for it? Not people here today but our children and our children's children. We are digging a hole.

And where does this money come from? Three sources. You can tax people, and I can tell you the working man is taxed to death right now. And I am glad there is some tax relief in here for some people, but not tax relief for everybody in the middle-income bracket, which is what we desperately need. The second way we can do that is to print the money. We print money, and it just leads to inflation. Or we can borrow the money. Right now we owe foreign governments $3 trillion, China being the number one lender to us at 22 percent, followed by Japan and followed by Great Britain. We are digging a huge hole.

The CHAIR. The time of the gentleman has expired.

Mr. LEWIS of California. I yield the gentleman 1 additional minute.

Mr. KINGSTON. Let me say this. I do think there should be a balance of tax credits and a balance of public works spending in this bill, but it is sad that while the National Endowment For the Arts gets $50 million—I don't know what kind of job creation that's going to do—but $50 million, we only spend 7 percent on shovel-ready projects in the year 2009, only 7 percent, and total public work spending for roads, highways and bridges is about 13 percent.

We can do better, and I would like to work with the Democrats and the President, as would all the other Republicans, and try to make a better package than what we are looking at today.

Mr. OBEY. Mr. Chairman, I have only one remaining speaker, the Speaker herself.

The CHAIR. The gentleman from Wisconsin has the right to close.

Mr. LEWIS of California. Mr. Chairman, I have many people who want to speak on the bill, but they don't happen to be present, and I am very anxious to hear the close.

I yield back the balance of my time.

Mr. OBEY. I thank the gentleman for his cooperation, and I yield our remaining time to the distinguished Speaker, the gentlewoman from California.

Ms. PELOSI. I thank the gentleman for yielding and I thank him for his tremendous leadership.

Mr. Chairman, one week and one day ago our new President delivered a great inaugural address that offered hope to the American people and a new direction for our Nation. President Obama pledged ''action bold and swift, not only to create new jobs but to lay a new foundation for growth.''

Today we are passing historic legislation that honors the promises our new President made from the steps of the Capitol, promises to make the future better for our children and our grandchildren. Only 8 days after the President's address, this House will act boldly and swiftly—by passing the American Recovery and Reinvestment Act to create and save 3 million jobs by rebuilding America.

That is why the bill has the support of 146 eminent economists, including five Nobel Prize winners who, in a letter to Congress this week stated, and I quote, ''The plan proposes important investments that can start to overcome the Nation's damaging loss of jobs by saving or creating millions of jobs and put the United States back onto a sustainable long-term growth path.''

On the steps of the Capitol, President Obama pledged to ''build the roads and bridges, the electric grids and digital lines that feed our commerce and bind us together'' and to ''restore science to its rightful place, and wield technology's wonders to raise health care's quality and lower its cost.''

Today, we are acting swiftly and boldly to do just that. To assert America's role as a world leader in a competitive global economy, we are renewing America's investments in basic research and development, in health care IT and in deploying new technologies into the marketplace.

That is why this legislation has the support of more than 100 high-tech CEOs and business leaders who have endorsed these job-creating investments. As these innovative leaders expressed in their letter to Congress supporting this bill, and I quote, ''Investments in America's digital infrastructure will spur significant job creation in the immediate term. An investment of $40 billion in America's IT network infrastructure in 2009 will create more than 949,000 U.S. jobs, more than half of which will be in small businesses.''

Then President Obama pledged that we ''will harness the sun and the wind and the soil to fuel our cars and run our factories.'' Today we are acting swiftly and boldly to do just that. This act makes a historic, job-creating investment in clean, efficient, American energy. To put people back to work and reduce our dependence on foreign oil, we set the goal of doubling our renewable energy production and renovating public buildings to make them more energy efficient.

That is why the Apollo Alliance, a coalition of many, many groups committed to an energy independent future for our country and reversing climate change, has said that this package is ''big, bold and will serve as a down payment on long-neglected investments in a clean energy, good jobs, made-in-America economy.''

President Obama pledged to ''transform our schools and colleges and universities to meet the demands of a new age.'' The American Recovery and Renewal Act, which we are voting on today, will make bold investments to provide children with a 21st century education, create hundreds of thousands of jobs by investing in school and other infrastructure, make college more affordable and build a top-notch workforce trained for the jobs of the future. It's about the future.

That is why the Committee for Education Funding, another coalition, endorsed this bill saying, ''The package would retrain displaced and unemployed workers, create new jobs by

modernizing the country's classrooms, and increase America's competitiveness in the global economy.''

Education groups from across the spectrum and across the country, from the American Association of Community Colleges to the United States Student Association, support this bill.

President Obama pledged that ''those of us who manage the public's dollars will be held to account—to spend wisely, reform bad habits, and do our business in the light of day—because only then can we restore the vital trust between a people and their government.''

This act that we are passing today has unprecedented accountability measures built in, providing strong oversight, a historic degree of public transparency and no earmarks. That is why the National Governors Association strongly supports this legislation and our efforts to ensure that these investments are effective uses of tax dollars.

With the adoption of the bipartisan Platts-Van Hollen amendment today, a broad-ranging coalition of public interest groups say we have set ''a new standard of accountability and transparency by empowering Federal employees to call attention to waste, fraud, and abuse of tax dollars without fear of retaliation.''

As we know, my colleagues, last year 2.6 million Americans lost their jobs. Some say we are moving too quickly with this legislation. I say this legislation is long overdue. For all the time that we do not pass it, each month 500,000 Americans will lose their jobs. We simply cannot wait. And we say to the families of America who are affected by this, or fear to be, by this downturn in this economy, we are all in this together. The success of America is dependent upon the success of America's families. By investing in new jobs, science, innovation, energy and education, and doing so with strict accountability and fiscal responsibility, we are investing in America's families, which is the best guarantee for the success of our Nation.

My colleagues, the ship of state is difficult to turn, but that is what we must do, and that is what President Obama called upon us to do in his inaugural address, which I believe is a great blueprint for the future. With swift and bold action today, we are doing just that. We are moving the ship of state in a new direction in favor of the many, not the few. With this vote today, we are taking America in a new direction.

I thank all of my colleagues who worked so hard to make this legislation the great statement of values, principles and action that it is. I urge a ''yes'' vote from our colleagues. I look forward to working together in a bipartisan way as we go into the future in this new direction under the leadership of our new President, President Barack Obama.

Mr. GENE GREEN of Texas. I want to thank you, the rest of Leadership, and the chairmen of the committees that put this bill together for your work to create a package that will create jobs, invest in America's infrastructure needs, address pressing healthcare needs, and expand opportunities for education and worker training. I strongly support the provisions in the American Recovery and Reinvestment Act and urge my colleagues to join me in supporting it.

Our district and the surrounding areas in southeast Texas were devastated by Hurricane Ike last September. People are getting back on their feet, but there is still a significant need for additional federal funding. I would have liked to seen that included in this package as it is one of the most pressing recovery needs in our country, but since it was not, I hope it can be included in either in upcoming omnibus or supplemental appropriations bill.

In Texas we've seen the unemployment rate jump from 4.2% a year ago to 6% in December of 2008—the unemployment rate in the Houston-Baytown area is 5.5% and will likely only rise with the significant drop in the price of oil and refined product, and the impact that has on our energy sector jobs. It is important we invest in this sector and this legislation makes valuable contributions to diversify our nation's energy and environmental resources.

It makes critical improvements to the smart grid provisions established in the Energy Independence and Security Act of 2007 by eliminating the cap on the allowable number of smart grid demonstration projects and increasing the grant funding available for these efforts.

My hometown of Houston is a leader in moving toward smart grid solutions. Center Point Energy, a leading energy delivery company in Texas, will invest over $600 million in automatic metering systems, or AMS, over the next five years to support smart grid infrastructure. AMS technology is the first step in moving toward an automatic grid which will allow consumers to manage and monitor the electric use in real-time, reduce energy consumption, and improve grid reliability.

I also support Representative ED MARKEY's (D–MA) amendment to this section that will expand the protocols smart grid projects can use to obtain grants authorized in this bill.

I am also pleased with the increase in funding and changes to the Weatherization Assistance Program which will help low-income families make their homes more energy efficient, as well as the additional $1 billion provided for the Low-Income Home Energy Assistance Program (LIHEAP) that will help more Texans heat and cool their homes during these troubled economic times.

While I support the temporary Department of Energy loan guarantee program created under Section 5003 for renewable energy and electric transmission projects, I hope the Committee does not forget about the strategic importance of funding the larger DOE loan guarantee program so that other valuable projects can move forward that reduce carbon emissions and that employ new innovative technologies.

In addition to the extension of the renewable production tax credits, I also believe Congress should provide a long-term extension of the biodiesel blenders tax incentive to help this critical renewable energy industry. Houston is home to several biodiesel producers that directly or indirectly employ hundreds of workers in good-paying jobs, and over 50,000 jobs are currently supported by this industry nationwide. Without a long-term extension of this tax credit, producers are not able to provide the certainty required to bring in much needed capital for renewable energy projects. In addition to creating and sustaining jobs, the biodiesel industry helps our nation reduce greenhouse gas emissions and is developing next generation feedstocks such as algae that will further enhance our energy security.

Finally, I appreciate the inclusion of an additional $100 million for the National Estuary Program, which could help protect the Galveston Bay Estuary Program. Galveston Bay is a critical ecosystem home to an abundance of plant and animal species that are vital to our region's way of life and local economy. These funds can be used for such useful purposes as restoring wetlands or habitat restoration, and can be leveraged with public and private sector funds to generate large returns on investment. The Port of Houston Authority also actively participates and supports this key environmental program.

The legislation also makes significant investments in health care services and coverage in this country during these tough economic times.

Unfortunately, when individuals lose their jobs they often cannot afford medical care or COBRA premiums and often forgo treatment due to the cost.

AARA will provide COBRA premium assistance for 12 months for workers who have been involuntarily terminated and their families. COBRA premium assistance will allow individuals who would typically be unable to afford COBRA maintain coverage and obtain medical treatment.

States like my own have asked Congress for assistance with the States Federal Medical Assistance Percentage to help assist them the rising number of individuals needing Medicaid coverage. In order to avoid state deficits, many states may have to reduce their standards for Medicaid eligibility, which will actually increase the number of uninsured.

A temporary increase in FMAP funding until December 31, 2010 will help avert this potential problem and allow states to continue to provide Medicaid coverage to this uninsured population. The American Recovery and Reinvestment Bill of 2009 contains a 4.9% increase in FMAP for states. Texas, in particular, will benefit from an FMAP increase and the temporary formula and hold harmless provision.

AARA will also place a moratorium on 7 Medicaid regulations. My home state of Texas is affected by all seven of these cuts but most affected will be the payments for graduate education, Targeted Case Management Rule, Cost Limits to Public Providers, Coverage for Rehabilitation Services. These regulations would reduce funding to these valuable programs and leave states in a significant budgetary crisis.

AARA also provides valuable funding for Health Information Technology. We're all aware of the benefits that improved IT would bring the health care sector and the patients it serves. With integrated information technology, patients could manage their electronic health records and avoid having to haul multiple records to their various physicians.

If implemented correctly, Health IT can improve patient safety and garner cost savings.

The funds provided in AARA are an investment in the future of health care in this country. Providers will have to pay some up front costs to obtain the technology, but they will receive $40,000 to $60,000 in financial incentives for adopting interoperable health IT systems.

Another key component that this package contains provides an investment of critical funds into our state and local transportation agencies. This is the quickest way to create jobs immediately. The Texas Department of Transportation alone has 853 ''shovel-ready'' projects. One of these projects in my district will create 1200–1350 new engineering and construction jobs in the Houston area in the next ninety days. This is significant in an economy where thousands of job cuts are announced every day.

It is easy to make the case for an infusion of transportation dollars when our state departments of transportation have run out of money. However, some of my colleagues on the other side of the aisle are asking why we should invest billions of dollars in education around the country. The answer to this question is simple. Investing in our children's education is investing in our economic competitiveness.

When states came across hard fiscal times in the last year, education funding is typically one of the first areas where they cut back. Additionally, with the increase in foreclosures, property tax revenues are down and cities have also cut back on financing critical education services. If we do not invest in our children's education and give them an opportunity at a better economic future, then we are setting ourselves up even more federal spending on social services in the future.

By increasing the amount of the Pell Grant by $500, we give students across the country the financial help they need to get the certification or degree necessary to pursue and keep a job in this economy. By investing in Head Start, we are setting a whole generation of students on a path towards economic viability. Head Start has been proven to help close the achievement gap between students of differing socio-economic status across the country.

Finally, I am encouraged that this bill will lower the child tax credit eligibility level making it available to all working tax filers with children. This will help our constituents put food on the table and pay their essential bills as the cost of living continues to increase.

Mr. Chair, I again state my strong support for this package which will provide an immediate infusion of funding into shovel-ready projects, creating jobs and starting our economy on the road to recovery, and I urge all my colleagues to join me in supporting the American Recovery and Reinvestment Act.

Mrs. MALONEY. Mr. Chair, the current economic crisis requires bold solutions that address the enormity of our economic woes, and the American Recovery and Reinvestment Plan will do just that.

The $825 billion recovery package that we are voting on will create or save an estimated 4 million jobs and will make key investments in our future.

But first and foremost, the economic recovery package focuses on blunting the effects of the recession and helping families in need.

In addition to increasing food stamp benefits and expanding unemployment benefits, our plan protects health care coverage for roughly 20 million Americans during this recession by increasing the Federal Medicaid Assistance Percentage (FMAP) so that no state has to cut eligibility for Medicaid and SCHIP, the children's health insurance program, because of budget shortfalls.

For my home state of New York it more than doubles the FMAP match resulting in roughly $10.42 billion over 9 quarters. This is critical funding for our state which is seeing an increase in caseloads as a result of the recession.

The recovery plan also invests in important needs that have been neglected over the past eight years. America's school, roads, bridges, and water systems are in disrepair and this is creating a drag on economic growth.

Our plan will spread job creation out over the next two years, which will soften the downturn and foster a solid economic recovery.

We have an historic opportunity to make the investments necessary to modernize our public infrastructure, transition to a clean energy economy, and make us more competitive in the 21st century.

It's time to get our economy back on track. I urge my colleagues to support the American Recovery and Reinvestment Plan.

Mrs. LOWEY. Mr. Chair, I rise in support of H.R. 1, the American Recovery and Reinvestment Act of 2009.

In every part of our country, people are hurting from the economic downturn. Our nation lost 2.6 million jobs last year, and just this week major employers announced the elimination of 70,000 more. The need for bold and aggressive federal action is clear.

The American Recovery and Reinvestment Act will quickly stimulate the economy and create and save three to four million jobs in critical sectors of our economy like transportation and infrastructure, health information technology, and green energy. It will provide vital assistance to states like New York facing severe budget shortfalls and tax relief to 95 percent of Americans. In addition, critical support for education and health initiatives will bolster our economy in the short and long term. Unprecedented accountability measures will provide strong oversight and a historic degree of public transparency. I continue my work to support initiatives critical to New York like water treatment infrastructure and relief from the Alternative Minimum Tax.

I commend President Obama for his leadership through this process. Digging out of this economic hole will take time, and I am hopeful Congress will quickly approve a final economic recovery package for President Obama's signature.

Mr. Chair, I urge all of my colleagues to support this vital legislation.

Ms. ESHOO. Mr. Chair, the legislation before us today is the first step in an effort to pull our country out of an historic economic crisis. Credit markets are frozen, consumer purchasing power is in decline, and in the last four months we've lost nearly 2 million jobs, with another 3 to 5 million likely disappearing in the coming months.

At a 1959 campaign rally in Indianapolis John Kennedy said ''the Chinese use two brush strokes to write the word 'crisis'. One brush stroke stands for danger; the other for opportunity. In a crisis, be aware of the danger, but recognize the opportunity.''

The opportunity we have today is to make a down payment on research and innovation in our nation. We recognized this need in the Speaker's Innovation Agenda and President Obama's inaugural address noted the inventiveness of the American people and issued a call to ''dust ourselves off and begin the work to remake our country.'' A successful economic recovery plan must tap into the spirit of innovation that has driven our country since its founding.

This legislation does more than create jobs and stimulate the economy. It invests $6 billion in broadband grants to elevate us from 16th in the world in broadband quality, behind countries like Slovenia, Latvia, and Denmark. The country that invented the Internet should be #1. While I'm pleased that broadband funding is included in this package, we must do more and it must be more forward thinking.

The Recovery and Reinvestment bill invests $20 billion in Health Information Technology (HIT) to enhance patient safety, reduce medical errors, improve the quality of care, and importantly, reduce healthcare costs.

We live in the Information Age but healthcare, one of the most information-intensive segments of our economy, remains mired in a pen-and-paper past. We can buy airline tickets from a home computer, we can pay our income taxes online, and we can even buy a car with a few mouse clicks, but our healthcare system remains dangerously disconnected. Patient medical histories are largely disaggregated among various treating physicians and they are often inaccessible to a new doctor or even to the patients themselves.

These inefficiencies in the healthcare information system create unnecessary risks and costs. It's time to use technology to move toward a model of integrated care, focusing on overall health and not simply disease. Health IT promises to revolutionize the health care delivery system and have a powerful effect on enhancing patient safety, reducing medical errors, improving the quality of care, and reducing healthcare costs.

The recovery package also includes important building blocks for our path toward energy independence. I'm pleased the bill makes critical and sensible investments in our country by increasing funding and implementation of Smart Grid projects, promoting renewable energy research, and expanding the number of eligible participants in the Weatherization Assistance Program.

While millions of Americans are losing their jobs, and subsequently their health insurance, we are also helping people maintain coverage for themselves and their families. Subsidies for COBRA payments and increased Medicaid assistance to states will help keep people insured during this tumultuous time.

I'm proud to support the American Recovery and Reinvestment Bill and I urge my colleagues to do the same.

Mr. KANJORSKI. Mr. Chair, I rise today to offer my thoughts about H.R. 1, the American Recovery and Revitalization Act.

I regret that I cannot support the legislation in its current form. While I absolutely agree that we must stimulate our economy to help it recover from its troubled state, I am concerned that this bill does not represent an effective plan to ensure our economic recovery.

We face the most challenging economic crisis since the Great Depression, yet this bill merely throws money at the problem by ex-

panding existing programs. We have not taken the time to fully understand the nature and the full scope of the collapse of our economy, and so we have not taken the time to understand how to target the problems with innovative solutions. While I recognize the urgency of the situation, we would do better to follow the advice of an old civil engineer friend of mine who often cautioned that to do a job correctly, it is better to go slow in the planning to allow you to go fast in the implementation.

Just one example of the difficulty we will have in getting this money spent well was described in today's Washington Post, which quoted a state energy office director lamenting how he was going to have to figure out how to spend 35 times as much money as he normally gets in a year, using new funds allocated in this stimulus. Pennsylvania's own transportation department has indicated that its "shovel-ready" projects are not so ready that they can be started within the ninety days sought by Transportation Chairman OBERSTAR, who rightfully is seeking to expedite these funds to get spent as quickly as possible. Having dealt with publicly-financed projects for more than forty years, I can assure you that numerous federal, state and local regulations will provide numerous obstacles to getting this money spent both quickly and wisely. I sought to offer an amendment which would have allowed a waiver of many of these restrictions because—to the best of my knowledge—there is no provision in this bill to allow federal administrators to waive regulations under these extraordinary circumstances.

My Republican colleagues raise a reasonable objection that they were not fully included as the framework of this legislation was constructed. Perhaps I am one of the few Democrats who will acknowledge publicly that most Democrats were also not included. This is wrong. When undertaking the most significant and certainly most expensive program of my Congressional career and maybe in our Nation's history, it is vitally important that all Members of Congress first understand the problem we are addressing and then fully participate in determining how best to solve that problem. It has been my experience that the most successful policies are those which many minds have constructed.

In addition to Members of Congress fully understanding what we are trying to do and why, it is vitally important in a representative democracy for the American people to understand both the problem and the proposed solution. We rushed through the so-called TARP program without educating the American people, and they are convinced it was a bailout of Wall Street. I helped to draft the TARP program and voted for it because I believed that it was absolutely essential that we act immediately, despite the suspicions voiced by my constituents. The need for an economic stimulus is indeed urgent, but it is not so much of an emergency that we cannot afford to take the time to think so that we can do it right.

No piece of legislation is ever perfect; I recognize that compromise is always necessary to reflect the diverse interests of a country as heterogeneous as ours. Had we reached this bill through a more orderly, bipartisan basis, I very well may have cast my vote for it. I still hope that the Senate will make enough necessary corrections that I will be able to support a final version. Let me now highlight my substantive objections to this bill.

First, infrastructure projects were an initial focus of a recovery package, but that focus has dwindled to just $90 billion out of an $825 billion bill. For every $1 billion we spend in infrastructure, we create upwards of 30,000 jobs. It seems to me that this is a proven method of creating jobs and additional funds should be put towards this area of spending.

In addition, from my perspective, we need to focus more on helping those who are unemployed or retired. While many people are struggling, we must help those without jobs feed their families immediately. One of the major tax provisions of this bill is the $500 tax credit for individuals and $1,000 for couples. While this tax credit may provide relief to working families, it will not help individuals who are unemployed since the credit will be provided through a reduction in payroll taxes for workers.

Moreover, I am concerned about the disproportionate impact this bill will have. Without doubt, much of the funding will go to large urban areas, while areas like my Congressional District which are more rural, will receive much less funding, even though our unemployment rate is higher than the national average. Residents of my Congressional district are struggling just as much as those living in urban areas.

Finally, a recovery bill should include funding for localities. Many counties, cities and municipalities across the country are facing significant funding shortfalls as a result of the ongoing economic downturn. These budget shortfalls have resulted in local officials having to make difficult decisions about cutting jobs, reducing services, or raising taxes on their citizens.

That is why I offered an amendment to H.R. 1 to reinstate a General Revenue Sharing program. More than 30 years ago, as our country experienced another period of prolonged economic stress, we put in place a General Revenue Sharing grant program. Between 1972 and 1986, $83 billion was transferred from the federal government under this program. This funding provided localities with a needed source of revenue for undertaking job-creating infrastructure projects and maintaining public safety networks. I am disappointed that this amendment was not allowed under the rule.

In closing, I support a recovery package that creates jobs and builds our infrastructure. Americans and our economy are struggling and we must act to help them. But, I strongly believe that we can make improvements to this bill so it will be as effective and efficient as possible in restoring our economy and helping Americans.

Mr. Chair, I appreciate the opportunity to share my thoughts.

Ms. HARMAN. Mr. Chair, the American economy is foundering in some very troubled waters.

Business after business—including some of the biggest names in corporate America—is collapsing. Hundreds of thousands of Americans have lost their jobs in the last few months alone—more than 55,000 in just the last few days. The unemployment rate is skyrocketing, approaching levels not seen in generations.

Millions of Americans have lost their homes, and millions more may lose theirs as adjustable rate mortgages reset and the foreclosure crisis spreads. Lending has barely improved since the credit markets froze last fall, despite a $350 million (and soon to be $700 million) infusion of taxpayer funds.

California has been particularly hard hit. 523,624 Californians lost their homes last year—a five-fold increase from 2006 levels. The state is running a $42 billion budget deficit, and may have little alternative but to cut health and education funding to the bone. Los Angeles County alone is looking at a $173 million shortfall in health care funding next year—the amount it takes to keep the Harbor-UCLA Medical Center operating.

My constituents are hurting. Credit unions and small banks, which do much of the day-to-day lending that keeps communities functioning, have laid off hundreds of workers. Car dealerships that have been pillars of the community for decades are closing. Reductions in state funding are forcing school districts to consider drastic staff reductions.

In times like these, the federal government has an obligation to take swift, decisive action. The American Recovery and Reinvestment Act includes the stimulus needed at this perilous moment, and I intend to support it.

A few provisions of the bill stand out as particularly crucial.

This legislation includes nearly $200 billion to help states maintain essential health care and education programs. In California, these funds could be the vital lifeline that keeps hospitals operating, avoids the layoffs of thousands of teachers, and helps the state stave off bankruptcy.

The bill includes a $20 billion investment in the development of health information technology systems. Health IT will not only generate thousands of new high-paying jobs, it will reduce costs of providing care, help reduce errors, and provide a down-payment on the development of a universal health care system.

The bill includes $30 billion to help build a new clean energy infrastructure that will grow green jobs now and lay the foundation for long-term energy independence. The $11 billion investment to upgrade our electric grid is an especially crucial first step toward the deployment of energy efficiency programs, the widespread adoption of electric vehicles, and the transmission of energy produced by renewable sources.

The bill also makes a long-overdue investment in our nation's education system, with more than $150 billion going to Head Start, kindergarten, public elementary and secondary schools, and college programs. This spending—along with a renewed focus on performance standards and new, creative approaches to teaching—will help ensure that our children

have the skills to compete in the global economy in the years to come.

This is not a perfect bill. One can question whether some of this spending would be more appropriately considered in an ordinary appropriations bill, and whether a small uptick in paychecks caused by tax cuts will lead to much new spending. I hope that the bill can be improved as it moves through the legislative process.

But the package is, on the whole, worthy of support. It may not be the only step we must take to revitalize our economy, but it is a necessary one. I urge its swift passage.

Mr. REHBERG. Mr. Chair, while I'm going to vote against this particular version of the so-called stimulus package, doing so does not indicate that I don't support a real stimulus package that gives the economy an instantaneous jolt.

Nor does it mean that I am unwilling to work closely with my friends on the other side of the aisle in the spirit of bipartisanship that President Obama has urged us all to take.

We worked together and got Children's Health Insurance done. That issue, like this one, is important to Montana, and today I ask you to come to the table and listen to the ideas that people from Montana have to offer. It's what the President has asked us all to do.

Working separately, we will fail. Working together, we can accomplish more for the American people.

Mr. TANNER. Mr. Chair, our nation faces very grim challenges. Families in Tennessee and across the country are struggling to make ends meet, and thousands of workers are losing their jobs. There have been hundreds of job losses announced just this week in our district in West and Middle Tennessee.

It has become clear to many of us that inaction is not an option, and that we must work to help create jobs and rebuild our economy. The American Recovery and Reinvestment Act addresses the immediate economic concerns of the American people and specifically Tennesseans.

This legislation could create or save more than 63,000 jobs in our state by the end of next year, according to analysis from independent economist Mark Zandi of Moody's Economy.com.

More than 95 percent of Tennessee taxpayers will receive direct tax relief—$500 for single filers and $1000 for joint-filers—in 2009 and 2010 as a result of this bill. Many students and parents will be eligible for additional tax credits to help pay for college so students are prepared to enter the job market. Thousands of Tennesseans have lost their jobs in recent months, and the American Recovery and Reinvestment Act will ensure these hard-working men and women receive assistance while looking for new jobs.

To help create jobs, this legislation provides immediate tax cuts for Tennessee small businesses, including incentives to make the capital investments necessary for job growth. The bill allows employers unable to sustain their profits in today's difficult economic climate to recover some past tax payments to avoid closing their doors and laying off workers.

To further encourage job creation in our area, this legislation includes more than $760 million to invest in infrastructure in Tennessee, which could help us work on dozens of important economic development improvements in West and Middle Tennessee, such as road completions, bridge repairs and other transportation projects that fuel job creation and help us recruit new industry.

As we all know, high fuel prices over the past summer contributed in part to our economic downturn. This legislation includes energy tax credits and other provisions to help reduce our dependence on foreign oil sources—which many of us see as a national security issue—and diversify our country's energy sources to include alternative energy, such as wind, solar, biomass and geothermal energy. This investment in our long-term energy future will also provide immediate and much-needed jobs in construction and engineering.

Tennessee faces one of the largest budget deficits in our state's history, which will lead to drastic reductions in the level of service to state taxpayers, including possible cuts in the important economic development investments that help create jobs. This legislation will help our state meet some of those needs for Tennesseans. The bill also expands local cities' and counties' access to tax credit bonds for investments in schools, infrastructure, conservation and job training.

At the request of those of us in the fiscally conservative Blue Dog Coalition, this bill no longer includes some provisions that many of us felt were unrelated to the immediate needs of our country's economy. In particular, we insisted that the House remove language funding contraceptives and new sod on the National Mall outside the U.S. Capitol Building. These expenditures were clearly not related to short-term economic growth and did not need to be addressed in legislation designed to address immediate needs.

The Blue Dog Coalition also saw this dialogue as an opportunity to talk with the new Administration about our country's fiscal situation. We have been assured that President Obama shares our commitment to long-term fiscal reform and will work with us to weed out waste, fraud, abuse and mismanagement in federal government spending after our country has begun to overcome these most extraordinary challenges.

In a letter to Appropriations Committee Chairman DAVID OBEY and others, White House Office of Management and Budget Director Peter Orszag wrote that "[p]utting the country back on the path of fiscal responsibility will mean tough choices and difficult trade-offs, but for the long-term health of our economy, the President believes that they must be made." I look forward to talking more with President Obama about these shared goals.

I realize that no member of this body—myself included—will be entirely pleased with this bill as we are voting on it today. After some improvements I discussed before and much reflection, however, I have come to the conclusion that this House must take action to help the American people meet the financial challenges facing them. For that reason, I rise to support the American Recovery and Reinvestment Act and am optimistic that it will help save and create Tennessee jobs.

Mr. HONDA. Mr. Chair, I rise today in support of H.R. 1, the American Recovery and Reinvestment Act. I thank my Chairman, Mr. OBEY, for his hard work and the hard work of his staff on the Appropriations Committee's portion of the bill, and I thank the other committee chairs and staff for their work on the other portions of this bill.

This recovery package is the first crucial step in a concerted effort to create and save up to 4 million jobs and jumpstart our economy while transforming it for the 21st century.

As a former teacher and principal, I firmly believe that education is the key to our nation's future. H.R. 1 makes bold investments to provide children with a 21st century education, create hundreds of thousands of education related jobs, and build a top-notch workforce trained for jobs of the future. The bill includes $20 billion for school modernization, $79 billion in state fiscal relief to prevent the layoff of teachers and other cutbacks in education, $13 billion to help disadvantaged students reach high academic standards through Title I grants, and $13 billion to help special needs children succeed through IDEA special education grants.

I had suggested some specific ideas that could provide a significant "bang for our buck" and stimulate the economy in the short-term while also making a long-term investment in education, which unfortunately did not make it into the bill. In particular, I think there is value in the idea of prizes for educational innovation in areas of high need such as multimedia video lessons, individualized interactive learning software, rigorous assessments that measure critical thinking and problem solving, longitudinal data systems, and affordable portable computers. Small investments in prizes for achievements in each of these areas, $10 million for each for a total of $50 million, can leverage private contributions immediately and produce teaching tools that will be useful for years to come. I plan to continue to seek support for this and other novel approaches to education funding in the coming year.

As a representative from Silicon Valley, I am pleased that the bill renews America's investment in basic research and development and in deploying new technologies, including broadband internet access, into the marketplace. Internet connectivity is essential to giving everyone in America an equal chance to succeed. One particular area deserving attention as we move forward is the usefulness of broadband access for first responders. President Obama's inauguration was incident free because the Washington region's first responders had access to a dedicated wireless broadband network. Establishing similar systems around the country could generate jobs and enhance public safety.

Silicon Valley has been focusing an ever greater portion of its resources on developing clean, efficient, renewable energy solutions, and so I support the inclusion of investments and incentives for the development and deployment of both renewable energy and energy efficiency technologies. The steps we can take to help reduce our dependence on fossil fuels will both save people much needed money and put people to work. Some are as simple as installing attic insulation in insufficiently efficient homes, others are more technically advanced efforts to research and develop new energy technologies. I am glad this bill includes all of these.

I appreciate the inclusion of $300 million for Diesel Emissions Reduction Act programs. These grants and loans will put people to work retrofitting vehicles and manufacturing the needed equipment. Again, this is both a good government measure, in that it will help achieve clean air goals, and it is a temporary stimulative effort. My only regret is the bill

does not include even more funding—my state of California alone can make use of $1.6 billion. If there is an opportunity to increase the funding for DERA during conference, I would support that effort.

In Silicon Valley, we face many of the same transportation challenges as other communities across our nation—deteriorating roads and bridges, traffic congestion, limited transit capacity, and limited state and local funds that are keeping construction workers out of work. H.R. 1 will create more than 800,000 jobs nationwide through investment in transportation, with $30 billion for highway construction and additional funding for transit and rail to reduce traffic congestion.

In these difficult economic times, all Americans are worried about the rising cost of health care. H.R. 1 invests $20 billion in health information technology, which will bring Silicon Valley innovation to the health care field to cut red tape, prevent medical mistakes, and help reduce health care costs. As the saying goes, ''an ounce of prevention is worth a pound of cure,'' and this bill makes a real investment of $3 billion in prevention, which will help reduce health care spending, saving billions of dollars per year. I note that a few diseases are singled out in the bill, and I have some concerns that all of it could be taken up by HIV/AIDS programs, and look forward to working with Chairman OBEY and Secretary Daschle to ensure that some of the funding is available for the Division of Viral Hepatitis in CDC.

I would like to express my thanks to Chairman OBEY for including of $1 billion in sorely needed funding for the decennial census, particularly for the $150 million for expanded communications and outreach programs. Not only is this funding essential for good government, but it will put people to work right away in essential jobs. This funding is by definition temporary because the Census is a periodic effort, so it meets all the criteria for an economic stimulus.

Finally, I would like to highlight an area that is at the core of our current economic crisis, housing affordability and the freeze up of the credit markets. Well meaning efforts to develop affordable housing are currently facing significant challenges in getting started because they cannot find financing in today's credit markets. The Ways and Means Committee has included some provisions related to the Low Income Housing Tax Credit programs in the bill, including a grant program to help fill the capital gap and get construction on these projects started. I support the inclusion of appropriations for this grant program to the level needed so that these tax credits can provide the benefit they were designed to deliver.

Again, I thank Chairman OBEY, Chairman RANGEL, Chairman WAXMAN, and all of the other committee chairs and their staff for their hard work on this legislation and their efforts to help all those across our nation who desperately need the programs included in this bill and who are calling upon us to return our nation's economy return to health.

Mr. YOUNG of Florida. Mr. Chair, I rise to express my concerns about H.R. 1, the American Recovery and Reinvestment Act of 2009. They are concerns about its cost, estimated at more than $1.1 trillion; its ability to really create jobs stimulate our economy; and about the procedure with which it was written and brought before this House.

The Congressional Budget Office estimates the cost of this legislation at $815 billion. But that is before we factor in the cost of the interest payments—totaling $347 billion over the next 10 years—that Americans will incur to finance this, the largest spending bill every brought before Congress.

And what do we get for our ''investment?'' Nobody knows how many jobs, if any, this legislation will create. The Congressional Budget Office estimates that only 15 percent of the spending in this bill will even take place between now and the end of the fiscal year on September 30th. The agency further estimates that by the end of the next fiscal year on September 30, 2010 that just half of the funds provided in this legislation will be expended. One can only wonder how this legislation, with the intended goal of creating sustainable jobs, can do so with such a slow obligation of funds.

Instead, this legislation puts our nation on the hook by creating 32 new programs totaling some $137 billion. This includes a $79 billion State Fiscal Stabilization Fund at the Department of Education which the State of Florida I represent and our public schools and their students will not even qualify for because of the complicated formula under which the funds will be given to the states.

How many jobs will these new programs create? How would the money be spent? Who would receive the money? These are all questions I would have asked if our Appropriations Committee, which has the responsibility of overseeing discretionary spending, had ever held a single hearing on these programs. The truth is, none of our subcommittees ever held a hearing on any of the programs in this bill. This legislation was drafted by a small handful of members with little if any input from Republican members of this House.

President Obama met with the Republican members of the House Tuesday to ask for bipartisan support for this stimulus legislation. Instead, I sense there is bipartisan opposition to the process under which we consider this legislation. Democrats and Republicans alike are on record as saying we should slow down the process and do it right.

We need only look back four months ago to the way in which the House and Senate handled the $700 billion financial bailout to see what happens when we act in haste, with little deliberation, and virtually no input from the members of Congress. We wind up with wasteful federal programs, managed by government bureaucrats, with little or no oversight, and with few if any positive results.

Last year, we considered legislation to help individual homeowners with their mortgages. I supported that bill, because it tried to help people keep their homes. Last October, we considered legislation to bailout the financial industry and financial executives. I voted against that legislation twice because it was a $700 billion mistake that did not help people. Now we are on the verge of repeating that mistake with a new $815 billion bailout that likewise does little to help people get back on their feet and find work.

Mr. Chair, no one in this chamber would deny that our nation faces unprecedented economic challenges in the days and months ahead. Many of my colleagues in this House who oppose this legislation want to provide help to get Americans back to work. But we want to do it the right way without driving our nation further into the economic doldrums and passing the debt on to our children and our grandchildren.

We also want to do so in a fiscally responsible manner. The Congressional Budget Office, in its analysis of this legislation, concluded that ''federal agencies, along with states and other recipients of that funding, would find it difficult to properly manage and oversee a rapid expansion of existing programs so as to expend the added funds as quickly as they expend the resources provided for their ongoing programs.''

Let us heed the calling of the American people last November 4th. They asked us to put the elections and politics behind us and start working together to solve America's problems. President Obama came to Congress this week to ask for our help. But we cannot help if we do not have any input. We cannot help if we have no committee hearings. We cannot help if our subcommittees do not have a hand in writing this legislation. And we cannot help if we have little opportunity to amend this bill when it is brought before the House. No legislation is perfect, let alone one that will spend $815 billion and create 32 new programs.

Mr. Chair, let us vote down this legislation to send it back to the committees and signal that the American people demand a thoughtful and deliberative process in deciding how to spend their hard earned dollars. This is their money, not ours, and we have the responsibility to be good stewards of it.

Mr. ETHERIDGE. Mr. Chair, I rise in support of H.R. 1, American Recovery and Reinvestment Act of 2009. This package will stimulate our economy, provide relief to struggling individuals and small businesses, and create 3 to 4 million desperately needed jobs across our country.

As of last week, the unemployment rate in my state of North Carolina had jumped to 8.7 percent, the highest mark in a quarter century. Each week, we hear more bad news about employment, with North Carolina reporting nearly 16,000 new claims in the last week. A record of almost 400,000 North Carolinians are currently unemployed but seeking work. These rates are rising all across our country while Americans continue to face a faltering economy. In addition to the unemployed, there are many who still have jobs but have seen wages or hours cut. I have heard from North Carolinians from across the Second District about the urgent need for action. H.R. 1 addresses the need through strategic investments that will create new jobs and provide tax relief for 95 percent of Americans.

As the former Superintendant of Schools in North Carolina, I am especially pleased that this recovery bill invests in our future by focusing on education. I am pleased that H.R. 1 includes the America's Better Classrooms Act which provides tax credits to enable $25 billion in school construction and modernization, an initiative I have been working on with my colleagues for 12 years now. Along with $20 billion in grant funding, these tax credits will enable local communities to address overcrowding and deteriorating classrooms and make sure that students have facilities that prepare them to enter the 21st Century workforce. The tax credits will create 10,000 jobs in North Carolina alone. In addition, H.R. 1 provides $21 billion for local school districts for IDEA and education technology programs, as well as $79 billion in state fiscal relief to prevent cutbacks to key services including education, a $500 increase to Pell Grants, and a new tax credit to help students pay for higher education costs.

H.R. 1 will put Americans back to work with strategic investments to create 3 to 4 million jobs. This bill primes the economic pump by investing in many of our top priorities. H.R. 1 provides billions of dollars to targeted infrastructure projects like new schools, improved bridges and roads, modernized public buildings, and expanded mass transit. These projects will create thousands of jobs while helping to bring our nation's infrastructure into the 21st Century.

H.R. 1 also helps our economy by investing heavily in alternative and environmentally-friendly energy, like the biofuels we grow and produce in North Carolina. In addition to the expansion of energy tax provisions like the Production Tax Credit and Clean Renewable Energy Bonds, this bill provides over $30 billion for transforming our energy distribution and production systems and focuses on renewable energy and technology. H.R. 1 also provides funds for energy efficient retrofitting of public housing and buildings and weatherizing homes. These initiatives boost a critical sector of our slumping economy and lessen our dependence on foreign oil.

As a Member of the Ways and Means Committee, I am especially proud of the many tax provisions included in H.R. 1 that will provide immediate and much-needed relief to millions of Americans. In fact, 95 percent of Americans will receive tax relief that will show up directly in their weekly paycheck through reduced withholding. The ''Making Work Pay'' provision in this recovery package will result in a refundable tax credit of up to $500 for working individuals and $1000 for married couples. This bill also extends and expands critical tax breaks like the Earned Income Tax Credit and the child credit that target working Americans. These provisions of provide relief to low and middle income families while also putting dollars back into the economy to support business activity. H.R. 1 also provides tax relief to the many small businesses that form the backbone of our economy. This recovery package extends bonus depreciation for small businesses, allowing them to write-off more capital expenses made through 2009. It also includes 5-year carryback of net operating losses which extends the period of time businesses can use to minimize their tax liability. Finally, H.R. 1 creates new bond initiatives that provide for the recovery of cash-strapped state and local governments and targets new bonds for the economic recovery zones across the country that need the funding the most.

This is a bold package that creates jobs, spurs economic growth, and provides relief to millions of struggling Americans. I support H.R. 1, American Recovery and Reinvestment Act of 2009, and I urge my colleagues to join me in voting for its passage.

Mr. DICKS. Mr. Chair, the arts community in America not only represents a tremendous cultural resource, it also serves to create jobs in local communities all across our nation, an important factor as we consider federal efforts to revive our economy. While some of my colleagues may still not realize the significant number of people who are employed directly and indirectly by the arts community in their congressional districts, I have been encouraged by the vibrant debates we have had in the House in recent years that have helped to broaden the recognition of the arts sector as a major contributor to the economic health of our nation. I have participated in all of those debates regarding the budget for the National Endowment for the Arts, and I am proud that the margin of support for the NEA has been steadily increasing. One of the key factors in increasing that margin has been the activism of the arts community in stressing the economic impact of local arts programming and the jobs created through the growth and development of museums, musical productions, dance, theater and public art projects. In these debates it has been emphasized that each dollar the federal government provides to NEA leverages another seven dollars in private contributions, which in turn generate substantial investment in local communities.

The NEA portion of this economic stimulus legislation will fund small grants to non-profit arts agencies that have been especially hard hit by the economic crisis. The bill specifies that $50 million is "to be distributed to projects and activities which preserve jobs in the non-profit arts sector threatened by declines in philanthropic and other support." These funds are distributed either through formula grants to the states or through the established competitive review system at the NEA.

The non-profit arts sector includes local theaters, opera companies, orchestras, and other visual arts and music programs. These programs play a vital role in all of our cities and towns, representing an economic force with annual revenues estimated at more than $166 billion, supporting 5.7 million jobs. This activity results in billions of dollars in tax revenue on the local, state and federal levels. In the District I represent in the State of Washington, the latest study conducted by Americans for the Arts found that there were 1,626 arts-related businesses which employ 4,646 people.

Unfortunately it is a sector of the economy which has been inordinately impacted by the severe economic downturn we have been experiencing in this past year. Beyond ticket sales and admissions revenues, this sector is heavily dependent on philanthropic contributions and on local government support. The downturn in the stock market during the last year and the large declines in local and state revenues have resulted in large cutbacks in both of these sources of funding, and the result has been disastrous for many of our nation's arts agencies and programs.

We see tragic examples of how the economic crisis has impacted the arts sector on a regular basis. A few examples of this growing problem include:

The Baltimore Opera Company has filed for Chapter 11 bankruptcy and reduced its performance schedule.

State support has been reduced for cultural agencies with Florida reporting a 52 percent reduction, South Carolina 25 percent and New Jersey by 22 percent.

The Pasadena Symphony has curtailed its season due to budget circumstances.

And large businesses such as General Motors have significantly reduced philanthropy for the arts. In Detroit alone this reduction has had a very negative impact on the Michigan Opera Theater, the Detroit Music Hall for Performing Arts and the Detroit Symphony.

The amount in this bill is intended to provide small grants to try to restore some of the jobs which have been lost in the arts communities over the past year. I believe it's the right thing to do . . . it is absolutely critical to maintain these vital programs during times of personal and economic crisis in our nation. In addition to retaining jobs, these funds will support programs which provide entertainment and richness in the lives of our communities at a time when they are badly needed. In the context of this large economic stimulus legislation, I believe this is a prudent investment, and that it will contribute measurably to restoring the fiscal health of our nation.

I also want to insert an article that questions whether the stimulus package includes $300,000 for a sculpture garden.

DOES THE STIMULUS PACKAGE REALLY INCLUDE $300,000 FOR A SCULPTURE GARDEN?

As part of their attack on the Democratic-led $835 billion economic stimulus package, some Republicans have attempted to discredit the plan by singling out examples of what they consider the most outrageous spending.

In an interview with Fox News on Jan. 23, 2009, Rep. Eric Cantor, the House Republican Whip, said that in a meeting with President Obama, Cantor asked if he ''could use his influence on this process to try and get the pork barrel spending out of the bill. I mean, there's $300,000 for a sculpture garden in Miami.''

But do a word search on ''sculpture'' in the 647-page stimulus bill now before the House and you'll come up blank. That's because it's not in there.

So we asked Cantor's office where he came up with it.

Here's how spokesman Neil Bradley explained it: The House stimulus bill includes $50 million for the National Endowment for the Arts. The bill states that the money would be ''distributed in direct grants to fund arts projects and activities which preserve jobs in the non-profit arts sector threatened by declines in philanthropic and other support during the current economic downturn.''

It's the lack of detail that particularly bothers Cantor, Bradley said.

''We don't know what they're going to spend it on,'' Bradley said. ''There is no direction to the NEA on how to spend it.''

So to give people an idea of how the NEA spends its money, Cantor's staff looked at some recent grants awarded by the NEA.

And in 2008, the NEA gave $300,000 to the Vizcaya Museum and Gardens in Miami to restore an outdoor statuary. The Vizcaya estate is one of the country's most intact remaining examples from the American Renaissance, a period when the very wealthy built estates to look European. The $300,000 grant was to help restore some of the outdoor sculptures—statues, urns and fountains—that had been severely deteriorating due to South Florida's salty, damp and subtropical climate, not to mention the hurricanes.

But again, this was an NEA grant from last year. It is not in the proposed $835 billion stimulus package that is being pushed by President Obama and congressional Democrats. In fact, because the sculpture garden's money's already been granted, it's probably pretty safe to say that this is one project that specifically won't be part of the spending.

We get the Cantor camp's argument that there are no specific projects tied to the funding in the proposed NEA allotment. When all is said and done, there may very well be plenty of NEA projects that some find objectionable or wasteful. This just isn't one of them.

Kirstin Brost, a spokeswoman for Rep. Dave Obey, (D–Wis.), House Appropriations Committee Chairman, defended the proposed funding to the NEA.

''Artists need jobs just like everyone else,'' Brost said. ''Fifty million out of $825 billion

doesn't seem like an extreme amount to support our artists.''

The bottom line here is that Cantor specifically identified the sculpture garden as part of the stimulus package when it just isn't—which his staff acknowledges. And he has made that false claim repeatedly. He was quoted saying something similar in a Richmond newspaper.

That's not just sculpting the facts. That's Pants on Fire wrong.

Ms. KILPATRICK of Michigan. Mr. Chair, the people of the 13th Congressional District of Michigan, the State of Michigan, and our nation voted for change. Perhaps more importantly, they want HOPE. The American Recovery and Reinvestment Act of 2009 is a beginning, a down payment, on turning around eight years worth of mismanagement, misunderstanding, and missed opportunities with the people's purse. This bill, which will soon be signed into law, is a bold, aggressive investment in Americans and American industry. I enthusiastically and emphatically endorse and support this bill and hope that the collective wisdom of Congress ensures its quick passage.

Investing in our nation's infrastructure not only rebuilds the bridges, sewers, railroads, streets, avenues, and buildings of our nation, but it also delivers employment and development opportunities. We must provide help, healing, and hope to America's urban and rural communities, communities that have lost more than 1½ million jobs since November of 2008. Every billion dollars of investment in our nation's infrastructure will create 30,000 jobs. Generating these jobs will provide cities and counties with tax revenues that will help ensure police officers, teachers, firefighters, and others have the resources they need to work together to stabilize our communities. These funds will also make our rail, highways, roads, bridges, water, and electrical grid more flexible and accessible to local officials and more affordable and reliable for our nation's senior citizens and families. This new stimulus package includes several important components valuable to families, businesses, and state and local elected officials.

This bill has no earmarks and it is not a perfect bill. I would have preferred a newer version of the Comprehensive Employment Training Act (CETA) that provided so many jobs to so many people in the late 1980s. I hoped for stronger ''Buy American'' language for our automobile manufacturers and steel, concrete, asphalt, and aggregate suppliers. As Congress moves forward, I will continue to fight for these programs. However, this bill is a down payment to the American people and American business.

This bill contains an increase in the Food Stamp Program, the most efficient and effective economic stimulus of all. According to the Center on Budget and Policy Priorities, ''food stamps are one of the most effective forms of economic stimulus because low-income individuals generally spend their available resources on meeting their daily needs, such as shelter, food, and transportation. Therefore, every dollar in food stamps that a low-income family receives enables the family to spend an additional dollar on food or other items. USDA research has found that $1 in food stamps generates $1.84 in total economic activity.'' With 37 million Americans living in poverty and 250,000 homeless veterans sleeping in our streets, Congress' increase in the Food Stamp program means very simply that people will be able to eat.

Today, the unemployment rate in many cities is over than eight percent. The American Recovery and Reinvestment Act focuses on addressing the needs of those who need assistance most by supporting initiatives that will create jobs, keep families in their homes, and provide all Americans with access to healthcare and higher education.

The bill contains an increase in The Supplemental Security Income (SSI) program. This program, which provides basic income support to poor elderly individuals and people with disabilities, is so desperately needed by our seniors and those with physical or mental challenges. How is this an economic stimulus? Again, according to the Center on Budget and Policy Priorities, ''because the beneficiaries of this payment have very low incomes, they are likely to spend the additional payment quickly, thereby providing effective stimulus.''

The Emergency Shelter Grant program, administered by HUD, provides formula grants to states and municipalities that may be used for homelessness prevention, emergency shelters, and street outreach. Twenty-five percent of the funds go to states; the rest go to our cities and counties. These grants are desperately needed in Michigan, a state with one of the highest rates of home foreclosure in our nation. These grants directly help families avoid homelessness, pay overdue rent or utility bills, and relocate into new apartments and homes. These funds are typically spent very, very quickly, therefore boosting the local economy. The Workforce Investment Act (WIA) provides funds to cities and counties for job training and employment services for dislocated workers, youth, and adults.

This bill contains $300 billion worth of tax cuts that will enable businesses to hire employees. It extends bonus depreciation that allows businesses to recover the cost of capital expenditures over time according to a depreciation schedule. This measure also extends [expands] small business expensing, which helps small businesses quickly recover the cost of specific capital expenses by choosing to write-off the cost of these expenses in the year of acquisition in lieu of recovering these costs over time through depreciation. Most importantly, the bill has a tax cut that promotes the hiring of unemployed veterans and disconnected youth. Under current law, businesses are allowed to claim a work opportunity tax credit equal to 40 percent of the first $6,000 of wages paid to employees of one of nine targeted groups. The bill would create two new targeted groups of prospective employees: unemployed veterans and disconnected youth. Furthermore, ninety-five percent of all Americans will receive a tax break because of this bill.

This bill gives local elected leaders authority to oversee and administer the distribution of contracts, jobs, and funds. Local officials, particularly mayors and county executives, face severe and significant financial constraints as they try to resolve issues plaguing their communities. Congress has determined that a significant portion of the stimulus funds must remain in the hands of local government officials to ensure that we support people who need jobs and businesses that need contracting opportunities.

This bill allows small businesses and businesses owned by women and minorities to be able to compete fairly for contracts as primary contractors as we rebuild our country. Too often, these businesses are entirely excluded from the process or awarded smaller subcontracts by larger companies that receive the majority of the contracts. Qualified minority- and women-owned businesses must receive opportunities to compete and become primary contractors where possible. This bill does that. I am proud that this bill includes specific provisions that will ensure that qualified minority- and women-owned businesses will be able to compete and win.

Furthermore, we must promote green jobs, which are the future of our cities, counties, and states. We must explore renewable sources of energy, including wind, solar, biomass, and geothermal energy. We obtain more than 70% of the oil that we use from foreign sources; to ensure our protection, we must become more energy independent. By retrofitting buildings so that they are energy-efficient, developing ''smart'' electric grids, and extending local and state commuter rail, mass transit, and freight railroads, we can create an additional two million jobs, according to the Center for American Progress. We can also preserve the planet for future generations, which will strengthen national security. I am proud to have helped to lead the fight for Advanced Battery technology funding that will preserve American jobs in Michigan for the Big Three. I am also proud of the fact that this bill includes funding that will rebuild and retrofit our nation's public schools using green technology and American steel and iron.

Finally, we must make sure that 100% of the stimulus plan dollars uses American steel, lumber, electronics, cement, asphalt, and other materials, services, and workers. This will stimulate the growth and development of American companies and industries. This uniquely American investment in our people and products will rebuild our nation, revitalize our communities, renew our spirit, offer financial support to cities, and put unemployed people back to work. While the ''Buy American'' provisions in this bill are a good start, I will continue to work during the 111th Congress for even stronger provisions that ensure that American automobiles are used at American embassies throughout the world, that American steel and iron is poured for our bridges and buildings, and that Americans get the jobs that are fueled with American tax dollars.

I am proud to serve the people of the 13th Congressional District and the entire State of Michigan as part of this historic 111th Congress. We must use this moment to generate the momentum needed to improve America's infrastructure. We must increase contracting opportunities to local businesses, stimulate financial investments that will create jobs for local citizens, and give hope to all Americans as we rebuild America together.

The American Recovery and Reinvestment Act is a timely, targeted, and tremendous first step as Congress works to right the fiscal follies of the past eight years. This bill is not the conclusion, but the beginning, of the hope, change, and challenge that our President, Barack Obama, illustrated in his Inauguration Address a little more than a week ago. Congress must pass this bill so that we can preserve a future not only for ourselves, but for

our children and our children's children. America has not been at such an economic precipice, and Congress has not had such an economic challenge since the Great Depression. In the past three months, almost two million jobs have been lost; the stock market continues its downward death spiral; food banks cannot keep up with the demand from homeless families, seniors, and children; home foreclosures are skyrocketing; and more importantly, the American people demand results. As the Bible says, and the President stated in his Inauguration Address, it is time for us—Congress and Americans—to put away childish things. It is time for Congress to pass the American Recovery and Reinvestment Act of 2009.

Mr. POSEY. Mr. Chair, we have before us an $825 billion bill (H.R. 1). With a figure this large it is a little hard to get our hands around how much this is. One way to look at it is that it amounts to spending $7,052 for every family in America. Looked at another way this is enough money to pay for four years of college tuition to a private college for every senior graduating from high school this year and next and still have $150 billion left over. $825 billion is larger than the economies of all but 10% of the countries in the world.

As we consider this level of spending we must view it in the context of our current out of control federal spending. Just three weeks ago, the non-partisan Congressional Budget Office (CBO) projected that the federal government will have a $1.2 trillion deficit this year. This amounts to 8.3% of the Gross Domestic Product (GDP) which is far higher than the pervious record of 5.9% set in 1934 at the height of the Great Depression. In 2009, one out of every three dollars that the federal government will spend will be borrowed and our grandchildren will be stuck with the bill. And these figures do not even factor in the $825 billion in this bill. No country has ever borrowed and spent its way into prosperity, which is what this bill proposes to do. Adding further to this deficit as this bill does is unthinkable.

I appreciate the frankness of my Democrat Chairman, Rep. KANJORSKI (D–PA) who said of his own party "I think we've lost our way. . . ." He went on to add, "I think, to a large extent, many of the parts of the stimulus are programs that are going to take years and years and years to accomplish . . ."

After examining the bill and CBO's analysis, I couldn't agree more with my colleague. In fact, CBO estimates that only 7% of the "stimulus" will be spent in 2009. They report that only 38% of the stimulus money will be spent in the first 2 years, leaving over 60% to be spent three or more years down the road. In fact $3 billion will not be spent until 2019—ten years from now. How does spending money ten years from now or even three years from now stimulate the economy today? Clearly, those writing this bill in the Speaker's office are out of control.

We were told that a stimulus should focus on "shovel-ready" initiatives that are ready to go. But less than 4% of the total cost of this legislation consists of highway projects.

This bill includes $5 billion for the Public Housing Capital Fund. Yet, this fund already has an unspent balance of $7 billion. H.R. 1 also appropriates $1 billion for Community Development Block Grant program, yet this program currently has $23 billion in unspent funds. Why is this Congress adding spending to these cash rich accounts? If they were serious about stimulating the economy Congress should simply make them spend the money they already have. H.R. 1 takes steps to rollback provisions aimed at stopping ACORN—a group charged with voter fraud—from getting federal housing funds. Some of the spending is this bill parading as stimulus—like family planning spending—has little to do with stimulating the economy and more to do with opening the U.S. Treasury to political allies.

I am concerned that this bill has welfare payments parading as tax cuts. Tax cuts are supposed to go to those who pay taxes. H.R. 1 proposes to provide $145 billion in tax cuts for working families. However, on closer inspection we find out that $45 billion of what is labeled as a tax cut is instead a payment from the U.S. taxpayers to those who do not pay taxes. Furthermore, the bill increases the refundability of the child tax credit by $18 billion—increasing the child tax credit payment to those who don't pay taxes.

Let me also say that I appreciate all of the talk about the need to work together in a bipartisan fashion. I was pleased that several Republican amendments were adopted when portions of this bill were considered in several Congressional Committees. I was deeply disappointed that a number of the Republican Amendments disappeared from the bill between the time it was passed in committee and brought to the House floor for a vote. Bipartisanship is supposed to be a two-way street, not simply a demand to show bipartisanship by accepting the Speakers bill.

If we really want to stimulate the economy we should focus on what actually creates jobs in the country—small businesses. Small businesses create 70% of the new jobs in America. Unfortunately, this bill does virtually nothing to help small businesses.

I will be voting against the speaker's bill and in support of the Republican substitute. The bill that I am voting for will lower the 10% tax rate to 5% and the 15% tax rate to $10%. This will give all taxpaying Americans a tax cut. It will leave money in their pockets that they can use it to meet their own family expenses. We include small business tax relief, including a provision allowing small businesses to write off up to $250,000 in capital expenditures. We extend unemployment benefits through 2009 and we exempt these payments from income taxes. We also include other job-creating provisions and we do so without raising anyone's taxes. I have also cosponsored legislation that would reduce the 28% tax rate to 23%. This will cut taxes for individual and job-creating small businesses.

Lower taxes, not higher borrowing, spending and debt will put our economy back on track. I urge my colleagues to vote for lower taxes and against higher spending and debt.

Mr. BACA. Mr. Chair, I rise today to voice my strong support for H.R. 1, The American Recovery and Reinvestment Act.

The United States is in the middle of its worst economic crisis in a generation.

In my district, in the Inland Empire of California—we have the fifth highest rate of foreclosures in the nation; and the unemployment rate has soared above 10%.

Too many working families are caught in this economic tsunami;

Everyday that we sit by and do nothing—more families are losing their jobs, their homes, and their piece of the American Dream.

We must act boldly, and we must act quickly.

H.R. 1 contains the right mix of targeted government spending; and tax cuts to American workers and business—that will create 4 million jobs and get our economy moving again!

As Chairman of the Agriculture Subcommittee on nutrition—I am especially pleased that the stimulus package includes a $20 billion increase in SNAP funding.

This will help to put additional food on the table for over 30 million hungry people!

It will also immediately stimulate our economy. USDA economists estimate that this increase will result in $36 billion in new economic activity.

I urge my colleagues to support struggling families—and not sit idly by in this time of crisis. Vote yes on H.R. 1.

Mr. STARK. Mr. Chair, I rise in support of H.R. 1, the "American Recovery and Reinvestment Act of 2009."

American families are facing dire economic conditions. In my state of California, unemployment is nearing 10% and tens of thousands of families are losing their homes each month. Nationwide, family budgets and state budgets are stretched to the breaking point. Parents are forced to decide whether to pay for health care or the utility bill, while school districts contemplate laying-off teachers and state welfare and Medicaid caseloads expand. This crisis demands bold action to get people working again, strengthen our safety net, and build infrastructure for the 21st Century.

I am not a proponent of all of the provisions in this bill—especially the ill-conceived corporate tax breaks that will do nothing to create jobs or jump-start our economy. The good, however, greatly outweighs the bad.

Among the good, I count the necessary spending to bolster state Medicaid, Unemployment Insurance and Food Stamps programs. Economists tell us that these steps are some of the most effective ways to stimulate the economy. These provisions allow resources to go directly to individuals who have been hurt by the recession and to bolster weakened state budgets.

This package will also create jobs right away by funding "shovel ready" projects to improve mass transit, rebuild bridges and roads, modernize our water systems, retrofit energy inefficient buildings, and create a clean energy infrastructure.

To ensure that our children are ready to compete in a global economy, this legislation makes bold investments in education. These investments include funding for school modernization, an expansion of the successful Early Head Start program, child care assistance for an additional 300,000 children, increased Pell Grants and refundable education tax credits for college students, and a State Fiscal Stabilization Fund to prevent teacher layoffs.

As Chairman of the Ways and Means Health Subcommittee, I am most excited about the health components we've included in this legislation. When President Obama signs this bill, he will do more to advance the cause of repairing our broken health system than the previous Administration did in eight long years.

By investing $20 billion in health information technology, this act puts us on a path to a modern health care delivery system that improves patient outcomes, increases provider

efficiency, and decreases the cost of health care for all. In fact, the Congressional Budget Office tells us that this bill will incentivize 90% of America's doctors and 70% of hospitals to adopt electronic health records—resulting in lower health costs for both the public and private sectors.

I have received letters in support of this section from groups that include the American Hospital Association, Families USA, Health Care for America Now, the Healthcare Leadership Council, Information Technology Association of America, the Coalition for Patient Privacy, and many others. For example, Dr. John Halamka, Dean of Technology at Harvard Medical School recently wrote about this legislation that: ''With appropriate policies and requirements to implement Interoperable, certified EHRs, the dream of a fully electronic healthcare system in the US will move forward more in the next few years than in my entire career to date.''

Not only will this investment in health IT improve our health care system, but it will create high tech jobs for those who develop, train, and utilize the software—one study estimates that 30,000 jobs will be created for every $1 billion spent.

I am proud of the work that has gone into the health IT portion of this bill to invest in modernizing our health system, and I am excited about the enormous advantage this gives us as we move later this year to reform our health care system to cover everyone in America.

This bill also takes important steps to protect the health insurance of workers who have lost their jobs due to this economic crisis.

COBRA health continuation coverage is a lifeline for many people between jobs, but as anyone who has ever been on COBRA knows, it is expensive. On average, the monthly premium for COBRA coverage is $1069—an amount that exceeds many people's entire unemployment check.

This bill contains a 65% COBRA subsidy for up to 12 months for people who have been involuntarily terminated as a result of the recession. Because COBRA doesn't cover everyone, the bill also includes an option for states to temporarily open their Medicaid program—with 100% federal funding—to provide health coverage for unemployed workers and their families. Together, these provisions are projected to protect the health care of more than 8 million Americans.

In addition, this bill recognizes the special difficulties facing older and long time workers in a recession. It provides the ability for these workers to extend COBRA coverage beyond the standard 18 months until such time as they have obtained new group coverage or have become eligible for Medicare. This provision has no cost to the government, but will provide what could be the only opportunity for longtime workers to maintain their health coverage.

There is no doubt that the economic hole our country has been put into is deep. We will not pull ourselves out of it overnight. But the legislation before us today will provide a direct jolt to our economy and will protect those families who are struggling to get by. This is the kind of bold action that Americans voted for last November, and I urge all my colleagues to support this bill and get it to President Obama to be signed into law.

Mr. KIND. Mr. Chair, I rise today in support of H.R. 1, the American Recovery and Reinvestment Act of 2009.

Our country is in the midst of a crisis unlike anything we have seen since the Great Depression. The number of Americans filing for unemployment rose for every state last month, and the numbers for January are not promising. Our credit markets are still frozen, meaning businesses on Main Street are not able to borrow to make payroll. Manufacturing production has hit a 28-year low. Individuals and families are not able to pay their bills and all the while have watched their retirement accounts dwindle.

The bill before us today attempts to remedy these problems with a timely, targeted, and temporary stimulus program to get the economy up and running again, while at the same time addressing the negative effects that the current recession has had on individual Americans. This is not a time for Congress to be timid; we need bold action on several fronts to get people back to work and get the economy back on track. This plan is a nationwide effort to create jobs by investing in clean energy, health care, education and infrastructure, while cutting taxes for American families and businesses.

As a member of the House Ways & Means Committee, I am proud of the work that we did in assembling our part of the larger stimulus bill. Our plan provides tax relief to working families, assistance with healthcare costs, and extended and enhanced unemployment. The plan also gives small and large businesses tax incentives to hire people and purchase new capital.

Specifically, H.R. 1 includes a tax cut to 95 percent of all Americans through a refundable tax credit of $500 for individuals and $1000 for families. Instead of a refund check in the mail, workers will see an uptick in each of their paychecks when the tax cut takes effect. This will provide extra money each pay period for workers to purchase essential needs like food, clothing, and gas.

The American Recovery and Reinvestment Act also includes several small business tax items that will help stimulate the economy. Specifically, the bill contains an extension of bonus depreciation and small business expensing that was proven to be effective after the first stimulus bill was passed in January 2007. The bill also includes a provision that allows businesses that have suffered a net operating loss to carry back that loss to offset their current year's tax liability.

I would like to commend the Senate Finance Committee for including a provision that I have long championed in their version of this legislation. The provision would allow S corporations that convert from C status to sell assets they held at the time of conversion after 7 years—instead of 10, as required under current law—without incurring the 35% ''built-in gains'' (BIG) tax. This fix, which appeared in my broader S Corporation Modernization Act of 2007 (H.R. 4840), would temporarily release capital that is sorely needed by small businesses today. In fact, according to IRS statistics, hundreds of thousands of S corporations are potentially sitting on billions of dollars in appreciated assets that they cannot access or redeploy due to the prohibitive tax implications of the BIG tax. I look forward to working with Speaker PELOSI and Chairman RANGEL to ensure that BIG relief remains in the final recovery package sent to President Obama.

In addition to the many important tax provisions included in the American Recovery and Reinvestment Act, the bill also makes meaningful and important changes in our health care system. First, this legislation moves our hospitals and doctors towards a nationwide interoperable electronic health records system, a step that will not only improve the quality of care provided in this country but will help us all save money.

It is my hope that in implementing the Act's health information technology (HIT) provisions, Secretary-nominee Daschle will strike a careful balance on privacy standards to ensure that patients' personal health information is fully protected without precluding important activities from moving forward, such as quality improvement efforts, medical research, and outcomes-based reimbursement. In addition, as HIT adoption progresses under this legislation, it is crucial that Congress remains vigilant to ensure that all providers—especially those in rural areas, such as critical access hospitals—do not fall behind. We must not allow a technology divide to emerge in this country's health care system.

In addition to the investment in HIT, H.R. 1 also includes important funding for comparative effectiveness research, a crucial step that we must take if we are to move this country towards a value and outcomes based health care system. By arming both patients and providers with the best available information, we can ensure that data and the clinical evidence are guiding the care that is given. With both HIT and comparative effectiveness research in place, we can finally begin to control the overutilization and poor decision-making that have pushed the cost of health care in this country to untenable levels.

As critically important as the investments under the American Recovery and Reinvestment Act are to digging this country out of recession and economic stagnation, we must not use it as an opportunity to abandon fiscal discipline. In fact, the causes and roots of this financial crisis make it more important now than it ever has been to get the federal budget and our long-term unfunded obligations under control. Once our economy returns to stable footing, I would strongly urge Congress and President Obama to undertake significant budget reform efforts to ensure that we are not leaving a legacy of debt for our children and grandchildren.

Our current economic crisis is an extraordinary challenge, but also an extraordinary opportunity. If this country is to successfully address the many, serious challenges we are currently facing—from an expensive and failing health care system, to the need for a greater reliance on American-made renewable energy—we cannot be blind to fiscal realities. We must take a serious, thoughtful approach to the money we both collect and spend as a federal government.

I know that many are skeptical of this plan before us today. I am skeptical as well. Though this package may not be perfect, I do not believe we have the luxury to wait as more Americans lose their jobs every day. This bill provides a shot in the arm for our economy which will start lifting the spirits of Americans and stop the oncoming economic chaos.

Mr. Chair, I support this important legislation that will jump start our economy and get Americans back to work.

Mr. GARY G. MILLER of California. Mr. Chair, there is no debate that the economy is

in serious trouble and it is clear that quick, responsible action must be taken to ensure struggling American families will be able to rebound from the current recession. What is even clearer is the package, which will ultimately be signed by the President, will not help struggling Americans nearly fast enough. Rather, it devotes billions of dollars to special interest groups' pet projects and commits vast sums of money to long term spending priorities that do nothing to stimulate the economy. What the American people need is a package that is timely, targeted, and temporary, which is why I am voting against H.R. 1, the American Recovery and Reinvestment Act.

This massive piece of legislation—equivalent to the entire yearly discretionary budget of the U.S. Congress—was developed in haste, behind closed doors, and without the input that was promised to the Minority party in Congress. The bill represents a litany of pork barrel spending that will do nothing to help hard working American families struggling to make ends meet. For example, this bill contains $600 million to buy new cars for the federal government, $50 million to fund the National Endowment of the Arts, $44 million to repair the U.S. Department of Agriculture Headquarters, $400 million for NASA to conduct climate change research, and $335 million for sexually transmitted disease education and prevention programs. These items represent an increase in government spending, not job creation. Further, the bill creates 32 more government programs, directs $248 billion in mandatory spending, and according to the non-partisan Congressional Budget Office, only 40 percent of the discretionary funds will be spent in the next year and a half.

All in all, based on the Democrats' estimation of the number of jobs they wish to create with this legislation, Congress will be spending $275,000 per job created or saved. Americans should be asking; how will we pay for all this spending once the economy recovers? The fact remains that once this bill becomes law, the total federal deficit will be approaching $2 trillion. We must make sure that the relief we provide is immediate, effective, and temporary.

To accomplish this we must focus the stimulus on providing tax relief to struggling families and small businesses. Small businesses remain the life blood of the American economy and we must ensure that resources are in place to allow them to thrive. House Republicans propose to allow small businesses to take a tax deduction equal to 20% of their income, and allowing businesses to write asset depreciation off on their taxes at an accelerated rate, which will immediately free up funds for small businesses to retain and hire new employees. This is in addition to retaining the net operating loss carryback and expensing for small businesses, currently contained in the bill. To ensure business only hire legal workers and U.S. citizens, I am pleased the bill includes a four year reauthorization of the E-verify program and will work to make it mandatory and permanent.

Rather than a refundable credit based on payroll taxes, House Republicans propose reducing the lowest individual tax rates from 15% to 10% and from 10% to 5% As a result every taxpaying-family in America will see an immediate increase in their income with an average benefit of $500 in tax relief from the drop in the 10% bracket and $1,200 for the drop in the 15% bracket. A married couple filing jointly could save up to $3,200 a year in taxes. The Alternative Minimum Tax is again threatening to affect millions of middle class Americans and needs to be addressed immediately so taxpayers can be confident that this burdensome tax will not strike them this year. Additionally, House Republicans propose to make unemployment benefits tax free so that those individuals between jobs can focus on providing for their families.

The stimulus proposal pending in Congress includes record levels of government spending that will substantially increase the current deficit. As stewards of the economy, Congress must ensure that the proposals adopted here are the most effective at turning the economy around. Wasteful spending and new government programs will only place the American people at a greater risk in the future. Americans deserve a stimulus package that addresses their needs, not a stimulus package that devotes millions of dollars to pet projects and interest group demands.

Mr. HALL of Texas. Mr. Chair, I rise today to express my deep disappointment at a missed opportunity in this Stimulus Bill. Before us is a package that many claim will stimulate the American economy and create jobs. But we are on the verge of losing thousands of highly skilled American jobs and this bill has done nothing to address the situation.

As Ranking Member of the Science and Technology Committee, I am particularly concerned about a section aimed at the National Aeronautics and Space Administration. As many of us are aware, NASA is currently on a path to retire the Space Shuttle in 2010 and develop the next generation launch system, but without sufficient funding that replacement system cannot be ready before 2015 at the earliest. During this five year gap, America will pay cash to Russia to provide transportation for our astronauts to our International Space Station.

The bill calls for $600 million, but none of that money will help close this impending gap. This one-time addition will not keep an estimated 5,600 jobs from disappearing during the gap, and it will not reduce our dependency on and payments to Russia. I want to be clear—because this bill fails to include funding to reduce the gap, we will be forced to lay off high tech workers in the United States while we are paying Russia to do the job that these American workers used to do.

Many Members of Congress have been concerned by this situation. Last year's NASA Authorization Bill passed the House with a resounding vote of 409–15 and authorized an additional $1 billion to accelerate the development of the shuttle follow-on—known as Constellation System. Unless the Constellation System can be delivered sooner than 2015, we stand to lose thousands of highly-skilled aerospace jobs that will be very difficult and costly to replace. The sooner these systems are developed the sooner we eliminate our reliance on the Russians for access to the International Space Station, and give our Nation the systems necessary to explore beyond low-Earth orbit to the Moon and beyond.

Keeping American tax dollars working for us here at home would stimulate the creation of highly-skilled, well-paid jobs in this country. Furthermore these types of investments in our Nation's space transportation infrastructure would continue to pay dividends and have large multiplier effects throughout the economy by stimulating high-tech manufacturing and networks of suppliers around the country. It is exactly the kind of thing that should be part of this ''stimulus package.'' Not funding the acceleration of the Constellation Systems represents a failure of our national leadership that will be paid for on the backs of American aerospace workers and with a loss of our industrial competitiveness against our international competitors.

It makes me sick that we are bailing out failed banks and corporations while ignoring the support of a successful Space Station and space program—a program that could defend our nation from space and provide a cure for our most deadly diseases. By lessening the utility of a Space Station that provides a platform for lifesaving research, including growing white corpuscles that could be used to cure cancer, we are weakening our competitiveness. We are allowing Russia to reap the benefits of our space program—benefits that are badly needed here at home. It is comparable to buying energy from Saudi Arabia and other nations and not spending that same amount developing our own natural resources, such as those found in ANWR, off the coasts of Florida and California, and in the energy-rich Gulf of Mexico.

I am told that the total budget for NASA is less than 1% of the Federal budget (7/10ths to be exact). Surely, we can honor the request that Congresswoman KOSMAS had in her amendment that the Rules Committee rejected—a request that would have narrowed the gap—especially considering that we throw away billions on other nations through foreign aid. President Monroe is famous for saying ''hands off this hemisphere,'' but we should be saying ''hands on this hemisphere'' and protecting our own American citizens, and their jobs, first.

Mr. SKELTON. Mr. Chair, as the House considers H.R. 1, the American Economic Recovery and Reinvestment Act, let me express my support for the measure, which would appropriate additional funds for important rural development programs and invest in the future of the United States.

As a rural Missouri Congressman and Chairman of the House Armed Services Committee, I have examined our current economic crisis through the perspective of those who live in small town Missouri and through the lens of national security.

The United States is the world's indispensable nation. To remain so, we must utilize all elements of national power—military, diplomatic, and economic. Should our economy fail, it will dramatically undercut America's military and diplomatic strength and make it far more difficult to properly address international challenges.

To confront the recession, Congress and the President have an obligation to act boldly, yet wisely, to help avert the kind of economic downturn that could have lasting, severe consequences for the American people and for the future of our country.

Our economy has been in decline since December 2007, and the downturn has accelerated in recent months. Consumer confidence and spending have fallen, businesses have shed millions of jobs, housing values have diminished, and mortgage foreclosures have risen dramatically. Economists from all political

stripes warn us that without additional stimulus, deflation could sink the American economy for years to come.

While Congress and the Administration have acted over the past year to battle the recession, more must be done immediately to create jobs, to stimulate consumer spending, to promote small business development, and to mitigate the housing crisis.

I am pleased that the economic recovery bill being considered in the House takes important steps toward stimulating the sluggish economy.

The measure would invest heavily in our national infrastructure and in the health, education, and safety of the American people; provide important tax relief for working families and for businesses; and strengthen the safety net for workers who have fallen on hard times.

As someone who represents small town Missouri, I am particularly pleased that the legislation would commit plentiful resources for programs important to rural America, including rural water programs, rural highways and infrastructure projects, school modernization initiatives, Corps of Engineers projects, and Internet broadband expansion.

I also am grateful that the legislation would direct additional funds toward critical military construction projects, including military health care, child care, and housing facilities. These projects are so very important to our military personnel and their families.

While the economic recovery legislation is an important part of our country's effort to stimulate the economy, it should not be perceived as a silver bullet that will cure all economic ills.

Congress and the Administration must continue to examine the global economic turmoil and consider additional legislative solutions to it, especially as it relates to the housing sector. I remain troubled that mortgage foreclosures have risen sharply despite new laws that encourage banks to renegotiate troubled mortgages. The housing crisis is at the heart of our recession and more must be done on this front.

I urge my colleagues to support the economic rescue bill and look forward to working with the Senate to ensure the measure can be enacted swiftly.

Mr. DREIER. Mr. Chair, because the Committee on Education and Labor did not mark up its portions of H.R. 1, I am including in the record, at their request, their views on the portions of the bill that should have been marked up by the Education and Labor Committee. Had the Committee marked up the bill, these would have been included in the Committee report. I hope that in the future, we can do a better job of adhering to regular order so that it will not be necessary to take these steps.

MINORITY VIEWS ON H.R. 1

COMMITTEE ON EDUCATION AND LABOR REPUBLICANS

Although it is described by the Democratic majority as an ''economic stimulus package,'' this massive spending vehicle contains some of the most sweeping changes to the role of the federal government in elementary/secondary and postsecondary education policy in decades. And despite the far-reaching nature of the proposed policy shifts and spending expansions, these changes have not been approved or even reviewed by the U.S. House Committee on Education and Labor, the congressional committee with sole jurisdiction over these matters. Instead, less than a week after it was publicly released, Democrats are poised to approve a bill loaded with wasteful government spending; a bill that will not have the intended effect of creating jobs and stimulating our shaky economy; and a bill that makes broad, unprecedented education policy changes with little to no congressional guidance.

Committee Republicans believe that Congress should pass a real economic stimulus package that will provide middle-class families, job seekers, small business owners, and the self-employed with reforms that will create jobs and put the economy back on track. Instead of giving billions of dollars to federal and state government bureaucrats to spend on pet programs created and supported by the Congressional leadership and the new Administration, we need to put more money in the hands of American families and businesses and empower them to help in our nation's economic recovery.

WILL THE PROPOSED EDUCATION SPENDING MEASURES CREATE JOBS AND STIMULATE THE ECONOMY, OR SIMPLY SADDLE OUR CHILDREN WITH UNMANAGEABLE DEBT?

The Democrats' spending package could provide more than $145 billion in new spending for elementary/secondary and postsecondary education. This staggering funding level is more than double the Department of Education's current discretionary budget for all of its programs and activities.

In light of the fact that this bill is being considered outside of the normal authorization and appropriations processes, it is vitally important that we ask tough questions and demand satisfactory answers before committing hundreds of billions of taxpayer dollars to funding new and expanded programs. In each case, we must ask—

''Will every dollar allocated truly stimulate the economy?''

''Will the funding in the education portion of this bill actually create jobs?''

''How many private sector jobs will the bill create?''

''How long will these jobs last?''

''Is the funding sustainable once the initial infusion is gone?''

''Or will this simply create an unrealistic demand for federal dollars and expectations that will continue to drive our deficit into the trillions of dollars in the future?''

''Is the funding in the economic stimulus bill truly 'emergency' spending, or could it wait and be considered through the normal legislative process?''

Unfortunately, when one looks at the package proposed unilaterally by congressional Democrats and attempts to answer these questions, the only logical conclusion is that the spending in this bill will not provide the job creation or other benefits needed to support our economy in the short-term. Nor will it provide the necessary levels of immediate relief to struggling American families and businesses. The vast majority of spending being proposed would simply bloat the federal bureaucracy and expand the federal government's role in education in previously unseen directions.

Perhaps the Washington Post said it best in an editorial that appeared just days before this massive spending plan is scheduled for a vote in the U.S. House. It said, ''Helping hire, equip and pay police, a $4 billion item under the bill, might be a good idea, but writing checks to individual households for the same amount would do more to stimulate the economy. Ditto for $16 billion in Pell Grants for college students, $2.1 billion for Head Start and $50 million for the National Endowment for the Arts. All of those ideas may have merit, but why do they belong in an emergency measure aimed to kick-start the economy? . . .

''[G]iven their cost, and the inherent difficulty of forecasting their impact, Congress should vet them through the normal legislative process, weigh them against other priorities and pay for them.''

And although some of the money in the bill is intended for worthy goals that enjoy bipartisan support, such as those that will increase student awards in the Pell Grant program, the funding increase is slated to vanish after two years. For students entering college this year, with this temporary aid increase, we must ask: How will they make up the difference when the additional federal money is no longer there in two years? Either all low-income students will see their Pell Grants slashed by $500 or more, or Congress will need to find at least $16 billion each and every year going forward just to maintain this funding level. This scenario will not only play out on college campuses, but in states, school districts, public schools, Head Start centers, and local workforce centers all across the country that are slated to receive billions in temporary taxpayer dollars.

It is fiscally irresponsible and unfair to students and the American taxpayer to hold out the promise of additional money only to pull it back, or to set up a situation in which federal spending—and along with it, the deficit—has nowhere to go but up to relieve the tremendous pressure to continue programs at exorbitantly high levels once the stimulus is no longer in effect.

UNPRECEDENTED EXPANSION OF FEDERAL GOVERNMENT'S ROLE IN SCHOOL CONSTRUCTION WITH NO CONGRESSIONAL OVERSIGHT

Over the past decade, the condition of local public school facilities has become an important component of the education debate in communities throughout the nation. In both cities and suburbs, students, parents, teachers, and many public officials argue that school buildings are overcrowded, unsafe, and obsolete. As a result, the amount being spent on school construction, modernization, and renovation has become a significant issue in many states and local school districts.

While strongly supportive of public education, historically, the federal government has had an extremely limited, almost nonexistent role in financing school infrastructure projects and facility improvement programs, which have been a state and local responsibility. The federal government has chosen to maintain this limited role in school construction while focusing on adequately funding programs that increase student achievement, primarily through the Title I program for low-income students, and on helping states provide a free, appropriate public education to those students with special needs under the Individuals with Disabilities Education Act (IDEA). It has also chosen to focus limited federal resources on providing lasting and permanent increases to the Pell Grant program that directly benefits low-income students pursuing a college education.

Ignoring more than 40 years of deliberate effort by Congress to limit its focus to these national priorities since passage of the Elementary and Secondary Education Act, IDEA, and the Higher Education Act, the Democrats responsible for drafting this spending package have chosen to create an unprecedented $20 billion federal school construction program. The program would weaken efforts at the state level to fund school construction, dramatically increase the cost of building elementary and secondary schools and public colleges and universities, and dramatically expand the size and scope of the federal government.

With the unmet need for school construction and renovation at the elementary and

secondary level estimated at $112 billion, and with states and local school districts spending an average of $20.7 billion annually on school construction, it's a valid question to wonder how a new federal school construction program administered by the U.S. Department of Education (which received roughly $22 billion last year for all programs under the Office of Elementary and Secondary Education) could do a better job at building schools than state and local officials.

One of the most troubling aspects of the massive new federal school construction program authorized in this so-called economic stimulus bill is that it will be subject to the requirements of the Depression-era Davis-Bacon Act, which requires construction projects to be paid using flawed ''prevailing wages'' and favors union wage workers. It is estimated that this requirement raises the costs of school construction by as much as one-third in some parts of the country, especially in those local communities that have lower costs and are not subject to the flawed prevailing wage structure.

The federal government should maintain its longstanding focus on assisting states and local school districts to improve student academic achievement and providing low-income students with Pell Grants so that they can go to college. It should not undertake a $20 billion school construction experiment.

DENYING STUDENTS WITH DISABILITIES THE ABILITY TO RECEIVE A HIGH QUALITY EDUCATION AT PUBLIC OR PRIVATE SCHOOLS

The proposed economic stimulus package prohibits states and school districts from using funds under the State Stabilization Fund from assisting students that attend private elementary or secondary schools. This provision directly contradicts the rights guaranteed to students with disabilities under the Individuals with Disabilities Education Act or IDEA, and affirmed by the U.S. Supreme Court. Under IDEA, parents of children with disabilities have the right to place their children in an education environment that best meets the needs of the particular student—regardless of whether it is a public or private school. Under the statute, states and school districts can also place children with a disability in a private school in order to meet the law's requirement that a disabled child be provided a free and appropriate public education. In both cases, IDEA requires that children in private schools receive special education and related services in order to enhance their education. The economic stimulus package, which would prohibit states and school districts from using funding under the bill to educate students with disabilities in private school settings, jeopardizes the fundamental and basic tenet of IDEA, which is to ensure that all students with disabilities, regardless of where they attend school, are entitled to the same high quality elementary and secondary education as their peers. The provision is a major reversal in the federal government's effort to ensure that services are provided to students with disabilities and one that should be removed from the package.

NEW FEDERAL EDUCATION POLICY MANDATES JEOPARDIZE MONEY TO STATES THAT WANT FEDERAL ASSISTANCE

The Democrats' economic stimulus package also includes $79 billion for a new ''state stabilization fund'' to assist states in coping with their recent budget problems. Of the total funding, at least 61 percent must be spent in support of elementary/secondary and postsecondary education. In order for a state to receive assistance under this new program, it must: maintain state support for elementary/secondary education and postsecondary education at the level that it had in fiscal year 2006; address inequities in the distribution of teachers between high- and low-poverty schools; establish a statewide longitudinal data system; enhance reading and math assessments; and ensure that all students with disabilities and those who are Limited English Proficient (LEP) are included in state assessments and are offered proper accommodations to enable their participation in state assessments.

According to current data on just three of the five requirements outlined above, many states will be unable to qualify for the additional money under the state stabilization fund. Certainly, none will qualify in the near-term. Hence, we have to determine that the state stabilization fund is not likely to lead to any job creation or stimulate the economy in any meaningful way.

CONCLUSION

Under the guise of economic stimulus, this spending package makes unprecedented changes in the direction of federal education policy without observing the regular legislative process. Even more troubling, it is doubtful that the funding will actually create jobs or stimulate the economy. It is far more likely that the high levels of spending in the bill will only stimulate expectations for future spending to levels that are unrealistic and unsustainable. Our children will be saddled with debt, our states and schools will be left holding the bag when the funding disappears, and our economy may be left worse off than it is now.

HOWARD P. ''BUCK'' MCKEON.
PETER HOEKSTRA.
MARK E. SOUDER.
JOE WILSON.
JOHN KLINE.
ROB BISHOP OF UTAH.
BRETT GUTHRIE.
DAVID P. ROE.

Mr. BACHUS. Mr. CHAIR, I and Mr. NEUGEBAUER, Mr. LUCAS, Mr. MANZULLO, Mrs. BIGGERT, Mr. GARY MILLER of California, Mrs. CAPITO, Mr. HENSARLING, Mr. GARRETT of New Jersey, Mr. BARRETT of South Carolina, Mrs. BACHMANN, Mr. MARCHANT, Mr. POSEY, Ms. JENKINS and Mr. PAULSEN submit the following for the RECORD:

COMMITTEE ON FINANCIAL SERVICES
REPUBLICAN VIEWS
ON
H.R. 1, THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009,
JANUARY 28, 2009

$15 billion of the $1.16 trillion in costs (debt plus servicing) associated with H.R. 1, the ''American Recovery and Reinvestment Act of 2009'' (ARRA), falls within the jurisdiction of the Committee on Financial Services. The stated goal of this legislation is to provide immediate stimulus to our ailing economy. It is, therefore, imperative that this legislation target funds to programs and organizations which offer the maximum immediate economic stimulus, and ensures that bad actors are not rewarded.

Yet, several provisions included in the bill do not meet this standard. First, this legislation does not have important safeguards to prevent funds from being distributed to organizations—such as the Association of Community Organizations for Reform Now (ACORN)—implicated in illegal activities. Second, the $15 billion earmarked for existing housing programs in Title XII of ARRA cannot be spent in a timely and efficient manner that will provide the economic stimulus that is so sorely needed.

The majority of the housing programs funded under the stimulus bill have large unexpended balances sitting in their accounts. While the funds have been obligated, the programs have very slow spend-out rates. According to the Appropriations Committee staff:

Public Housing Capital Fund has $7 billion in unexpended balances ($2 B in 2008; $1.5 B 2007; $1 B 2006 and $500 million in 2005). Given the backlog in the pipeline, there is a legitimate question whether this new $5 billion can be spent in a timely enough manner to have a stimulative effect on the economy.

The Section 202 (elderly housing) program has an unexpended balance of $4.4 billion and the Section 811 (disabled housing) program has a $1 billion unexpended balance. This program allows for $2.5 billion in ''energy retrofit investments.'' While this may be a laudable long term goal, its relationship to economic stimulus seems tenuous.

Native American Block Grants Program currently has $1 billion in unexpended balances in its account; yet $500 million, which is essentially another year's worth of funding for this program, is included in H.R. 1.

The Neighborhood Stabilization Program, which was enacted seven months ago, has yet to disburse any of the $4 billion authorized under the program to states or localities eligible for funding. However, H.R. 1 includes another $4.19 billion for this program.

We are concerned that H.R. 1 includes billions of dollars in new spending on existing programs that are clearly in need of reform. In addition, H.R. 1 rewrites the Neighborhood Stabilization Program that Congress enacted last year, which was designed as a one-time appropriation. There is considerable disagreement on the merits of the Neighborhood Stabilization Program, and no evidence that it works, given that no funds have been disbursed to date. In an editorial dated January 25, 2009, the Washington Post stated:

For sheer irrationality, it would be hard to top the $4.19 billion the bill would give to the Neighborhood Stabilization Program, on top of $4 billion authorized last year. This program gives local governments money to buy and rehabilitate homes that have been foreclosed on—thus giving lenders an incentive to foreclose on more houses.

In addition to questioning the economic stimulus nature of the housing funds included in H.R. 1, we are concerned that the bill gives groups, such as ACORN, access to billions of taxpayer dollars. ACORN already qualifies for and receives millions of dollars in Federal funding as a HUD-certified housing counselor through HUD's HOME and Community Development Block Grant programs. According to a 2008 analysis conducted by House Republicans, ACORN has received at least $53 million in direct Federal funding since 1994. The group receives millions more from the government through indirect funding from states and cities.

At a time of financial distress, Congress should not reward bad actors that illegally manipulate our electoral process. Last Congress, language was included in the ''Housing and Economic Recovery Act of 2008'' (HERA) (Public Law 110–289) barring any group indicted for Federal election fraud or that hired an individual indicted for Federal election fraud from accessing funds made available through the Neighborhood Stabilization Program. This provision had the effect of rendering ACORN ineligible for assistance. Due to the changes to the Neighborhood Stabilization Program included in the economic stimulus bill, it is unclear whether those same safeguards and restrictions continue to apply.

It is important that Congress take steps to revive our economy. However, H.R. 1—specifically the spending on housing programs in this legislation and the lack of safeguards—will not translate into the necessary

stimulus to get our economy moving again. Instead, we believe that allowing hard working American families to keep more of their earnings in the form of tax cuts will have a far more positive economic effect than any amount of government spending and borrowing. When individuals are able to take home more of their earnings, they will save, spend and invest more—all of which help stimulate the economy.

Ms. GINNY BROWN-WAITE of Florida. I rise today in support of the American taxpayer, not the American Recovery and Reinvestment Act.

For months the American Recovery and Reinvestment Act was billed by President Obama as a job creating, infrastructure improvement package.

I know I wasn't the only one that heard the words ''shovel ready'' over and over again when I inquired about ways to help Florida's 5th Congressional District.

Despite the fact that this bill was crafted exclusively by President Obama and Speaker PELOSI, we as a country were asked to give President Obama a chance and were told that we should trust his judgment.

President Obama has taken what should have been a bipartisan bill to create jobs and packed it with ideological spending priorities from the liberal left.

The best way to stimulate the economy and create jobs is to cut tax rates across the board, reduce the corporate tax rate, and better fund organizations like the Small Business Administration and the Federal Housing Administration. These concrete steps would stimulate job growth, put money into consumers' hands quickly, and help prevent future home foreclosures.

Our Republican alternative, offered by Mr. CAMP and Mr. CANTOR, would do just that. We eliminate all the pork-ridden projects, cancel out billions in funds for projects not ready till 2012, and focus on providing immediate relief to the American public.

The bill before us today does virtually nothing to promote immediate job growth or help struggling businesses. America's strength is based on the hard work and ingenuity of its citizens, not throwing taxpayer funds into yet another bureaucratic black hole.

A real stimulus package should return tax dollars back to the people that paid them, provide real incentives for American businesses to hire new employees, and help people stay in their homes. The bill before the House today does none of this; instead it focuses on make-work government projects and pet projects of the liberal left.

Mr. Chair, facts are stubborn things.

Only $450 million of this bill (less than one half of one percent) would go to capitalize a loan program for small business, even though the facts show that small businesses are the backbone of our economy and the key engine of job growth in this country.

Furthermore, only seven percent of this package will actually be spent on improving our nation's roads and infrastructure.

Why would the Democrat Majority and President Obama not provide more funding in this bill to help small business, to improve our roads and repair our aging infrastructure?

My only guess is that their idea of a ''stimulus'' plan means we increase funding for a myriad of already bloated federal government programs that should be dealt with in the appropriations process, not an emergency jobs and infrastructure bill.

Some of the most egregious examples of programs within the massive spending bill include; $50 million for the National Endowment for the Arts; $6.2 billion for a Weatherization Assistance Program; $150 million for the Smithsonian Facilities; $1.1 billion for Comparative Effectiveness Research; $100 million for Lead-Based Paint Hazards. And a long, long list of other misguided priorities.

With these non-essential projects, the message that President Obama is sending to the American taxpayer is that pork barrel policies are here to stay, and that the era of Change in Washington is already dead.

While the President and the Speaker have attempted to distract the American public from the true intentions of this bill, the Congressional Budget Office has called them to account.

The non-partisan CBO found that only $26 billion in this bill would be spent in 2009, and less than half of the total would be spent by the end of 2011.

What happened to ''shovel ready''?

What happened to creating jobs with purpose?

And speaking of jobs, wouldn't you think that the best way to create jobs in this country would be to stimulate private sector investment and growth?

Sadly, this Administration feels that big government should get even bigger, and if you run the numbers, even richer.

According to a study of the bill published in the Wall Street Journal today, each new government job created by the Democrat bill will cost the American taxpayer $646,214.

We all joke about the inefficiency of the federal government, but at least we don't pay them $600,000 a year!

Furthermore, one would hope that if the American public is being asked to go another trillion dollars into debt that at least Florida would get our fair share of funds in exchange.

Sadly, when Democrat leaders drafted this bill they chose to give Florida the absolute lowest dollars per capita of any state and the second lowest dollars per capita for transportation of any state. If my constituents are forced to take on that much new debt, they should at least get something out of this bargain with the devil. Instead they get shortchanged and still get stuck with the bill. That is not fair, but is what we have come to expect from this Democrat leadership.

The bottom line is that we can not spend our way out of this economic mess.

And by doubling down, my colleagues are making our hole that much deeper.

There is no doubt that our economy needs a kick start to put us back on the path to prosperity. What we do not need, however, is yet another pork ridden bailout that produces few jobs, sends billions of your money to corrupt organizations like ACORN, and does nothing to put money back in the hands of American taxpayers.

Mr. Chair, I oppose the American Recovery and Reinvestment Act and I encourage my colleagues to do the same.

Mr. MURTHA. Mr. Chair, the American Recovery and Reinvestment Act of 2009 includes a total of $4.9 billion to address critical facility maintenance and repair issues within the Department of Defense; invests in energy efficiency at DoD facilities; and provides much needed research into alternative energy sources for the Department.

FACILITIES

The bill includes $4.5 billion to make major repairs and upgrades at Defense Department facilities, which affects both the quality of life for service personnel and their effectiveness in performing their missions.

Over the past two years, the Defense Subcommittee has found numerous base facilities to be inadequate and/or in dire need of maintenance and repair. These conditions are clearly illustrated by the problems we've seen at Walter Reed Army Medical Center and the barracks at Ft. Bragg. The Defense Department's annual budget requests have failed to address these issues, and the latest estimates show that the facilities repair backlog has reached $63 billion and continues to grow.

The funds made available in this bill will provide the Defense Department with: $154 million to rehabilitate Army barracks; $455 million to revitalize Military Medical Treatment Facilities; $2.1 billion to reduce the backlog of repairs to Defense facilities throughout the country; and $1.8 billion to make DoD buildings more energy efficient.

ENERGY RESEARCH

The bill also includes $350 million to advance research and development programs for fuel cells and batteries; alternative fuels; hybrid energy sources; improved engines; and bio-fuels.

The Department of Defense is one of the largest single energy consumers in the world. The FY 2009 DoD Appropriations Act alone provided $14.4 billion for the Department to purchase 136 million barrels of refined petroleum products. In addition to the cost, the need to store and transport fuel represents one of the most significant logistical challenges for U.S. Military Forces.

This research funding is essential to reducing the Defense Department's dependence on petroleum, and the security risks that arise from being dependent on a single energy source.

I urge you to support this bill.

Mr. SULLIVAN. Mr. Chair, today, the House is debating how best to boost the nation's economy. I would like to underscore for my colleagues the important relationship between healthcare and economic vitality, and the importance of leveraging private matching funds to address health care challenges in my district and throughout the nation.

Health status is a major determinant in a region's economic viability, yet many parts of the country face shortages in health care providers and services. These medically underserved areas often experience significant disparities in life expectancy and incidence of chronic disease, and the disparities are often most acutely felt by minority or rural populations.

Some surprising statistics in my district highlight the consequences of this sort of discrepancy. While north Tulsa comprises 40% of the region's population, only 4% of the region's physicians are located there. Due to these shortages of health care services, we have seen a fourteen year difference in life expectancy between north Tulsa and south Tulsa. In addition, residents of north Tulsa have rates of cancer and heart disease that are 30% higher than national averages.

As Congress considers ways to stimulate the economy, I encourage my colleagues to consider the significant health disparities that

exist in medically underserved areas, particularly in rural areas and areas with large minority populations. These regions need coherent health care delivery systems—systems that integrate primary care, preventive care, specialty care, and acute care, and that are connected through a health care technology infrastructure. I also encourage that in addition to directing federal funds to this effort, that we can also leverage non-federal, private matching funds to bring this about. Health care projects with strong community public-private partnerships with the availability of private matching funds should be used as a factor for distribution under the stimulus.

While the legislation before us devotes significant funding to health care, including community based wellness and prevention programs, we should work to ensure that these programs are designed in such a fashion as to provide comprehensive and systemic improvements to medically underserved communities. It is my hope that in directing federal funds to this effort, we can also leverage non-federal sources to fund our health care safety net.

As this legislation moves forward, I look forward to working with my colleagues to address the health care disparities confronting underserved communities in Oklahoma and around the country in a way that not only improves the health of our constituents but the economy as well.

Mrs. CAPPS. Mr. Chair, I rise in support of the American Recovery and Reinvestment Act.

I am glad that we have taken seriously our challenge to pass an economic stimulus bill right away so that we can take important steps to protect ordinary Americans.

I have been particularly concerned about the effect of the current economic situation on health care access and am relieved to see that the bill before us today takes excellent steps to address the health care crisis.

Most important, in my view, are the Medicaid provisions that will ensure states can continue to provide Medicaid to their residents with, at minimum, the current level of benefits.

My home state of California, much like other states, is suffering a budget crisis that is leading to proposals of slashing Medicaid benefits.

We must protect current benefits AND ensure that Medicaid and COBRA are available for the high number of Americans who have lost their jobs.

This bill does an excellent job of doing that.

I also want to applaud the inclusion of Health Information Technology language, including essential privacy protections.

Spurring adoption of HIT will reduce medical errors, allow physicians and nurses to spend more time with their patients and create jobs.

But I would be remiss if I didn't express disappointment in one important item that was unfortunately not included in today's bill.

The Energy & Commerce Committee, on which I serve, rightly included language to make family planning services for low-income women a state option.

Currently, states must apply for a waiver, accompanied by the uncertainty of future applications' success, in order to provide this basic health care service for women who do not otherwise qualify for Medicaid, but are low-income nonetheless.

Through a campaign of misinformation perpetrated, I am sad to say, by some of our own colleagues in Congress, we were forced to strip this provision out in order to reinforce the message of the underlying bill.

But make no mistake, the family planning provisions would have saved hundreds of millions of dollars over the next several years.

And you don't have to take my word for it, just ask the CBO, which scored the provision as a savings.

So I will remind my colleagues that we have lost an important opportunity to improve health care services to the extent that this bill originally intended to do and I vow to work with the White House and Congressional leadership to ensure we fix this in the near future.

Nonetheless, the remaining health care language is strong and will provide tremendous relief to the millions of currently unemployed Americans as well as those who rely on Medicaid.

Mr. Chair, we also have a tremendous opportunity to put America on a path to economic recovery by moving us toward energy security.

Immediate investments in renewable energy production and rebuilding our infrastructure to be greener will create hundreds of thousands of jobs, save billions of dollars in energy costs, and reduce our carbon footprint in the long term.

And that's exactly what the bill before us today does.

It creates new programs, and it makes important changes to others, that will get Americans back to work.

And the cash savings achieved through increased efficiency will go back into local communities and could be used to pay mortgages and other necessities continuing to improve the economy.

I am also pleased to see that this bill will help our country prepare for the DTV transition.

By allocating funds to the converter box coupon program, hotline call centers, and consumer education, we can ensure millions of Americans are not left behind during this transition.

Finally, this bill will enable people in unserved and underserved areas of our country to harness the internet as a tool for economic, social and civic empowerment by providing much needed funding for broadband deployment and wireless voice service.

So I want to applaud the Chairman for his excellent work on the provisions that fall within our Committee's jurisdiction and urge my colleagues to support it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, as snow drifts outside our nation's Capitol, we acknowledge that we as a nation are in the midst of an economic winter. I support H.R. 1, the American Recovery and Reinvestment Act, because I believe that the federal and state programs funded therein will provide needed stimulus to our economy.

With record numbers of Americans unemployed, with our defense budget stretched in war, with our children slipping in educational competitiveness, and with the sick and elderly facing a deepening well of poverty, it is time to act. Congress and the Administration have swiftly assembled a package of wide-ranging support in many important areas. I particularly support the science and educational stimulus activities.

Science and technology funding go directly to the high-tech workforce. Investments in the Advanced Research Project Agency for Energy will support research into energy sources and energy efficiency. The bill also contains funding toward a more reliable, energy-efficient electricity grid to keep up with tomorrow's technologies. It contains money for the National Institute of Standards and Technology to fund grants for research science buildings at colleges and universities. Funding for the National Aeronautics and Space Administration will enable more scientists to conduct climate change research. Investments in scientific research are investments in our future. They will pay for themselves ten-fold over future generations and very well could save our planet from the destructive effects of global warming.

Educational opportunities for all students are an imperative investment in our future. This recovery package will make bold investments to provide children with a 21st century education, modernize our schools and colleges, and make college more affordable. An investment of $14 billion for modernization of K–12 schools is badly needed. The legislation also contains money to enable bright students to go to college. It improves current higher education tax credits by creating a new ''American Opportunity'' tax credit with a maximum of $2,500, rather than the current maximum of $1,800. This expansion will make college more affordable for millions of low- and moderate-income students. It also provides additional support for the Head Start program, which will provide important development services to 110,000 additional low-income preschool children. Furthermore, the bill provides funds for competitive grants to provide financial incentives for teachers who raise student achievement and close the achievement gaps in high-need schools.

We must invest in our nation's Historically Black Colleges and Universities (HBCUs) and other Minority Serving Institutions. Currently, there exists a ''digital divide'' between HBCU campuses and their counterparts. There is a great need to update campus technology and develop educational and technological opportunities for students and staff. Because of their unique resources, HBCUs continue to be extremely effective in producing African American graduates and preparing them to compete in the global economy. HBCUs represent nine of the top ten colleges that graduate the most African Americans who go on to earn Ph.D.s. I request to insert data into the RECORD demonstrating the important value that HBCUs add, when it comes to minority education. The distinctive ability of HBCUs to provide opportunity and advancement to African American students is undeniable and is worthy of federal support.

When Americans think of this landmark stimulus bill, shovel-ready projects may immediately come to mind. However, investments in research and in math and science education will pay long-term dividends. They not only will create new jobs, but they will elevate our workforce by providing an excellent education. These investments will open a world of opportunities for millions who previously had none. This bill is an investment in our future: tomorrow and for decades to come.

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, AS WELL AS THE UNITED NEGRO COLLEGE FUND SERVE A PREDOMINANTLY LOW-INCOME, MINORITY STUDENT POPULATION

60 percent of UNCF students come from families with average incomes under $30,000.

92 percent of UNCF students require financial assistance to attend college.

60 percent of UNCF students are the first in their families to attend college.

Yet HBCUs continue to educate and graduate African American students at higher rates than other colleges and universities and with fewer resources.

HBCUs represent less than 3 percent of all postsecondary institutions, but produce 18 percent of African American college graduates.

In 2000, 40 percent of all African American students who received baccalaureate degrees in physics, chemistry, astronomy, environmental sciences, mathematics, and biology graduated from HBCUs.

Between 1997 and 2001, more African American science and engineering doctoral recipients began their educations at UNCF institutions than at Berkeley, Harvard, the University of Pennsylvania, MIT, Brown, Stanford, Princeton, and Yale combined.

HBCUs represent nine of the top 10 colleges graduating African American students who go on to earn PhDs. Approximately 40 percent of African Americans with PhDs earned their bachelors degrees from HBCUs.

In 2004, five of the top 25 producers of African American medical school applicants were UNCF member institutions.

85 percent of African American dentists and physicians earned degrees at HBCUs.

Spelman and Bennett Colleges, the nation's only historically black women's colleges, account for more female African American doctorate-degree holders than the ''Seven Sisters'' institutions combined.

Numerous studies have documented increased developmental gains and increased satisfaction among African American students who attend HBCUs compared to their counterparts who attend historically white institutions.

HCBU graduates are more likely than graduates of other colleges to engage in social, political and philanthropic activities.

HBCUs AND UNCF CONTINUE TO RISE TO MEET THESE CHALLENGES, ALTHOUGH THEIR FEDERAL FUNDING IS DISPROPORTIONATELY LOW, RELATIVE TO OTHER INSTITUTIONS OF HIGHER EDUCATION

In October 2007, the National Science Foundation released data demonstrating a persistent disparity in the level of federal research and development (R&D) and science and engineering (S&E) funding awarded to HBCUs, as compared to majority institutions of higher education:

In FY05, under federal S&E categories cutting across six federal agencies, HBCUs received collectively $479 million.

This, compared to $28.3 billion received by all other institutions of higher education, represents about 1.7 percent of total awards.

In R&D, HBCUs received $294.2 million out of $25 billion awarded to all institutions of higher education, just over 1 percent of the total.

Of the $3.1 billion awarded by NSF for university R&D efforts, only $10.8 million went to HBCUs. This total represents less than 0.5 percent of overall federal funding.

Mr. PASCRELL. Mr. Chair, as a member of the Ways and Means Committee, I support the inclusion of the comparative effectiveness provision in the American Recovery and Reinvestment Act. Agencies within the Department of Health and Human Services, such as the Agency for Health Care Research and Quality, are already undertaking comparative effectiveness research under a 2003 provision. The Department has worked diligently to conduct research that meets the priorities and requests of the Medicare, Medicaid and SCHIP programs, but its resources are too limited to conduct the types of comparative clinical effectiveness studies Americans need to improve the quality of health care they receive. This provision would expand on the 2003 directive to move these efforts forward in a way that generates necessary information for health care providers to ensure patients receive the best care possible.

This provision could help the United States begin to address significant health problems, such as the type–2 diabetes epidemic. In New Jersey, over 400,000 people have been diagnosed with diabetes. Even more alarming, an additional 178,000 residents have the disease but are unaware of it. It is a sad truth that, in New Jersey, diabetes is no longer a rare condition and indeed has a significant and growing impact on the health of my constituents.

Of course, this epidemic is not confined to New Jersey alone. In the United States, there are over 20 million individuals with type–2 diabetes, approximately 6 million of which are over age 65. Between 80 to 90 percent of patients diagnosed with type–2 diabetes are also overweight. This provision would ensure that the Department of Health and Human Services will now have the resources to conduct research comparing treatments that emphasize weight loss and glycemic control to those that emphasize glycemic control alone. Studies like this would generate the information necessary to move the diabetes care paradigm from subjective recommendations to evidence-based medicine that would improve the care of all patients with type–2 diabetes. This is just one example of the promise that comparative effectiveness research holds. Additional studies would help identify the most effective treatments for other serious health conditions.

Because of the promise of comparative effectiveness research and the opportunity it holds for improving the health of all Americans, Mr. Chair, I support the provision and the underlying bill.

Mr. CONYERS. Mr. Chair, today I rise in strong support of H.R. 1, the American Recovery and Reinvestment Act of 2009. This stimulus package injects targeted, temporary, and responsible investment in our economy and, with a little luck and hard work, will pull our Nation back from the brink of fiscal collapse.

The jobs, training, and investment that will be created with this stimulus will provide true relief to the weary American worker. As much as the other side would like to convince us, building green schools creates jobs; fixing crumbling aqueducts and sewer systems creates jobs; installing energy efficient insulation in public buildings creates jobs; even resodding the National Mall creates jobs. Even better, our Nation will reap the benefits of this investment for years to come; creating many additional jobs in the private sector as we repave roadways and transform dilapidated communities into thriving commerce-rich economic zones.

Thank goodness this Congress and this President have thrown aside the voodoo economic policies of the past 8 years. By voting for this Act, we right American jobs policy by returning to a common-sense principle: promoting work that produces American products and strengthens American communities. Instead of simply cutting taxes for big corporations and promoting policies that shift capital from one bank account to another, this Act will leave behind real tangible benefits for the next generation—a true legacy of achievement.

As we debate this issue here today, Michigan's unemployment rate has risen above 10 percent, local manufacturers are slashing tens of thousands of jobs, and many are signing up for Medicaid and COBRA insurance at unprecedented levels. The jobs created by this stimulus are long-term jobs that provide solid wages to working-class Americans; it is only these types of jobs that will pull Michigan out of its economic malaise.

This stimulus package is a historic solution to a historic problem; it will likely be the biggest piece of legislation ever passed by this body. Faced with such dire economic problems, we have to aim big. Two notable economists, Paul Krugman and Jeffery Sachs have both voiced their support for a large scale stimulus to avoid a ''L shaped'' recovery that would mirror Japan's stagnant growth and labor market of the 1990s. In these gloomy economic times, hesitation and caution are not a viable option. Now is the time to act decisively.

Mr. Chair, H.R. 1 promotes sorely needed investment in transportation. For example, it provides $30 billion for federal aid to highway and bridge construction, $3 billion to airport improvement projects, and $1.1 billion for Amtrak and intercity passenger rail grants. These projects will offer additional much needed personal and commercial movement options for my constituents.

Additionally, as an ardent supporter of universal health care, I am delighted that the American Recovery and Reinvestment Act will fund many important programs that will reduce health costs. H.R. 1 will provide $1 billion to renovate community clinics and $600 million to address doctor shortages in urban areas by assisting medical school students with their expenses if they agree to practice in underserved communities as a part of the National Health Service Corps. To further lower health care costs, H.R. 1 will create a Prevention and Wellness Fund, where $3 billion will be allocated to fight preventable chronic diseases. This will include grants to state and local public health departments, immunization programs, and disease prevention initiatives. Moreover, the bill will invest $20 billion to computerize medical records to cut costs, extend COBRA healthcare for the unemployed with a $30.3 billion investment, and will give $8.6 billion to expand Medicaid coverage for the recently unemployed.

H.R. 1 will also help provide quality education to all Americans. As a direct response to the recent cut backs in educational funding and staggering increases in college tuition, the bill will provide $79 billion to states and $41 billion to local school districts through Title I, IDEA, the School Modernization and Repair Program, and the education technology program. Furthermore, $15 billion will be given to states as bonus grants if they can meet key performance measures. Lastly, H.R. 1 increases individual Pell Grant allocations by $500.

H.R. 1 will also help hard working Americans stay in their homes. The bill will create a $5 billion Public Housing Capital Fund that will repair and modernize public housing. $1.5 billion will be given to the rehabilitate low-income housing using green technologies in the HOME Investment Partnerships. In addition, $4.2 billion will help communities purchase and rehabilitate foreclosed, vacant properties in order to create more affordable housing and reduce neighborhood blight.

I could go on and on about the many worthy initiatives this bill furthers. In particular, I am heartened that it makes wise investments in preserving our public places, ending hunger, and promoting the deployment of broadband Internet access. Needless to say, it is a comprehensive bill and a vote for it is a vote to revitalize every sector of our economy.

For too long many have believed that the free market can fix America's problem. We have been told that the only thing created by public investment is more bureaucracy and an unwieldy national debt.

Well, I am here to tell you that prudent targeted government investment in the private and public sectors creates something else: jobs. The minority had their chance to promote their version of the economy when they controlled the Congress and the White House. And what have they left us: unchecked spending that resulted in millions of jobs lost, a lower standard of living, and the greatest levels of inequality we have seen since the period of unchecked deregulation that immediately preceded the Great Depression.

The investments championed by President Franklin Delano Roosevelt led us out of a period of despair and uncertainty and ushered in the greatest period of sustained growth our Nation has ever experienced. We did it once; we can do it again. H.R. 1 is the blueprint for such a recovery and I urge my colleagues to support this legislation.

□ 1400

The CHAIR. All time for general debate has expired.

Pursuant to House Resolution 92, the amendment printed in part A of House Report 111–9 is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 1

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 ''American Recovery and Reinvestment Act of 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

DIVISION A—APPROPRIATION PROVISIONS
TITLE I—GENERAL PROVISIONS
TITLE II—AGRICULTURE, NUTRITION, AND RURAL DEVELOPMENT
TITLE III—COMMERCE, JUSTICE, AND SCIENCE
TITLE IV—DEFENSE
TITLE V—ENERGY AND WATER
TITLE VI—FINANCIAL SERVICES AND GENERAL GOVERNMENT
TITLE VII—HOMELAND SECURITY
TITLE VIII—INTERIOR AND ENVIRONMENT
TITLE IX—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION
TITLE X—MILITARY CONSTRUCTION AND VETERANS AFFAIRS
TITLE XI—DEPARTMENT OF STATE
TITLE XII—TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT
TITLE XIII—STATE FISCAL STABILIZATION FUND
DIVISION B—OTHER PROVISIONS
TITLE I—TAX PROVISIONS
TITLE II—ASSISTANCE FOR UNEMPLOYED WORKERS AND STRUGGLING FAMILIES
TITLE III—HEALTH INSURANCE ASSISTANCE FOR THE UNEMPLOYED
TITLE IV—HEALTH INFORMATION TECHNOLOGY
TITLE V—MEDICAID PROVISIONS
TITLE VI—BROADBAND COMMUNICATIONS
TITLE VII—ENERGY

SEC. 3. PURPOSES AND PRINCIPLES.

(a) STATEMENT OF PURPOSES.—The purposes of this Act include the following:

(1) To preserve and create jobs and promote economic recovery.

(2) To assist those most impacted by the recession.

(3) To provide investments needed to increase economic efficiency by spurring technological advances in science and health.

(4) To invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits.

(5) To stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.

(b) GENERAL PRINCIPLES CONCERNING USE OF FUNDS.—The President and the heads of Federal departments and agencies shall manage and expend the funds made available in this Act so as to achieve the purposes specified in subsection (a), including commencing expenditures and activities as quickly as possible consistent with prudent management.

SEC. 4. REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 5. EMERGENCY DESIGNATIONS.

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

(b) PAY-AS-YOU-GO.—All applicable provisions in this Act are designated as an emergency for purposes of pay-as-you-go principles.

DIVISION A—APPROPRIATION PROVISIONS

SEC. 1001. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, and for other purposes.

TITLE I—GENERAL PROVISIONS

Subtitle A—Use of Funds

SEC. 1101. RELATIONSHIP TO OTHER APPROPRIATIONS.

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

SEC. 1102. PREFERENCE FOR QUICK-START ACTIVITIES.

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

SEC. 1103. REQUIREMENT OF TIMELY AWARD OF GRANTS.

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

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

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

SEC. 1104. USE IT OR LOSE IT REQUIREMENTS FOR GRANTEES.

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

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

(c) APPROPRIATIONS TO WHICH THIS SECTION APPLIES.—This section shall apply to grants made using amounts appropriated in any of the following accounts within this Act:

(1) ''Environmental Protection Agency—State and Tribal Assistance Grants''.

(2) ''Department of Transportation—Federal Aviation Administration—Grants-in-Aid for Airports''.

(3) ''Department of Transportation—Federal Railroad Administration—Capital Assistance for Intercity Passenger Rail Service''.

(4) ''Department of Transportation—Federal Transit Administration—Capital Investment Grants''.

(5) ''Department of Transportation—Federal Transit Administration—Fixed Guideway Infrastructure Investment''.

(6) ''Department of Transportation—Federal Transit Administration—Transit Capital Assistance''.

(7) ''Department of Housing and Urban Development—Public and Indian Housing—Public Housing Capital Fund''.

(8) ''Department of Housing and Urban Development—Public and Indian Housing—Elderly, Disabled, and Section 8 Assisted Housing Energy Retrofit''.

(9) ''Department of Housing and Urban Development—Public and Indian Housing—Native American Housing Block Grants''.

(10) ''Department of Housing and Urban Development—Community Planning and Development—HOME Investment Partnerships Program''.

(11) ''Department of Housing and Urban Development—Community Planning and Development—Self-Help and Assisted Homeownership Opportunity Program''.

SEC. 1105. PERIOD OF AVAILABILITY.

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

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

SEC. 1106. SET-ASIDE FOR MANAGEMENT AND OVERSIGHT.

Unless other provision is made in this Act (or in other applicable law) for such expenses, up to 0.5 percent of each amount appropriated in this Act may be used for the expenses of management and oversight of the programs, grants, and activities funded by such appropriation, and may be transferred by the head of the Federal department or agency involved to any other appropriate account within the department or agency for that purpose. Funds set aside under this section shall remain available for obligation until September 30, 2012.

SEC. 1107. APPROPRIATIONS FOR INSPECTORS GENERAL.

In addition to funds otherwise made available in this Act, there are hereby appropriated the following sums to the specified Offices of Inspector General, to remain available until September 30, 2013, for oversight and audit of programs, grants, and projects funded under this Act:

(1) ''Department of Agriculture—Office of Inspector General'', $22,500,000.

(2) ''Department of Commerce—Office of Inspector General'', $10,000,000.

(3) ''Department of Defense—Office of the Inspector General'', $15,000,000.

(4) ''Department of Education—Departmental Management—Office of the Inspector General'', $14,000,000.

(5) ''Department of Energy—Office of Inspector General'', $15,000,000.

(6) ''Department of Health and Human Services—Office of the Secretary—Office of Inspector General'', $19,000,000.

(7) ''Department of Homeland Security—Office of Inspector General'', $2,000,000.

(8) ''Department of Housing and Urban Development—Management and Administration—Office of Inspector General'', $15,000,000.

(9) ''Department of the Interior—Office of Inspector General'', $15,000,000.

(10) ''Department of Justice—Office of Inspector General'', $2,000,000.

(11) ''Department of Labor—Departmental Management—Office of Inspector General'', $6,000,000.

(12) ''Department of Transportation—Office of Inspector General'', $20,000,000.

(13) ''Department of Veterans Affairs—Office of Inspector General'', $1,000,000.

(14) ''Environmental Protection Agency—Office of Inspector General'', $20,000,000.

(15) ''General Services Administration—General Activities—Office of Inspector General'', $15,000,000.

(16) ''National Aeronautics and Space Administration—Office of Inspector General'', $2,000,000.

(17) ''National Science Foundation—Office of Inspector General'', $2,000,000.

(18) ''Small Business Administration—Office of Inspector General'', $10,000,000.

(19) ''Social Security Administration—Office of Inspector General'', $2,000,000.

(20) ''Corporation for National and Community Service—Office of Inspector General'', $1,000,000.

SEC. 1108. APPROPRIATION FOR GOVERNMENT ACCOUNTABILITY OFFICE.

There is hereby appropriated as an additional amount for ''Government Accountability Office—Salaries and Expenses'' $25,000,000, for oversight activities relating to this Act.

SEC. 1109. PROHIBITED USES.

None of the funds appropriated or otherwise made available in this Act may be used for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

SEC. 1110. USE OF AMERICAN IRON AND STEEL.

(a) IN GENERAL.—None of the funds appropriated or otherwise made available by this Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron and steel used in the project is produced in the United States.

(b) EXCEPTIONS.—Subsection (a) shall not apply in any case in which the head of the Federal department or agency involved finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron and steel are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron and steel produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) WRITTEN JUSTIFICATION FOR WAIVER.—If the head of a Federal department or agency determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the head of the department or agency shall publish in the Federal Register a detailed written justification as to why the provision is being waived.

(d) DEFINITIONS.—In this section, the terms ''public building'' and ''public work'' have the meanings given such terms in section 1 of the Buy American Act (41 U.S.C. 10c) and include airports, bridges, canals, dams, dikes, pipelines, railroads, multiline mass transit systems, roads, tunnels, harbors, and piers.

SEC. 1111. WAGE RATE REQUIREMENTS.

Notwithstanding any other provision of law and in a manner consistent with other provisions in this Act, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

SEC. 1112. ADDITIONAL ASSURANCE OF APPROPRIATE USE OF FUNDS.

None of the funds provided by this Act may be made available to the State of Illinois, or any agency of the State, unless (1) the use of such funds by the State is approved in legislation enacted by the State after the date of the enactment of this Act, or (2) Rod R. Blagojevich no longer holds the office of Governor of the State of Illinois. The preceding sentence shall not apply to any funds provided directly to a unit of local government (1) by a Federal department or agency, or (2) by an established formula from the State.

SEC. 1113. PERSISTENT POVERTY COUNTIES.

(a) ALLOCATION REQUIREMENT.—Of the amount appropriated in this Act for ''Department of Agriculture—Rural Development Programs—Rural Community Advancement Program'', at least 10 percent shall be allocated for assistance in persistent poverty counties.

(b) DEFINITION.—For purposes of this section, the term ''persistent poverty counties'' means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1980, 1990, and 2000 decennial censuses.

SEC. 1114. REQUIRED PARTICIPATION IN E-VERIFY PROGRAM.

None of the funds made available in this Act may be used to enter into a contract with an entity that does not participate in the E-verify program described in section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 1115. ADDITIONAL FUNDING DISTRIBUTION AND ASSURANCE OF APPROPRIATE USE OF FUNDS.

(a) CERTIFICATION BY GOVERNOR.—Not later than 45 days after the date of enactment of this Act, for funds provided to any State or agency thereof, the Governor of the State shall certify that the State will request and use funds provided by this Act.

(b) ACCEPTANCE BY STATE LEGISLATURE.—If funds provided to any State in any division of this Act are not accepted for use by the Governor, then acceptance by the State legislature, by means of the adoption of a concurrent resolution, shall be sufficient to provide funding to such State.

(c) DISTRIBUTION.—After the adoption of a State legislature's concurrent resolution, funding to the State will be for distribution to local governments, councils of government, public entities, and public-private entities within the State either by formula or at the State's discretion.

Subtitle B—Accountability in Recovery Act Spending

PART 1—TRANSPARENCY AND OVERSIGHT REQUIREMENTS

SEC. 1201. TRANSPARENCY REQUIREMENTS.

(a) REQUIREMENTS FOR FEDERAL AGENCIES.—Each Federal agency shall publish on the website Recovery.gov (as established under section 1226 of this subtitle)—

(1) a plan for using funds made available in this Act to the agency; and

(2) all announcements for grant competitions, allocations of formula grants, and awards of competitive grants using those funds.

(b) REQUIREMENTS FOR FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES.—

(1) INFRASTRUCTURE INVESTMENT FUNDING.—With respect to funds made available under this Act for infrastructure investments to Federal, State, or local government agencies, the following requirements apply:

(A) Each such agency shall notify the public of funds obligated to particular infrastructure investments by posting the notification on the website Recovery.gov.

(B) The notification required by subparagraph (A) shall include the following:

(i) A description of the infrastructure investment funded.

(ii) The purpose of the infrastructure investment.

(iii) The total cost of the infrastructure investment.

(iv) The rationale of the agency for funding the infrastructure investment with funds made available under this Act.

(v) The name of the person to contact at the agency if there are concerns with the infrastructure investment and, with respect to Federal agencies, an email address for the Federal official in the agency whom the public can contact.

(vi) In the case of State or local agencies, a certification from the Governor, mayor, or other chief executive, as appropriate, that the infrastructure investment has received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. A State or local agency may not receive infrastructure investment funding from funds made available in this Act unless this certification is made.

(2) OPERATIONAL FUNDING.—With respect to funds made available under this Act in the form of grants for operational purposes to State or local government agencies or other organizations, the agency or organization shall publish on the website Recovery.gov a description of the intended use of the funds, including the number of jobs sustained or created.

(c) AVAILABILITY ON INTERNET OF CONTRACTS AND GRANTS.—Each contract awarded or grant issued using funds made available in this Act shall be posted on the Internet and linked to the website Recovery.gov. Proprietary data that is required to be kept confidential under applicable Federal or State law or regulation shall be redacted before posting.

SEC. 1202. INSPECTOR GENERAL REVIEWS.

(a) REVIEWS.—Any inspector general of a Federal department or executive agency shall review, as appropriate, any concerns raised by the public about specific investments using funds made available in this Act. Any findings of an inspector general resulting from such a review shall be relayed immediately to the head of each department and agency. In addition, the findings of such reviews, along with any audits conducted by any inspector general of funds made available in this Act, shall be posted on the Internet and linked to the website Recovery.gov.

(b) EXAMINATION OF RECORDS.—The Inspector General of the agency concerned may examine any records related to obligations of funds made available in this Act.

SEC. 1203. GOVERNMENT ACCOUNTABILITY OFFICE REVIEWS AND REPORTS.

(a) REVIEWS AND REPORTS.—The Comptroller General of the United States shall conduct bimonthly reviews and prepare reports on such reviews on the use by selected States and localities of funds made available in this Act. Such reports, along with any audits conducted by the Comptroller General of such funds, shall be posted on the Internet and linked to the website Recovery.gov.

(b) EXAMINATION OF RECORDS.—The Comptroller General may examine any records related to obligations of funds made available in this Act.

SEC. 1204. COUNCIL OF ECONOMIC ADVISERS REPORTS.

The Chairman of the Council of Economic Advisers, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, shall submit quarterly reports to Congress detailing the estimated impact of programs under this Act on employment, economic growth, and other key economic indicators.

SEC. 1205. SPECIAL CONTRACTING PROVISIONS.

The Federal Acquisition Regulation shall apply to contracts awarded with funds made available in this Act. To the maximum extent possible, such contracts shall be awarded as fixed-price contracts through the use of competitive procedures. Existing contracts so awarded may be utilized in order to obligate such funds expeditiously. Any contract awarded with such funds that is not fixed-price and not awarded using competitive procedures shall be posted in a special section of the website Recovery.gov.

PART 2—ACCOUNTABILITY AND TRANSPARENCY BOARD

SEC. 1221. ESTABLISHMENT OF THE ACCOUNTABILITY AND TRANSPARENCY BOARD.

There is established a board to be known as the ''Recovery Act Accountability and Transparency Board'' (hereafter in this subtitle referred to as the ''Board'') to coordinate and conduct oversight of Federal spending under this Act to prevent waste, fraud, and abuse.

SEC. 1222. COMPOSITION OF BOARD.

(a) MEMBERSHIP.—The Board shall be composed of seven members as follows:

(1) The Chief Performance Officer of the President, who shall chair the Board.

(2) Six members designated by the President from the inspectors general and deputy secretaries of the Departments of Education, Energy, Health and Human Services, Transportation, and other Federal departments and agencies to which funds are made available in this Act.

(b) TERMS.—Each member of the Board shall serve for a term to be determined by the President.

SEC. 1223. FUNCTIONS OF THE BOARD.

(a) OVERSIGHT.—The Board shall coordinate and conduct oversight of spending under this Act to prevent waste, fraud, and abuse. In addition to responsibilities set forth in this subtitle, the responsibilities of the Board shall include the following:

(1) Ensuring that the reporting of information regarding contract and grants under this Act meets applicable standards and specifies the purpose of the contract or grant and measures of performance.

(2) Verifying that competition requirements applicable to contracts and grants under this Act and other applicable Federal law have been satisfied.

(3) Investigating spending under this Act to determine whether wasteful spending, poor contract or grant management, or other abuses are occurring.

(4) Reviewing whether there are sufficient qualified acquisition and grant personnel overseeing spending under this Act.

(5) Reviewing whether acquisition and grant personnel receive adequate training and whether there are appropriate mechanisms for interagency collaboration.

(b) REPORTS.—

(1) FLASH AND OTHER REPORTS.—The Board shall submit to Congress reports, to be known as ''flash reports'', on potential management and funding problems that require immediate attention. The Board also shall submit to Congress such other reports as the Board considers appropriate on the use and benefits of funds made available in this Act.

(2) QUARTERLY.—The Board shall submit to the President and Congress quarterly reports summarizing its findings and the findings of agency inspectors general and may issue additional reports as appropriate.

(3) ANNUALLY.—On an annual basis, the Board shall prepare a consolidated report on the use of funds under this Act. All reports shall be publicly available and shall be posted on the Internet website Recovery.gov, except that portions of reports may be redacted if the portions would disclose information that is protected from public disclosure under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act).

(c) RECOMMENDATIONS TO AGENCIES.—The Board shall make recommendations to Federal agencies on measures to prevent waste, fraud, and abuse. A Federal agency shall, within 30 days after receipt of any such recommendation, submit to the Board, the President, and the congressional committees of jurisdiction a report on whether the agency agrees or disagrees with the recommendations and what steps, if any, the agency plans to take to implement the recommendations.

SEC. 1224. POWERS OF THE BOARD.

(a) COORDINATION OF AUDITS AND INVESTIGATIONS BY AGENCY INSPECTORS GENERAL.—The Board shall coordinate the audits and investigations of spending under this Act by agency inspectors general.

(b) CONDUCT OF REVIEWS BY BOARD.—The Board may conduct reviews of spending under this Act and may collaborate on such reviews with any inspector general.

(c) MEETINGS.—The Board may, for the purpose of carrying out its duties under this Act, hold public meetings, sit and act at times and places, and receive information as the Board considers appropriate. The Board shall meet at least once a month.

(d) OBTAINING OFFICIAL DATA.—The Board may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties under this Act. Upon request of the Chairman of the Board, the head of that department or agency shall furnish that information to the Board.

(e) CONTRACTS.—The Board may enter into contracts to enable the Board to discharge its duties under this Act.

SEC. 1225. STAFFING.

(a) EXECUTIVE DIRECTOR.—The Chairman of the Board may appoint and fix the compensation of an executive director and other personnel as may be required to carry out the functions of the Board. The Director shall be paid at the rate of basic pay for level IV of the Executive Schedule.

(b) STAFF OF FEDERAL AGENCIES.—Upon request of the Board, the head of any Federal department or agency may detail any Federal official or employee, including officials and employees of offices of inspector general, to the Board without reimbursement from the Board, and such detailed staff shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) OFFICE SPACE.—Office space shall be provided to the Board within the Executive Office of the President.

SEC. 1226. RECOVERY.GOV.

(a) REQUIREMENT TO ESTABLISH WEBSITE.—The Board shall establish and maintain a website on the Internet to be named Recovery.gov, to foster greater accountability and transparency in the use of funds made available in this Act.

(b) PURPOSE.—Recovery.gov shall be a portal or gateway to key information related to this Act and provide a window to other Government websites with related information.

(c) MATTERS COVERED.—In establishing the website Recovery.gov, the Board shall ensure the following:

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

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

(3) The website shall provide data on relevant economic, financial, grant, and contract information in user-friendly visual

presentations to enhance public awareness of the use funds made available in this Act.

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

(5) The website shall include printable reports on funds made available in this Act obligated by month to each State and congressional district.

(6) The website shall provide a means for the public to give feedback on the performance of contracts awarded for purposes of carrying out this Act.

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

SEC. 1227. PRESERVATION OF THE INDEPENDENCE OF INSPECTORS GENERAL.

Inspectors general shall retain independent authority to determine whether to conduct an audit or investigation of spending under this Act. If the Board requests that an inspector general conduct or refrain from conducting an audit or investigation and the inspector general rejects the request in whole or in part, the inspector general shall, within 30 days after receipt of the request, submit to the Board, the agency head, and the congressional committees of jurisdiction a report explaining why the inspector general has rejected the request in whole or in part.

SEC. 1228. COORDINATION WITH THE COMPTROLLER GENERAL AND STATE AUDITORS.

The Board shall coordinate its oversight activities with the Comptroller General of the United States and State auditor generals.

SEC. 1229. INDEPENDENT ADVISORY PANEL.

(a) ESTABLISHMENT.—There is established a panel to be known as the ''Independent Advisory Panel'' to advise the Board.

(b) MEMBERSHIP.—The Panel shall be composed of five members appointed by the President from among individuals with expertise in economics, public finance, contracting, accounting, or other relevant fields.

(c) FUNCTIONS.—The Panel shall make recommendations to the Board on actions the Board could take to prevent waste, fraud, and abuse in Federal spending under this Act.

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

SEC. 1230. FUNDING.

There is hereby appropriated to the Board $14,000,000 to carry out this subtitle.

SEC. 1231. BOARD TERMINATION.

The Board shall terminate 12 months after 90 percent of the funds made available under this Act have been expended, as determined by the Director of the Office of Management and Budget.

PART 3—ADDITIONAL ACCOUNTABILITY AND TRANSPARENCY PROVISIONS

SEC. 1241. LIMITATION ON THE LENGTH OF CERTAIN NONCOMPETITIVE CONTRACTS.

No contract entered into using funds made available in this Act pursuant to the authority provided in section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)) that is for an amount greater than the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. (4)(11))—

(1) may exceed the time necessary—

(A) to meet the unusual and compelling requirements of the work to be performed under the contract; and

(B) for the executive agency to enter into another contract for the required goods or services through the use of competitive procedures; and

(2) may exceed one year unless the head of the executive agency entering into such contract determines that exceptional circumstances apply.

SEC. 1242. ACCESS OF GOVERNMENT ACCOUNTABILITY OFFICE AND OFFICES OF INSPECTOR GENERAL TO CERTAIN EMPLOYEES.

(a) ACCESS.—Each contract awarded using funds made available in this Act shall provide that the Comptroller General and his representatives, and any representatives of an appropriate inspector general appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.), are authorized—

(1) to examine any records of the contractor or any of its subcontractors, or any State or local agency administering such contract, that directly pertain to, and involve transactions relating to, the contract or subcontract; and

(2) to interview any current employee regarding such transactions.

(b) RELATIONSHIP TO EXISTING AUTHORITY.—Nothing in this section shall be interpreted to limit or restrict in any way any existing authority of the Comptroller General or an Inspector General.

SEC. 1243. PROTECTING STATE AND LOCAL GOVERNMENT AND CONTRACTOR WHISTLEBLOWERS.

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

(1) gross mismanagement of an executive agency contract or grant;

(2) a gross waste of executive agency funds;

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

(4) a violation of law related to an executive agency contract (including the competition for or negotiation of a contract) or grant awarded or issued to carry out this Act.

(b) INVESTIGATION OF COMPLAINTS.—

(1) A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the inspector general of the executive agency that awarded the contract or issued the grant. Unless the inspector general determines that the complaint is frivolous, the inspector general shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the person's employer, the head of the Federal agency that awarded the contract or issued the grant, and the Board.

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

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

(c) REMEDY AND ENFORCEMENT AUTHORITY.—

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

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

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

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

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

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

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

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

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

(e) DEFINITIONS.—

(1) NON-FEDERAL EMPLOYER RECEIVING FUNDS UNDER THIS ACT.—The term ''non-Federal employer receiving funds made available in this Act'' means—

(A) with respect to a Federal contract awarded or Federal grant issued to carry out this Act, the contractor or grantee, as the case may be, if the contractor or grantee is an employer; or

(B) a State or local government, if the State or local government has received funds made available in this Act.

(2) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

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

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

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

TITLE II—AGRICULTURE, NUTRITION, AND RURAL DEVELOPMENT

DEPARTMENT OF AGRICULTURE

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

For an additional amount for ''Agriculture Buildings and Facilities and Rental Payments'', $44,000,000, for necessary construction, repair, and improvement activities: *Provided*, That section 1106 of this Act shall not apply to this appropriation.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for ''Buildings and Facilities'', $209,000,000, for work on deferred maintenance at Agricultural Research Service facilities: *Provided*, That priority in the use of such funds shall be given to critical deferred maintenance, to projects that can be completed, and to activities that can commence promptly following enactment of this Act.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses,'' $245,000,000, for the purpose of maintaining and modernizing the information technology system: *Provided*, That section 1106 of this Act shall not apply to this appropriation.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for ''Watershed and Flood Prevention Operations'', $350,000,000, of which $175,000,000 is for necessary expenses to purchase and restore floodplain easements as authorized by section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) (except that no more than $50,000,000 of the amount provided for the purchase of floodplain easements may be obligated for projects in any one State): *Provided*, That section 1106 of this Act shall not apply to this appropriation: *Provided further*, That priority in the use of such funds shall be given to projects that can be fully funded and completed with the funds appropriated in this Act, and to activities that can commence promptly following enactment of this Act.

WATERSHED REHABILITATION PROGRAM

For an additional amount for ''Watershed Rehabilitation Program'', $50,000,000, for necessary expenses to carry out rehabilitation of structural measures: *Provided*, That section 1106 of this Act shall not apply to this appropriation: *Provided further*, That priority in the use of such funds shall be given to projects that can be fully funded and completed with the funds appropriated in this Act, and to activities that can commence promptly following enactment of this Act.

RURAL DEVELOPMENT PROGRAMS

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for gross obligations for the principal amount of direct and guaranteed loans as authorized by sections 306 and 310B and described in sections 381E(d)(1), 381E(d)(2), and 381E(d)(3) of the Consolidated Farm and Rural Development Act, to be available from the rural community advancement program, as follows: $5,838,000,000, of which $1,102,000,000 is for rural community facilities direct loans, of which $2,000,000,000 is for business and industry guaranteed loans, and of which $2,736,000,000 is for rural water and waste disposal direct loans.

For an additional amount for the cost of direct loans, loan guarantees, and grants, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: $1,800,000,000, of which $63,000,000 is for rural community facilities direct loans, of which $137,000,000 is for rural community facilities grants authorized under section 306(a) of the Consolidated Farm and Rural Development Act, of which $87,000,000 is for business and industry guaranteed loans, of which $13,000,000 is for rural business enterprise grants authorized under section 310B of the Consolidated Farm and Rural Development Act, of which $400,000,000 is for rural water and waste disposal direct loans, and of which $1,100,000,000 is for rural water and waste disposal grants authorized under section 306(a): *Provided*, That the amounts appropriated under this heading shall be transferred to, and merged with, the appropriation for ''Rural Housing Service, Rural Community Facilities Program Account'', the appropriation for ''Rural Business-Cooperative Service, Rural Business Program Account'', and the appropriation for ''Rural Utilities Service, Rural Water and Waste Disposal Program Account'': *Provided further*, That priority for awarding such funds shall be given to project applications that demonstrate that, if the application is approved, all project elements will be fully funded: *Provided further*, That priority for awarding such funds shall be given to project applications for activities that can be completed if the requested funds are provided: *Provided further*, That priority for awarding such funds shall be given to activities that can commence promptly following enactment of this Act.

In addition to other available funds, the Secretary of Agriculture may use not more than 3 percent of the funds made available under this account for administrative costs to carry out loans, loan guarantees, and grants funded under this account, which shall be transferred and merged with the appropriation for ''Rural Development, Salaries and Expenses'' and shall remain available until September 30, 2012: *Provided*, That the authority provided in this paragraph shall apply to appropriations under this heading in lieu of the provisions of section 1106 of this Act.

Funds appropriated by this Act to the Rural Community Advancement Program for rural community facilities, rural business, and rural water and waste disposal direct loans, loan guarantees and grants may be transferred among these programs: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified at least 15 days in advance of any transfer.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount of gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $22,129,000,000 for loans to section 502 borrowers, of which $4,018,000,000 shall be for direct loans, and of which $18,111,000,000 shall be for unsubsidized guaranteed loans.

For an additional amount for the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $500,000,000, of which $270,000,000 shall be for direct loans, and of which $230,000,000 shall be for unsubsidized guaranteed loans.

In addition to other available funds, the Secretary of Agriculture may use not more than 3 percent of the funds made available under this account for administrative costs to carry out loans and loan guarantees funded under this account, of which $1,750,000 will be committed to agency projects associated with maintaining the compliance, safety, and soundness of the portfolio of loans guaranteed through the section 502 guaranteed loan program: *Provided*, These funds shall be transferred and merged with the appropriation for ''Rural Development, Salaries and Expenses'': *Provided further*, That the authority provided in this paragraph shall apply to appropriations under this heading in lieu of the provisions of section 1106 of this Act.

Funds appropriated by this Act to the Rural Housing Insurance Fund Program account for section 502 direct loans and unsubsidized guaranteed loans may be transferred between these programs: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified at least 15 days in advance of any transfer.

RURAL UTILITIES SERVICE

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for the cost of broadband loans and loan guarantees, as authorized by the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) and for grants, $2,825,000,000: *Provided*, That the cost of direct and guaranteed loans shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That, notwithstanding title VI of the Rural Electrification Act of 1936, this amount is available for grants, loans and loan guarantees for open access broadband infrastructure in any area of the United States: *Provided further*, That at least 75 percent of the area to be served by a project receiving funds from such grants, loans or loan guarantees shall be in a rural area without sufficient access to high speed broadband service to facilitate rural economic development, as determined by the Secretary of Agriculture: *Provided further*, That priority for awarding funds made available under this paragraph shall be given to projects that provide service to the most rural residents that do not have access to broadband service: *Provided further*, That priority shall be given for project applications from borrowers or former borrowers under title II of the Rural Electrification Act of 1936 and for project applications that include such borrowers or former borrowers: *Provided further*, That notwithstanding section 1103 of this Act, 50 percent of the grants, loans, and loan guarantees made available under this heading shall be awarded not later than September 30, 2009: *Provided further*, That priority for awarding such funds shall be given

to project applications that demonstrate that, if the application is approved, all project elements will be fully funded: *Provided further*, That priority for awarding such funds shall be given to project applications for activities that can be completed if the requested funds are provided: *Provided further*, That priority for awarding such funds shall be given to activities that can commence promptly following enactment of this Act: *Provided further*, That no area of a project funded with amounts made available under this paragraph may receive funding to provide broadband service under the Broadband Deployment Grant Program: *Provided further*, That the Secretary shall submit a report on planned spending and actual obligations describing the use of these funds not later than 90 days after the date of enactment of this Act, and quarterly thereafter until all funds are obligated, to the Committees on Appropriations of the House of Representatives and the Senate.

In addition to other available funds, the Secretary may use not more than 3 percent of the funds made available under this account for administrative costs to carry out loans, loan guarantees, and grants funded under this account, which shall be transferred and merged with the appropriation for ''Rural Development, Salaries and Expenses'' and shall remain available until September 30, 2012: *Provided*, That the authority provided in this paragraph shall apply to appropriations under this heading in lieu of the provisions of section 1106 of this Act.

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $100,000,000, for the purposes specified in section 17(h)(10)(B)(ii) for the Secretary of Agriculture to provide assistance to State agencies to implement new management information systems or improve existing management information systems for the program.

EMERGENCY FOOD ASSISTANCE PROGRAM

For an additional amount for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), $150,000,000, of which $100,000,000 is for the purchase of commodities and of which $50,000,000 is for costs associated with the distribution of commodities.

GENERAL PROVISIONS, THIS TITLE

SEC. 2001. TEMPORARY INCREASE IN BENEFITS UNDER THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

(a) MAXIMUM BENEFIT INCREASE.—

(1) IN GENERAL.—Beginning the first month that begins not less than 25 days after the date of enactment of this Act, the value of benefits determined under section 8(a) of the Food and Nutrition Act of 2008 and consolidated block grants for Puerto Rico and American Samoa determined under section 19(a) of such Act shall be calculated using 113.6 percent of the June 2008 value of the thrifty food plan as specified under section 3(o) of such Act.

(2) TERMINATION.—

(A) The authority provided by this subsection shall terminate after September 30, 2009.

(B) Notwithstanding subparagraph (A), the Secretary of Agriculture may not reduce the value of the maximum allotment below the level in effect for fiscal year 2009 as a result of paragraph (1).

(b) REQUIREMENTS FOR THE SECRETARY.—In carrying out this section, the Secretary shall—

(1) consider the benefit increases described in subsection (a) to be a ''mass change'';

(2) require a simple process for States to notify households of the increase in benefits;

(3) consider section 16(c)(3)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A)) to apply to any errors in the implementation of this section, without regard to the 120-day limit described in that section; and

(4) have the authority to take such measures as necessary to ensure the efficient administration of the benefits provided in this section.

(c) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—For the costs of State administrative expenses associated with carrying out this section, the Secretary shall make available $150,000,000 in each of fiscal years 2009 and 2010, to remain available through September 30, 2012, of which $4,500,000 is for necessary expenses of the Food and Nutrition Service for management and oversight of the program and for monitoring the integrity and evaluating the effects of the payments made under this section.

(2) AVAILABILITY OF FUNDS.—Funds described in paragraph (1) shall be made available as grants to State agencies based on each State's share of households that participate in the Supplemental Nutrition Assistance Program as reported to the Department of Agriculture for the 12-month period ending with June, 2008.

(d) TREATMENT OF JOBLESS WORKERS.—Beginning with the first month that begins not less than 25 days after the date of enactment of this Act, and for each subsequent month through September 30, 2010, jobless adults who comply with work registration and employment and training requirements under section 6, section 20, or section 26 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015, 2029, or 2035) shall not be disqualified from the Supplemental Nutrition Assistance Program because of the provisions of section 6(o)(2) of such Act (7 U.S.C. 2015(o)(2)). Beginning on October 1, 2010, for the purposes of section 6(o), a State agency shall disregard any period during which an individual received Supplemental Nutrition Assistance Program benefits prior to October 1, 2010.

(e) FUNDING.—There is appropriated to the Secretary of Agriculture such sums as are necessary to carry out this section, to remain available until expended. Section 1106 of this Act shall not apply to this appropriation.

SEC. 2002. AFTERSCHOOL FEEDING PROGRAM FOR AT-RISK CHILDREN.

Section 17(r) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)) is amended by striking paragraph (5).

TITLE III—COMMERCE, JUSTICE, AND SCIENCE

Subtitle A—Commerce

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Economic Development Assistance Programs'', $250,000,000: *Provided*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall not exceed 2 percent instead of the percentage specified in such section: *Provided further*, That the amount set aside pursuant to the previous proviso shall be transferred to and merged with the appropriation for ''Salaries and Expenses'' for purposes of program administration and oversight: *Provided further*, That up to $50,000,000 may be transferred to federally authorized regional economic development commissions.

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for ''Periodic Censuses and Programs'', $1,000,000,000: *Provided*, That section 1106 of this Act shall not apply to funds provided under this heading.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $350,000,000, to remain available until September 30, 2011: *Provided*, That funds shall be available to establish the State Broadband Data and Development Grant Program, as authorized by Public Law 110–385, for the development and implementation of statewide initiatives to identify and track the availability and adoption of broadband services within each State, and to develop and maintain a nationwide broadband inventory map, as authorized by section 6001 of division B of this Act.

WIRELESS AND BROADBAND DEPLOYMENT GRANT PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses related to the Wireless and Broadband Deployment Grant Programs established by section 6002 of division B of this Act, $2,825,000,000, of which $1,000,000,000 shall be for Wireless Deployment Grants and $1,825,000,000 shall be for Broadband Deployment Grants: *Provided*, That the National Telecommunications and Information Administration shall submit a report on planned spending and actual obligations describing the use of these funds not later than 120 days after the date of enactment of this Act, and an update report not later than 60 days following the initial report, to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate: *Provided further*, That notwithstanding section 1103 of this Act, 50 percent of the grants made available under this heading shall be awarded not later than September 30, 2009: *Provided further*, That up to 20 percent of the funds provided under this heading for Wireless Deployment Grants and Broadband Deployment Grants may be transferred between these programs: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified at least 15 days in advance of any transfer.

DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM

Notwithstanding any other provision of law, and in addition to amounts otherwise provided in any other Act, for costs associated with the Digital-to-Analog Converter Box Program, $650,000,000, to be available until September 30, 2009: *Provided*, That these funds shall be available for coupons and related activities, including but not limited to education, consumer support and outreach, as deemed appropriate and necessary to ensure a timely conversion of analog to digital television.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for ''Scientific and Technical Research and Services'', $100,000,000.

INDUSTRIAL TECHNOLOGY SERVICES

For an additional amount for ''Industrial Technology Services'', $100,000,000, of which $70,000,000 shall be available for the necessary expenses of the Technology Innovation Program and $30,000,000 shall be available for the necessary expenses of the Hollings Manufacturing Extension Partnership.

CONSTRUCTION OF RESEARCH FACILITIES

For an additional amount for ''Construction of Research Facilities'', as authorized by sections 13 through 15 of the Act of March 13, 1901 (15 U.S.C. 278c–278e), $300,000,000, for a competitive construction grant program for research science buildings: *Provided further*, That for peer-reviewed grants made under this heading, the time limitation provided in section 1103(b) of this Act shall be 120 days.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $400,000,000, for habitat restoration and mitigation activities.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'', $600,000,000, for accelerating satellite development and acquisition, acquiring climate sensors and climate modeling capacity, and establishing climate data records: *Provided further*, That not less than $140,000,000 shall be available for climate data modeling.

Subtitle B—Justice

DEPARTMENT OF JUSTICE

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for ''State and Local Law Enforcement Assistance'', $3,000,000,000, to be available for the Edward Byrne Memorial Justice Assistance Grant Program as authorized by subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of such Act shall not apply for purposes of this Act): *Provided*, That section 1106 of this Act shall not apply to funds provided under this heading.

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for ''Community Oriented Policing Services'', $1,000,000,000, to be available for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: *Provided*, That for peer-reviewed grants made under this heading, the time limitation provided in section 1103(b) of this Act shall be 120 days.

GENERAL PROVISIONS, THIS SUBTITLE

SEC. 3201. WAIVER OF MATCHING REQUIREMENT AND SALARY LIMIT UNDER COPS PROGRAM.

Sections 1701(g) and 1704(c) of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3796dd(g) and 3796dd–3(c)) shall not apply with respect to funds appropriated in this or any other Act making appropriations for fiscal year 2009 or 2010 for Community Oriented Policing Services authorized under part Q of such Act of 1968.

Subtitle C—Science

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For an additional amount for ''Science'', $400,000,000, of which not less than $250,000,000 shall be solely for accelerating the development of the tier 1 set of Earth science climate research missions recommended by the National Academies Decadal Survey.

AERONAUTICS

For an additional amount for ''Aeronautics'', $150,000,000.

CROSS AGENCY SUPPORT PROGRAMS

For an additional amount for ''Cross Agency Support Programs'', for necessary expenses for restoration and mitigation of National Aeronautics and Space Administration owned infrastructure and facilities related to the consequences of hurricanes, floods, and other natural disasters occurring during 2008 for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, $50,000,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for ''Research and Related Activities'', $2,500,000,000: *Provided*, That $300,000,000 shall be available solely for the Major Research Instrumentation program and $200,000,000 shall be for activities authorized by title II of Public Law 100–570 for academic research facilities modernization: *Provided*, That for peer-reviewed grants made under this heading, the time limitation provided in section 1103(b) of this Act shall be 120 days.

EDUCATION AND HUMAN RESOURCES

For an additional amount for ''Education and Human Resources'', $100,000,000: *Provided*, That $60,000,000 shall be for activities authorized by section 7030 of Public Law 110–69 and $40,000,000 shall be for activities authorized by section 9 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n).

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For an additional amount for ''Major Research Equipment and Facilities Construction'', $400,000,000, which shall be available only for approved projects.

TITLE IV—DEFENSE

DEPARTMENT OF DEFENSE

FACILITY INFRASTRUCTURE INVESTMENTS, DEFENSE

For expenses, not otherwise provided for, to improve, repair and modernize Department of Defense facilities, restore and modernize Army barracks, and invest in the energy efficiency of Department of Defense facilities, $4,500,000,000, for Facilities Sustainment, Restoration and Modernization programs of the Department of Defense (including minor construction and major maintenance and repair), which shall be available as follows:

(1) ''Operation and Maintenance, Army'', $1,490,804,000.

(2) ''Operation and Maintenance, Navy'', $624,380,000.

(3) ''Operation and Maintenance, Marine Corps'', $128,499,000.

(4) ''Operation and Maintenance, Air Force'', $1,236,810,000.

(5) ''Defense Health Program'', $454,658,000.

(6) ''Operation and Maintenance, Army Reserve'', $110,899,000.

(7) ''Operation and Maintenance, Navy Reserve'', $62,162,000.

(8) ''Operation and Maintenance, Marine Corps Reserve'', $45,038,000.

(9) ''Operation and Maintenance, Air Force Reserve'', $14,881,000.

(10) ''Operation and Maintenance, Army National Guard'', $302,700,000.

(11) ''Operation and Maintenance, Air National Guard'', $29,169,000.

ENERGY RESEARCH AND DEVELOPMENT, DEFENSE

For expenses, not otherwise provided for, for research, development, test and evaluation programs for improvements in energy generation, transmission, regulation, use, and storage, for military installations, military vehicles, and other military equipment, $350,000,000, which shall be available as follows:

(1) ''Research, Development, Test and Evaluation, Army'', $87,500,000.

(2) ''Research, Development, Test and Evaluation, Navy'', $87,500,000.

(3) ''Research, Development, Test and Evaluation, Air Force'', $87,500,000.

(4) ''Research, Development, Test and Evaluation, Defense-Wide'', $87,500,000

TITLE V—ENERGY AND WATER

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for ''Construction'', $2,000,000,000: *Provided*, That section 102 of Public Law 109–103 (33 U.S.C. 2221) shall not apply to funds provided in this paragraph: *Provided further*, That notwithstanding any other provision of law, funds provided in this paragraph shall not be cost shared with the Inland Waterways Trust Fund as authorized in Public Law 99–662: *Provided further*, That funds provided in this paragraph may only be used for programs, projects or activities previously funded: *Provided further*, That the Corps of Engineers is directed to prioritize funding for activities based on the ability to accelerate existing contracts or fully fund project elements and contracts for such elements in a time period of 2 years after the date of enactment of this Act giving preference to projects and activities that are labor intensive: *Provided further*, That funds provided in this paragraph shall be used for elements of projects, programs or activities that can be completed using funds provided herein: *Provided further*, That funds appropriated in this paragraph may be used by the Secretary of the Army, acting through the Chief of Engineers, to undertake work authorized to be carried out in accordance with one or more of section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), and section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), notwithstanding the program cost limitations set forth in those sections: *Provided further*, That the limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2280), shall not apply during fiscal year 2009 to any project that received funds provided in this title: *Provided further*, That for projects that are being completed with funds appropriated in this Act that are otherwise expired or lapsed for obligation, expired or lapsed funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any: *Provided further*, That the Secretary of the Army shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation, obligation and expenditures of these funds, beginning not later than 45 days after enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for ''Mississippi River and Tributaries'', $250,000,000: *Provided*, That funds provided in this paragraph may only be used for programs, projects, or activities previously funded: *Provided further*, That the Corps of Engineers is directed to prioritize funding for activities based on the ability to accelerate existing contracts or fully fund project elements and contracts for such elements in a time period of 2 years after the date of enactment of this Act giving preference to projects and activities that are labor intensive: *Provided further*, That

funds provided in this paragraph shall be used for elements of projects, programs, or activities that can be completed using funds provided herein: *Provided further*, That for projects that are being completed with funds appropriated in this Act that are otherwise expired or lapsed for obligation, expired or lapsed funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any: *Provided further*, That the Secretary of the Army shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation, obligation and expenditures of these funds, beginning not later than 45 days after enactment of this Act.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'', $2,225,000,000: *Provided*, That the Corps of Engineers is directed to prioritize funding for activities based on the ability to accelerate existing contracts or fully fund project elements and contracts for such elements in a time period of 2 years after the date of enactment of this Act giving preference to projects and activities that are labor intensive: *Provided further*, That funds provided in this paragraph shall be used for elements of projects, programs, or activities that can be completed using funds provided herein: *Provided further*, That for projects that are being completed with funds appropriated in this Act that are otherwise expired or lapsed for obligation, expired or lapsed funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any: *Provided further*, That the Secretary of the Army shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation, obligation and expenditures of these funds, beginning not later than 45 days after enactment of this Act.

REGULATORY PROGRAM

For an additional amount for ''Regulatory Program'', $25,000,000.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for ''Water and Related Resources'', $500,000,000: *Provided*, That of the amount appropriated under this heading, not less than $126,000,000 shall be used for water reclamation and reuse projects authorized under title XVI of Public Law 102–575: *Provided further*, That of the amount appropriated under this heading, not less than $80,000,000 shall be used for rural water projects and these funds shall be expended primarily on water intake and treatment facilities of such projects: *Provided further*, That the costs of reimbursable activities, other than for maintenance and rehabilitation, carried out with funds made available under this heading shall be repaid pursuant to existing authorities and agreements: *Provided further*, That the costs of maintenance and rehabilitation activities carried out with funds provided in this Act shall be repaid pursuant to existing authority, except the length of repayment period shall be determined on needs-based criteria to be established and adopted by the Commissioner of the Bureau of Reclamation, but in no case shall the repayment period exceed 25 years.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For an additional amount for ''Energy Efficiency and Renewable Energy'', $18,500,000,000, which shall be used as follows:

(1) $2,000,000,000 shall be for expenses necessary for energy efficiency and renewable energy research, development, demonstration and deployment activities, to accelerate the development of technologies, to include advanced batteries, of which not less than $800,000,000 is for biomass and $400,000,000 is for geothermal technologies.

(2) $500,000,000 shall be for expenses necessary to implement the programs authorized under part E of title III of the Energy Policy and Conservation Act (42 U.S.C. 6341 et seq.).

(3) $1,000,000,000 shall be for the cost of grants to institutional entities for energy sustainability and efficiency under section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1).

(4) $6,200,000,000 shall be for the Weatherization Assistance Program under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.).

(5) $3,500,000,000 shall be for Energy Efficiency and Conservation Block Grants, for implementation of programs authorized under subtitle E of title V of the Energy Independence and Security Act of 2007 (42 U.S.C. 17151 et seq.).

(6) $3,400,000,000 shall be for the State Energy Program authorized under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321).

(7) $200,000,000 shall be for expenses necessary to implement the programs authorized under section 131 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011).

(8) $300,000,000 shall be for expenses necessary to implement the program authorized under section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) and the Energy Star program.

(9) $400,000,000 shall be for expenses necessary to implement the program authorized under section 721 of the Energy Policy Act of 2005 (42 U.S.C. 16071).

(10) $1,000,000,000 shall be for expenses necessary for the manufacturing of advanced batteries authorized under section 136(b)(1)(B) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(b)(1)(B)): *Provided*, That notwithstanding section 3304 of title 5, United States Code, and without regard to the provisions of sections 3309 through 3318 of such title 5, the Secretary of Energy may, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, recruit and directly appoint highly qualified individuals into the competitive service: *Provided further,* That such authority shall not apply to positions in the Excepted Service or the Senior Executive Service: *Provided further*, That any action authorized herein shall be consistent with the merit principles of section 2301 of such title 5, and the Department shall comply with the public notice requirements of section 3327 of such title 5.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For an additional amount for ''Electricity Delivery and Energy Reliability,'' $4,500,000,000: *Provided*, That funds shall be available for expenses necessary for electricity delivery and energy reliability activities to modernize the electric grid, enhance security and reliability of the energy infrastructure, energy storage research, development, demonstration and deployment, and facilitate recovery from disruptions to the energy supply, and for implementation of programs authorized under title XIII of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381 et seq.): *Provided further*, That of such amounts, $100,000,000 shall be for worker training: *Provided further*, That the Secretary of Energy may use or transfer amounts provided under this heading to carry out new authority for transmission improvements, if such authority is enacted in any subsequent Act, consistent with existing fiscal management practices and procedures.

ADVANCED BATTERY LOAN GUARANTEE PROGRAM

For the cost of guaranteed loans as authorized by section 135 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17012), $1,000,000,000, to remain available until expended: *Provided*, That of such amount, $10,000,000 shall be used for administrative expenses in carrying out the guaranteed loan program, and shall be in lieu of the amount set aside under section 1106 of this Act: *Provided further*, That the cost of such loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

INSTITUTIONAL LOAN GUARANTEE PROGRAM

For the cost of guaranteed loans as authorized by section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1), $500,000,000: *Provided*, That of such amount, $10,000,000 shall be used for administrative expenses in carrying out the guaranteed loan program, and shall be in lieu of the amount set aside under section 1106 of this Act: *Provided further*, That the cost of such loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

For an additional amount for ''Innovative Technology Loan Guarantee Program'' for the cost of guaranteed loans authorized by section 1705 of the Energy Policy Act of 2005, $8,000,000,000: *Provided*, That of such amount, $25,000,000 shall be used for administrative expenses in carrying out the guaranteed loan program, and shall be in lieu of the amount set aside under section 1106 of this Act: *Provided further*, That the cost of such loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

FOSSIL ENERGY

For an additional amount for ''Fossil Energy'', $2,400,000,000 for necessary expenses to demonstrate carbon capture and sequestration technologies as authorized under section 702 of the Energy Independence and Security Act of 2007.

SCIENCE

For an additional amount for ''Science'', $2,000,000,000: *Provided*, That of such amounts, not less than $400,000,000 shall be used for the Advanced Research Projects Agency—Energy authorized under section 5012 of the America COMPETES Act (42 U.S.C. 16538): *Provided further*, That of such amounts, not less than $100,000,000 shall be used for advanced scientific computing.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for ''Defense Environmental Cleanup,'' $500,000,000: *Provided*, That such amounts shall be used for elements of projects, programs, or activities that can be completed using funds provided herein.

GENERAL PROVISIONS, THIS TITLE

SEC. 5001. WESTERN AREA POWER ADMINISTRATION BORROWING AUTHORITY.

The Hoover Power Plant Act of 1984 (Public Law 98–381) is amended by adding at the end the following:

"TITLE III—BORROWING AUTHORITY

"SEC. 301. WESTERN AREA POWER ADMINISTRATION BORROWING AUTHORITY.

''(a) DEFINITIONS.—In this section—

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Western Area Power Administration.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(b) AUTHORITY.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, subject to paragraphs (2) through (5)—

''(A) the Western Area Power Administration may borrow funds from the Treasury; and

''(B) the Secretary shall, without further appropriation and without fiscal year limitation, loan to the Western Area Power Administration, on such terms as may be fixed by the Administrator and the Secretary, such sums (not to exceed, in the aggregate (including deferred interest), $3,250,000,000 in outstanding repayable balances at any 1 time) as, in the judgment of the Administrator, are from time to time required for the purpose of—

''(i) constructing, financing, facilitating, or studying construction of new or upgraded electric power transmission lines and related facilities with at least 1 terminus within the area served by the Western Area Power Administration; and

''(ii) delivering or facilitating the delivery of power generated by renewable energy resources constructed or reasonably expected to be constructed after the date of enactment of this section.

''(2) INTEREST.—The rate of interest to be charged in connection with any loan made pursuant to this subsection shall be fixed by the Secretary, taking into consideration market yields on outstanding marketable obligations of the United States of comparable maturities as of the date of the loan.

''(3) REFINANCING.—The Western Area Power Administration may refinance loans taken pursuant to this section within the Treasury.

''(4) PARTICIPATION.—The Administrator may permit other entities to participate in projects financed under this section.

''(5) CONGRESSIONAL REVIEW OF DISBURSEMENT.—Effective upon the date of enactment of this section, the Administrator shall have the authority to have utilized $1,750,000,000 at any one time. If the Administrator seeks to borrow funds above $1,750,000,000, the funds will be disbursed unless there is enacted, within 90 calendar days of the first such request, a joint resolution that rescinds the remainder of the balance of the borrowing authority provided in this section.

''(c) TRANSMISSION LINE AND RELATED FACILITY PROJECTS.—

''(1) IN GENERAL.—For repayment purposes, each transmission line and related facility project in which the Western Area Power Administration participates pursuant to this section shall be treated as separate and distinct from—

''(A) each other such project; and

''(B) all other Western Area Power Administration power and transmission facilities.

''(2) PROCEEDS.—The Western Area Power Administration shall apply the proceeds from the use of the transmission capacity from an individual project under this section to the repayment of the principal and interest of the loan from the Treasury attributable to that project, after reserving such funds as the Western Area Power Administration determines are necessary—

''(A) to pay for any ancillary services that are provided; and

''(B) to meet the costs of operating and maintaining the new project from which the revenues are derived.

''(3) SOURCE OF REVENUE.—Revenue from the use of projects under this section shall be the only source of revenue for—

''(A) repayment of the associated loan for the project; and

''(B) payment of expenses for ancillary services and operation and maintenance.

''(4) LIMITATION ON AUTHORITY.—Nothing in this section confers on the Administrator any obligation to provide ancillary services to users of transmission facilities developed under this section.

''(d) CERTIFICATION.—

''(1) IN GENERAL.—For each project in which the Western Area Power Administration participates pursuant to this section, the Administrator shall certify, prior to committing funds for any such project, that—

''(A) the project is in the public interest;

''(B) the project will not adversely impact system reliability or operations, or other statutory obligations; and

''(C) it is reasonable to expect that the proceeds from the project shall be adequate to make repayment of the loan.

''(2) FORGIVENESS OF BALANCES.—

''(A) IN GENERAL.—If, at the end of the useful life of a project, there is a remaining balance owed to the Treasury under this section, the balance shall be forgiven.

''(B) UNCONSTRUCTED PROJECTS.—Funds expended to study projects that are considered pursuant to this section but that are not constructed shall be forgiven.

''(C) NOTIFICATION.—The Administrator shall notify the Secretary of such amounts as are to be forgiven under this paragraph.

''(e) PUBLIC PROCESSES.—

''(1) POLICIES AND PRACTICES.—Prior to requesting any loans under this section, the Administrator shall use a public process to develop practices and policies that implement the authority granted by this section.

''(2) REQUESTS FOR INTERESTS.—In the course of selecting potential projects to be funded under this section, the Administrator shall seek requests for interest from entities interested in identifying potential projects through one or more notices published in the Federal Register.''.

SEC. 5002. BONNEVILLE POWER ADMINISTRATION.

For the purposes of providing funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration and to implement the authority of the Administrator under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), an additional $3,250,000,000 in borrowing authority is made available under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.), to remain outstanding at any time.

SEC. 5003. APPROPRIATIONS TRANSFER AUTHORITY.

Not to exceed 20 percent of the amounts made available in this Act to the Department of Energy for ''Energy Efficiency and Renewable Energy'', ''Electricity Delivery and Energy Reliability'', and ''Advanced Battery Loan Guarantee Program'' may be transferred within and between such accounts, except that no amount specified under any such heading may be increased or decreased by more than a total of 20 percent by such transfers, and notification of such transfers shall be submitted promptly to the Committees on Appropriations of the House of Representatives and the Senate.

TITLE VI—FINANCIAL SERVICES AND GENERAL GOVERNMENT

Subtitle A—General Services

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to be deposited in the Federal Buildings Fund, $7,700,000,000 for real property activities with priority given to activities that can commence promptly following enactment of this Act; of which up to $1,000,000,000 shall be used for construction, repair, and alteration of border facilities and land ports of entry; of which not less than $6,000,000,000 shall be used for construction, repair, and alteration of Federal buildings for projects that will create the greatest impact on energy efficiency and conservation; of which $108,000,000 shall remain available until September 30, 2012, and shall be used for rental of space costs associated with the construction, repair, and alteration of these projects; *Provided*, That of the amounts provided, $160,000,000 shall remain available until September 30, 2012, and shall be for building operations in support of the activities described in this paragraph: *Provided further*, That the preceding proviso shall apply to this appropriation in lieu of the provisions of section 1106 of this Act: *Provided further*, That the Administrator of General Services is authorized to initiate design, construction, repair, alteration, leasing, and other projects through existing authorities of the Administrator: *Provided further*, That the Administrator shall submit a detailed plan, by project, regarding the use of funds to the Committees on Appropriations of the House of Representatives and the Senate within 30 days after enactment of this Act, and shall provide notification to the Committees within 15 days prior to any changes regarding the use of these funds: *Provided further*, That the Administrator shall report to the Committees on the obligation of these funds on a quarterly basis beginning on June 30, 2009: *Provided further*, That of the amounts provided, $4,000,000 shall be transferred to and merged with ''Government-Wide Policy'', for the Office of Federal High-Performance Green Buildings as authorized in the Energy Independence and Security Act of 2007 (Public Law 110–140).

ENERGY EFFICIENT FEDERAL MOTOR VEHICLE FLEET PROCUREMENT

For capital expenditures and necessary expenses of the General Services Administration's Motor Vehicle Acquisition and Motor Vehicle Leasing programs for the acquisition of motor vehicles, including plug-in and alternative fuel vehicles, $600,000,000: *Provided*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall be 1 percent instead of the percentage specified in such section: *Provided further*, That none of these funds may be obligated until the Administrator of General Services submits to the Committees on Appropriations of the House of Representatives and the Senate, within 90 days after enactment of this Act, a plan for expenditure of the funds that details the current inventory of the Federal fleet owned by the General Services Administration, as well as other Federal agencies, and the strategy to expend these funds to replace a portion of the Federal fleet with the goal of substantially increasing energy efficiency over the current status, including increasing fuel efficiency and reducing emissions: *Provided further*, That the Administrator shall report to the Committees on the obligation of these funds on a quarterly basis beginning on June 30, 2009.

Subtitle B—Small Business

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans and loan guarantees authorized by sections 6202 through 6205 of this Act, $426,000,000: *Provided*, That such cost, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses to carry out the direct loan and loan guarantee programs authorized by this Act, $4,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses: *Provided*, That this sentence shall apply to this appropriation in lieu of the provisions of section 1106 of this Act.

GENERAL PROVISIONS, THIS SUBTITLE

SEC. 6201. ECONOMIC STIMULUS LENDING PROGRAM FOR SMALL BUSINESSES.

(a) PURPOSE.—The purpose of this section is to permit the Small Business Administration to guarantee up to 95 percent of qualifying small business loans made by eligible lenders.

(b) DEFINITIONS.—For purposes of this section:

(1) The term ''Administrator'' means the Administrator of the Small Business Administration.

(2) The term ''qualifying small business loan'' means any loan to a small business concern that would be eligible for a loan guarantee under section 7(a) of the Small Business Act (15 U.S.C. 636) or title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 and following).

(3) The term ''small business concern'' has the same meaning as provided by section 3 of the Small Business Act (15 U.S.C. 632).

(c) APPLICATION.—In order to participate in the loan guarantee program under this section a lender shall submit an application to the Administrator for the guarantee of up to 95 percent of the principal amount of a qualifying small business loan. The Administrator shall approve or deny each such application within 5 business days after receipt thereof. The Administrator may not delegate to lenders the authority to approve or disapprove such applications.

(d) FEES.—The Administrator may charge fees for guarantees issued under this section. Such fees shall not exceed the fees permitted for loan guarantees under section 7(a) of the Small Business Act (15 U.S.C. 631 and following).

(e) INTEREST RATES.—The Administrator may not guarantee under this section any loan that bears interest at a rate higher than 3 percent above the higher of either of the following as quoted in the Wall Street Journal on the first business day of the week in which such guarantee is issued:

(1) The London interbank offered rate (LIBOR) for a 3-month period.

(2) The Prime Rate.

(f) QUALIFIED BORROWERS.—

(1) ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.—A loan guarantee may not be made under this section for a loan made to a concern if an individual who is an alien unlawfully present in the United States—

(A) has an ownership interest in that concern; or

(B) has an ownership interest in another concern that itself has an ownership interest in that concern.

(2) FIRMS IN VIOLATION OF IMMIGRATION LAWS.—No loan guarantee may be made under this section for a loan to any entity found, based on a determination by the Secretary of Homeland Security or the Attorney General to have engaged in a pattern or practice of hiring, recruiting or referring for a fee, for employment in the United States an alien knowing the person is an unauthorized alien.

(g) CRIMINAL BACKGROUND CHECKS.—Prior to the approval of any loan guarantee under this section, the Administrator may verify the applicant's criminal background, or lack thereof, through the best available means, including, if possible, use of the National Crime Information Center computer system at the Federal Bureau of Investigation.

(h) APPLICATION OF OTHER LAW.—Nothing in this section shall be construed to exempt any activity of the Administrator under this section from the Federal Credit Reform Act of 1990 (title V of the Congressional Budget and Impoundment Control Act of 1974; 2 U.S.C. 661 and following).

(i) SUNSET.—Loan guarantees may not be issued under this section after the date 90 days after the date of establishment (as determined by the Administrator) of the economic recovery program under section 6204.

(j) SMALL BUSINESS ACT PROVISIONS.—The provisions of the Small Business Act applicable to loan guarantees under section 7 of that Act shall apply to loan guarantees under this section except as otherwise provided in this section.

(k) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 6202. ESTABLISHMENT OF SBA SECONDARY MARKET LENDING AUTHORITY.

(a) PURPOSE.—The purpose of this section is to provide the Small Business Administration with the authority to establish a Secondary Market Lending Authority within the SBA to make loans to the systemically important SBA secondary market broker-dealers who operate the SBA secondary market.

(b) DEFINITIONS.—For purposes of this section:

(1) The term ''Administrator'' means the Administrator of the SBA.

(2) The term ''SBA'' means the Small Business Administration.

(3) The terms ''Secondary Market Lending Authority'' and ''Authority'' mean the office established under subsection (c).

(4) The term ''SBA secondary market'' means the market for the purchase and sale of loans originated, underwritten, and closed under the Small Business Act.

(5) The term ''Systemically Important Secondary Market Broker-Dealers'' mean those entities designated under subsection (c)(1) as vital to the continued operation of the SBA secondary market by reason of their purchase and sale of the government guaranteed portion of loans, or pools of loans, originated, underwritten, and closed under the Small Business Act.

(c) RESPONSIBILITIES, AUTHORITIES, ORGANIZATION, AND LIMITATIONS.—

(1) DESIGNATION OF SYSTEMICALLY IMPORTANT SBA SECONDARY MARKET BROKER-DEALERS.—The Administrator shall establish a process to designate, in consultation with the Board of Governors of the Federal Reserve and the Secretary of the Treasury, Systemically Important Secondary Market Broker-Dealers.

(2) ESTABLISHMENT OF SBA SECONDARY MARKET LENDING AUTHORITY.—

(A) ORGANIZATION.—

(i) The Administrator shall establish within the SBA an office to provide loans to Systemically Important Secondary Market Broker-dealers to be used for the purpose of financing the inventory of the government guaranteed portion of loans, originated, underwritten, and closed under the Small Business Act or pools of such loans.

(ii) The Administrator shall appoint a Director of the Authority who shall report to the Administrator.

(iii) The Administrator is authorized to hire such personnel as are necessary to operate the Authority.

(iv) The Administrator may contract such Authority operations as he determines necessary to qualified third-party companies or individuals.

(v) The Administrator is authorized to contract with private sector fiduciary and custodial agents as necessary to operate the Authority.

(B) LOANS.—

(i) The Administrator shall establish by rule a process under which Systemically Important SBA Secondary Market Broker-Dealers designated under paragraph (1) may apply to the Administrator for loans under this section.

(ii) The rule under clause (i) shall provide a process for the Administrator to consider and make decisions regarding whether or not to extend a loan applied for under this section. Such rule shall include provisions to assure each of the following:

(I) That loans made under this section are for the sole purpose of financing the inventory of the government guaranteed portion of loans, originated, underwritten, and closed under the Small Business Act or pools of such loans.

(II) That loans made under this section are fully collateralized to the satisfaction of the Administrator.

(III) That there is no limit to the frequency in which a borrower may borrow under this section unless the Administrator determines that doing so would create an undue risk of loss to the agency or the United States.

(IV) That there is no limit on the size of a loan, subject to the discretion of the Administrator.

(iii) Interest on loans under this section shall not exceed the Federal Funds target rate as established by the Federal Reserve Board of Governors plus 25 basis points.

(iv) The rule under this section shall provide for such loan documents, legal covenants, collateral requirements and other required documentation as necessary to protect the interests of the agency, the United States, and the taxpayer.

(v) The Administrator shall establish custodial accounts to safeguard any collateral pledged to the SBA in connection with a loan under this section.

(vi) The Administrator shall establish a process to disburse and receive funds to and from borrowers under this section.

(C) LIMITATIONS ON USE OF LOAN PROCEEDS BY SYSTEMICALLY IMPORTANT SECONDARY MARKET BROKER-DEALERS.—The Administrator shall ensure that borrowers under this section are using funds provided under this section only for the purpose specified in subparagraph (B)(ii)(I). If the Administrator finds that such funds were used for any other purpose, the Administrator shall—

(i) require immediate repayment of outstanding loans;

(ii) prohibit the borrower, its affiliates, or any future corporate manifestation of the borrower from using the Authority; and

(iii) take any other actions the Administrator, in consultation with the Attorney General of the United States, deems appropriate.

(d) REPORT TO CONGRESS.—The Administrator shall submit a report to Congress not later than the third business day of each month containing a statement of each of the following:

(1) The aggregate loan amounts extended during the preceding month under this section.

(2) The aggregate loan amounts repaid under this section during the proceeding month.

(3) The aggregate loan amount outstanding under this section.

(4) The aggregate value of assets held as collateral under this section.

(5) The amount of any defaults or delinquencies on loans made under this section.

(6) The identity of any borrower found by the Administrator to misuse funds made available under this section.

(7) Any other information the Administrator deems necessary to fully inform Congress of undue risk of financial loss to the United States in connection with loans made under this section.

(e) DURATION.—The authority of this section shall remain in effect for a period of 2 years after the date of enactment of this section.

(f) FUNDING.—Such sums as necessary are authorized to be appropriated to carry out the provisions of this section.

(g) BUDGET TREATMENT.—Nothing in this section shall be construed to exempt any activity of the Administrator under this section from the Federal Credit Reform Act of 1990 (title V of the Congressional Budget and Impoundment Control Act of 1974; 2 U.S.C. 661 and following).

(h) EMERGENCY RULEMAKING AUTHORITY.—The Administrator shall promulgate regulations under this section within 15 days after the date of enactment of enactment of this section. In promulgating these regulations, the Administrator the notice requirements of section 553(b) of title 5 of the United States Code shall not apply.

SEC. 6203. ESTABLISHMENT OF SBA SECONDARY MARKET GUARANTEE AUTHORITY.

(a) PURPOSE.—The purpose of this section is to provide the Administrator with the authority to establish the SBA Secondary Market Guarantee Authority within the SBA to provide a Federal guarantee for pools of first lien 504 loans that are to be sold to third-party investors.

(b) DEFINITIONS.—For purposes of this section:

(1) The term ''Administrator'' means the Administrator of the Small Business Administration.

(2) The term ''first lien position 504 loan'' means the first mortgage position, non-federally guaranteed loans made by private sector lenders made under title V of the Small Business Investment Act.

(c) ESTABLISHMENT OF AUTHORITY.—

(1) ORGANIZATION.—

(A) The Administrator shall establish a Secondary Market Guarantee Authority within the Small Business Administration.

(B) The Administrator shall appoint a Director of the Authority who shall report to the Administrator.

(C) The Administrator is authorized to hire such personnel as are necessary to operate the Authority and may contract such operations of the Authority as necessary to qualified third-party companies or individuals.

(D) The Administrator is authorized to contract with private sector fiduciary and custodial agents as necessary to operate the Authority.

(2) GUARANTEE PROCESS.—

(A) The Administrator shall establish, by rule, a process in which private sector entities may apply to the Administration for a Federal guarantee on pools of first lien position 504 loans that are to be sold to third-party investors.

(B) The Administrator shall appoint a Director of the Authority who shall report to the Administrator.

(C) The Administrator is authorized to hire such personnel as are necessary to operate the Authority and may contract such operations of the Authority as necessary to qualified third-party companies or individuals.

(D) The Administrator is authorized to contract with private sector fiduciary and custodial agents as necessary to operate the Authority.

(3) RESPONSIBILITIES.—

(A) The Administrator shall establish, by rule, a process in which private sector entities may apply to the SBA for a Federal guarantee on pools of first lien position 504 loans that are to be sold to third-party investors.

(B) The rule under this section shall provide for a process for the Administrator to consider and make decisions regarding whether to extend a Federal guarantee referred to in clause (i). Such rule shall also provide that:

(i) The seller of the pools purchasing a guarantee under this section retains not less than 5 percent of the dollar amount of the pools to be sold to third-party investors.

(ii) The seller of such pools shall absorb any and all losses resulting from a shortage or excess of monthly cash flows.

(iii) The Administrator shall receive a monthly fee of not more than 50 basis points on the outstanding balance of the dollar amount of the pools that are guaranteed.

(iv) The Administrator may guarantee not more than $3,000,000,0000 of pools under this authority.

(C) The Administrator shall establish documents, legal covenants, and other required documentation to protect the interests of the United States.

(D) The Administrator shall establish a process to receive and disburse funds to entities under the authority established in this section.

(d) LIMITATIONS.—

(1) The Administrator shall ensure that entities purchasing a guarantee under this section are using such guarantee for the purpose of selling 504 first lien position pools to third-party investors.

(2) If the Administrator finds that any such guarantee was used for a purpose other than that specified in paragraph (1), the Administrator shall—

(A) terminate such guarantee immediately,

(B) prohibit the purchaser of the guarantee or its affiliates (within the meaning of the regulations under 13 CFR 121.103) from using the authority of this section in the future; and

(C) take any other actions the Administrator, in consultation with the Attorney General of the United States deems appropriate.

(e) OVERSIGHT.—The Administrator shall submit a report to Congress not later than the third business day of each month setting forth each of the following:

(1) The aggregate amount of guarantees extended under this section during the proceeding month.

(2) The aggregate amount of guarantees outstanding.

(3) Defaults and payments on defaults made under this section.

(4) The identity of each purchaser of a guarantee found by the Administrator to have misused guarantees under this section.

(5) Any other information the Administrator deems necessary to fully inform Congress of undue risk to the United States associated with the issuance of guarantees under this section.

(f) DURATION OF PROGRAM.—The authority of this section shall terminate on the date 2 years after the date of enactment of this section.

(g) FUNDING.—Such sums as necessary are authorized to be appropriated to carry out the provisions of this section.

(h) BUDGET TREATMENT.—Nothing in this section shall be construed to exempt any activity of the Administrator under this section from the Federal Credit Reform Act of 1990 (title V of the Congressional Budget and Impoundment Control Act of 1974; 2 U.S.C. 661 and following).

(i) EMERGENCY RULEMAKING AUTHORITY.—The Administrator shall issue regulations under this section within 15 days after the date of enactment of this section. The notice requirements of section 553(b) of Title 5, United States Code shall not apply to the promulgation of such regulations.

SEC. 6204. ECONOMIC RECOVERY PROGRAM.

(a) PURPOSE.—The purpose of this section is to establish a new lending and refinancing authority within the Small Business Administration.

(b) DEFINITIONS.—For purposes of this section:

(1) The term ''Administrator'' means the Administrator of the Small Business Administration.

(2) The term ''small business concern'' has the same meaning as provided by section 3 of the Small Business Act (15 U.S.C. 632).

(c) REFINANCING AUTHORITY.—

(1) IN GENERAL.—Upon application from a lender (and with consent of the borrower), the Administrator may refinance existing non-Small Business Administration or Small Business Administration loans (including loans under sections 7(a) and 504 of the Small Business Act) made to small business concerns.

(2) ELIGIBLE LOANS.—In order to be eligible for refinancing under this section—

(A) the amount of the loan refinanced may not exceed $10,000,000 and a first lien must be conveyed to the Administrator;

(B) the lender shall offer to accept from the Administrator as full repayment of the loan an amount equal to less than 100 percent but more than 85 percent of the remaining balance of the principal of the loan; and

(C) the loan to be refinanced was made before the date of enactment of this Act and for a purpose that would have been eligible for a loan under any Small Business Administration lending program.

(3) TERMS.—The term of the refinancing by the Administrator under this section shall not be less than remaining term on the loan that is refinanced but shall not exceed a term of 20 years. The rate of interest on the loan refinanced under this section shall be fixed by the Administrator at a level that the Administrator determines will result in manageable monthly payments for the borrower.

(4) LIMIT.—The Administrator may not refinance amounts under this section that are greater than the amount the lender agrees to accept from the Administrator as full repayment of the loan as provided in paragraph (2)(B).

(d) UNDERWRITING AND OTHER LOAN SERVICES.—

(1) IN GENERAL.—The Administrator is authorized to engage in underwriting, loan closing, funding, and servicing of loans made to small business concerns and to guarantee loans made by other entities to small business concerns.

(2) APPLICATION PROCESS.—The Administrator shall by rule establish a process in which small business concerns may submit applications to the Administrator for the purposes of securing a loan under this subsection. The Administrator shall, at a minimum, collect all information necessary to determine the creditworthiness and repayment ability of the borrower.

(3) PARTICIPATION OF LENDERS.—

(A) The Administrator shall by rule establish a process in which the Administrator makes available loan applications and all accompanying information to lenders for the

purpose of such lenders originating, underwriting, closing, and servicing such loans.

(B) Lenders are eligible to receive loan applications and accompanying information under this paragraph if they participate in the programs established in section 7(a) of the Small Business Act (15 U.S.C. 636) or title V of the Small Business Investment Act (15 U.S.C. 695).

(C) The Administrator shall first make available such loan applications and accompanying information to lenders within 100 miles of a loan applicant's principal office.

(D) If a lender described in subparagraph (C) does not agree to originate, underwrite, close, and service such loans within 5 business days of receiving the loan applications, the Administrator shall subsequently make available such loan applications and accompanying information to lenders in the Preferred Lenders Program under section 7(a)(2)(C)(ii) of the Small Business Act (15 U.S.C. 636).

(E) If a lender described in subparagraph (C) or (D) does not agree to originate, underwrite, close, and service such loans within 10 business days of receiving the loan applications, the Administrator may originate, underwrite, close, and service such loans as described in paragraph (1) of this subsection.

(4) ASSET SALES.—The Administrator shall offer to sell loans made or refinanced by the Administrator under this section. Such sales shall be made through semi-annual public solicitation (in the Federal Register and in other media) of offers to purchase. The Administrator may contract with vendors for due diligence, asset valuation, and other services related to such sales. The Administrator may not sell any loan under this section for less than 90 percent of the net present value of the loan, as determined and certified by a qualified third-party.

(5) LOANS NOT SOLD.—The Administrator shall maintain and service loans made by the Administrator under this section that are not sold through the asset sales under this section.

(e) DURATION.— The authority of this section shall terminate on the date two years after the date on which the program under this section becomes operational (as determined by the Administrator).

(f) APPLICATION OF OTHER LAW.—Nothing in this section shall be construed to exempt any activity of the Administrator under this section from the Federal Credit Reform Act of 1990 (title V of the Congressional Budget and Impoundment Control Act of 1974; 2 U.S.C. 661 and following).

(g) QUALIFIED LOANS.—

(1) ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.—A loan to any concern shall not be subject to this section if an individual who is an alien unlawfully present in the United States—

(A) has an ownership interest in that concern; or

(B) has an ownership interest in another concern that itself has an ownership interest in that concern.

(2) FIRMS IN VIOLATION OF IMMIGRATION LAWS.—No loan shall be subject to this section if the borrower is an entity found, based on a determination by the Secretary of Homeland Security or the Attorney General to have engaged in a pattern or practice of hiring, recruiting or referring for a fee, for employment in the United States an alien knowing the person is an unauthorized alien.

(h) REPORTS.—The Administrator shall submit a report to Congress semi-annually setting forth the aggregate amount of loans and geographic dispersion of such loans made, underwritten, closed, funded, serviced, sold, guaranteed, or held by the Administrator under the authority of this section. Such report shall also set forth information concerning loan defaults, prepayments, and recoveries related to loans made under the authority of this section.

(i) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 6205. STIMULUS FOR COMMUNITY DEVELOPMENT LENDING.

(a) REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.—Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended by adding at the end the following:

''(7) PERMISSIBLE DEBT REFINANCING.—

''(A) IN GENERAL.—Any financing approved under this title may include a limited amount of debt refinancing.

''(B) EXPANSIONS.—If the project involves expansion of a small business concern which has existing indebtedness collateralized by fixed assets, any amount of existing indebtedness that does not exceed ½ of the project cost of the expansion may be refinanced and added to the expansion cost, if—

''(i) the proceeds of the indebtedness were used to acquire land, including a building situated thereon, to construct a building thereon, or to purchase equipment;

''(ii) the borrower has been current on all payments due on the existing debt for not less than 1 year preceding the date of refinancing; and

''(iii) the financing under section 504 will provide better terms or rate of interest than exists on the debt at the time of refinancing.''.

(b) JOB CREATION GOALS.—Section 501(e)(1) and section 501(e)(2) of the Small Business Investment Act (15 U.S.C. 695) are each amended by striking ''$50,000'' and inserting ''$65,000''.

SEC. 6206. INCREASING SMALL BUSINESS INVESTMENT.

(a) SIMPLIFIED MAXIMUM LEVERAGE LIMITS.—Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended—

(1) by striking so much of paragraph (2) as precedes subparagraphs (C) and (D) and inserting the following:

''(2) MAXIMUM LEVERAGE.—

''(A) IN GENERAL.—The maximum amount of outstanding leverage made available to any one company licensed under section 301(c) of this Act may not exceed the lesser of—

''(i) 300 percent of such company's private capital; or

''(ii) $150,000,000.

''(B) MULTIPLE LICENSES UNDER COMMON CONTROL.—The maximum amount of outstanding leverage made available to two or more companies licensed under section 301(c) of this Act that are commonly controlled (as determined by the Administrator) and not under capital impairment may not exceed $225,000,000.''; and

(2) by striking paragraph (4).

(b) SIMPLIFIED AGGREGATE INVESTMENT LIMITATIONS.—Section 306(a) of the Small Business Investment Act of 1958 (15 U.S.C. 686(a)) is amended to read as follows:

''(a) PERCENTAGE LIMITATION ON PRIVATE CAPITAL.—If any small business investment company has obtained financing from the Administrator and such financing remains outstanding, the aggregate amount of securities acquired and for which commitments may be issued by such company under the provisions of this title for any single enterprise shall not, without the approval of the Administrator, exceed 10 percent of the sum of—

''(1) the private capital of such company; and

''(2) the total amount of leverage projected by the company in the company's business plan that was approved by the Administrator at the time of the grant of the company's license.''.

SEC. 6207. GAO REPORT.

(a) REPORT.—Not later than 30 days after the enactment of this Act, the Comptroller General of the United States shall report to the Congress on the actions of the Administrator in implementing the authority established in sections 6201 through 6206 of this Act.

(b) INCLUDED ITEM.—The report under this section shall include a summary of the activity of the Administrator under this section and an analysis of whether he is accomplishing the purpose of increasing liquidity in the secondary market for Small Business Administration loans.

TITLE VII—HOMELAND SECURITY

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $100,000,000, for non-intrusive detection technology to be deployed at sea ports of entry.

CONSTRUCTION

For an additional amount for ''Construction'', $150,000,000, to repair and construct inspection facilities at land border ports of entry.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for ''Aviation Security'', $500,000,000, for the purchase and installation of explosive detection systems and emerging checkpoint technologies: *Provided*, That the Assistant Secretary of Homeland Security (Transportation Security Administration) shall prioritize the award of these funds to accelerate the installations at locations with completed design plans and to expeditiously award new letters of intent.

COAST GUARD

ALTERATION OF BRIDGES

For an additional amount for ''Alteration of Bridges'', $150,000,000, for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516): *Provided*, That the Coast Guard shall award these funds to those bridges that are ready to proceed to construction.

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY FOOD AND SHELTER

For an additional amount for ''Emergency Food and Shelter'', $200,000,000, to carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.): *Provided*, That for the purposes of this appropriation, the redistribution required by section 1104(b) shall be carried out by the Federal Emergency Management Agency and the National Board, who may reallocate and obligate any funds that are unclaimed or returned to the program: *Provided further*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall be 3.5 percent instead of the percentage specified in such section.

GENERAL PROVISIONS, THIS TITLE

SEC. 7001. EXTENSION OF PROGRAMS.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking ''11-year period'' and inserting ''16-year period''.

SEC. 7002. PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS.

(a) FUNDING UNDER AGREEMENT.—Effective for fiscal years beginning on or after October 1, 2008, the Commissioner of Social Security and the Secretary of Homeland Security

shall enter into and maintain an agreement which shall—

(1) provide funds to the Commissioner for the full costs of the responsibilities of the Commissioner under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), including (but not limited to)—

(A) acquiring, installing, and maintaining technological equipment and systems necessary for the fulfillment of the responsibilities of the Commissioner under such section 404, but only that portion of such costs that are attributable exclusively to such responsibilities; and

(B) responding to individuals who contest a tentative nonconfirmation provided by the basic pilot confirmation system established under such section;

(2) provide such funds quarterly in advance of the applicable quarter based on estimating methodology agreed to by the Commissioner and the Secretary (except in such instances where the delayed enactment of an annual appropriation may preclude such quarterly payments); and

(3) require an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement, which shall be reviewed by the Office of Inspector General of the Social Security Administration and the Department of Homeland Security.

(b) CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.—In any case in which the agreement required under subsection (a) for any fiscal year beginning on or after October 1, 2008, has not been reached as of October 1 of such fiscal year, the latest agreement between the Commissioner and the Secretary of Homeland Security providing for funding to cover the costs of the responsibilities of the Commissioner under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be deemed in effect on an interim basis for such fiscal year until such time as an agreement required under subsection (a) is subsequently reached, except that the terms of such interim agreement shall be modified by the Director of the Office of Management and Budget to adjust for inflation and any increase or decrease in the volume of requests under the basic pilot confirmation system. In any case in which an interim agreement applies for any fiscal year under this subsection, the Commissioner and the Secretary shall, not later than October 1 of such fiscal year, notify the Committee on Ways and Means, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives and the Committee on Finance, the Committee on the Judiciary, and the Committee on Appropriations of the Senate of the failure to reach the agreement required under subsection (a) for such fiscal year. Until such time as the agreement required under subsection (a) has been reached for such fiscal year, the Commissioner and the Secretary shall, not later than the end of each 90-day period after October 1 of such fiscal year, notify such Committees of the status of negotiations between the Commissioner and the Secretary in order to reach such an agreement.

SEC. 7003. GAO STUDY OF BASIC PILOT CONFIRMATION SYSTEM.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study regarding erroneous tentative nonconfirmations under the basic pilot confirmation system established under section 404(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

(b) MATTERS TO BE STUDIED.—In the study required under subsection (a), the Comptroller General shall determine and analyze—

(1) the causes of erroneous tentative nonconfirmations under the basic pilot confirmation system;

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

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

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

SEC. 7004. GAO STUDY OF EFFECTS OF BASIC PILOT PROGRAM ON SMALL ENTITIES.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the United States House of Representatives and the Senate a report containing the Comptroller General's analysis of the effects of the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) on small entities (as defined in section 601 of title 5, United States Code). The report shall detail—

(1) the costs of compliance with such program on small entities;

(2) a description and an estimate of the number of small entities enrolled and participating in such program or an explanation of why no such estimate is available;

(3) the projected reporting, recordkeeping and other compliance requirements of such program on small entities;

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

(5) the steps, if any, the Secretary of Homeland Security has taken to minimize the economic impact of participating in such program on small entities.

(b) DIRECT AND INDIRECT EFFECTS.—The report shall cover, and treat separately, direct effects (such as wages, time, and fees spent on compliance) and indirect effects (such as the effect on cash flow, sales, and competitiveness).

(c) SPECIFIC CONTENTS.—The report shall provide specific and separate details with respect to—

(1) small businesses (as defined in section 601 of title 5, United States Code) with fewer than 50 employees; and

(2) small entities operating in States that have mandated use of the basic pilot program.

SEC. 7005. WAIVER OF MATCHING REQUIREMENT UNDER SAFER PROGRAM.

Subparagraph (E) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)(E)) shall not apply with respect to funds appropriated in this or any other Act making appropriations for fiscal year 2009 or 2010 for grants under such section 34.

TITLE VIII—INTERIOR AND ENVIRONMENT

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Construction'', $325,000,000, for priority road, bridge, and trail repair or decommissioning, critical deferred maintenance projects, facilities construction and renovation, hazardous fuels reduction, and remediation of abandoned mine or well sites: *Provided*, That funds may be transferred to other appropriate accounts of the Bureau of Land management: *Provided further*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall be not more than 5 percent instead of the percentage specified in such section.

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Construction'', $300,000,000, for priority road and bridge repair and replacement, and critical deferred maintenance and improvement projects on National Wildlife Refuges, National Fish Hatcheries, and other Service properties: *Provided*, That funds may be transferred to ''Resource Management'': *Provided further*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall be not more than 5 percent instead of the percentage specified in such section.

NATIONAL PARK SERVICE

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Construction'', $1,700,000,000, for projects to address critical deferred maintenance needs within the National Park System, including roads, bridges and trails, and for other critical infrastructure projects: *Provided*, That funds may be transferred to ''Operation of the National Park System'': *Provided further*, That $200,000,000 of these funds shall be for projects related to the preservation and repair of historical and cultural resources within the National Park System: *Provided further*, That $15,000,000 of these funds shall be transferred to the ''Historic Preservation Fund'' for historic preservation projects at historically black colleges and universities as authorized by the Historic Preservation Fund Act of 1996 and the Omnibus Parks and Public Lands Act of 1996, except that any matching requirements otherwise required for such projects are waived: *Provided further*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall be not more than 5 percent instead of the percentage specified in such section.

CENTENNIAL CHALLENGE

To carry out provisions of section 814(g) of Public Law 104–333 relating to challenge cost share agreements, $100,000,000, for National Park Service Centennial Challenge signature projects and programs: *Provided*, That not less than 50 percent of the total cost of each project or program is derived from non-Federal sources in the form of donated cash, assets, in-kind services, or a pledge of donation guaranteed by an irrevocable letter of credit: *Provided further*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall be not more than 5 percent instead of the percentage specified in such section.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for ''Surveys, Investigations, and Research'', $200,000,000, for

repair and restoration of facilities; equipment replacement and upgrades including stream gages, and seismic and volcano monitoring systems; national map activities; and other critical deferred maintenance and improvement projects: *Provided*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall be not more than 5 percent instead of the percentage specified in such section.

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Construction'', $500,000,000, for priority repair and replacement of schools, detention centers, roads, bridges, employee housing, and critical deferred maintenance projects: *Provided*, That not less than $250,000,000 shall be used for new and replacement schools and detention centers: *Provided further*, That funds may be transferred to ''Operation of Indian Programs'': *Provided further*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall be not more than 5 percent instead of the percentage specified in such section.

ENVIRONMENTAL PROTECTION AGENCY

HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount for ''Hazardous Substance Superfund'', $800,000,000, which shall be used for the Superfund Remedial program: *Provided*, That amounts available by law from this appropriation for management and administration shall take the place of the set-aside under section 1106 of this Act.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For an additional amount for ''Leaking Underground Storage Tank Trust Fund Program'', to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, $200,000,000, which shall be used to carry out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, except that such funds shall not be subject to the State matching requirements in section 9003(h)(7)(B): *Provided*, That amounts available by law from this appropriation for management and administration shall take the place of the set-aside under section 1106 of this Act.

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for ''State and Tribal Assistance Grants'', $8,400,000,000, which shall be used as follows:

(1) $6,000,000,000 shall be for capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.), except that such funds shall not be subject to the State matching requirements in paragraphs (2) and (3) of section 602(b) of such Act or to the Federal cost share limitations in section 202 of such Act: *Provided*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall be not more than 2 percent instead of the percentage specified in such section: *Provided further*, That, notwithstanding the limitation on amounts specified in section 518(c) of the Federal Water Pollution Control Act, up to a total of 1.5 percent of such funds may be reserved by the Administrator of the Environmental Protection Agency for grants under section 518(c) of such Act: *Provided further*, That the requirements of section 513 of such Act shall apply to the construction of treatment works carried out in whole or in part with assistance made available under this heading by a Clean Water State Revolving Fund under title VI of such Act, or with assistance made available under section 205(m) of such Act, or both: *Provided further*, That, notwithstanding the requirements of section 603(d) of such Act, each State shall use 50 percent of the amount of the capitalization grant received by the State under title VI of such Act to provide assistance, in the form of additional subsidization, including forgiveness of principal, negative interest loans, and grants, to municipalities (as defined in section 502 of such Act) for projects that are included on the State's priority list established under section 603(g) of such Act, of which 80 percent shall be for projects to benefit municipalities that meet affordability criteria as determined by the Governor of the State and 20 percent shall be for projects to address water-efficiency goals, address energy-efficiency goals, mitigate stormwater runoff, or encourage environmentally sensitive project planning, design, and construction, to the extent that there are sufficient project applications eligible for such assistance.

(2) $2,000,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), except that such funds shall not be subject to the State matching requirements of section 1452(e) of such Act: *Provided*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall be not more than 2 percent instead of the percentage specified in such section: *Provided further*, That section 1452(k) of the Safe Drinking Water Act shall not apply to such funds: *Provided further*, That the requirements of section 1450(e) of such Act (42 U.S.C. 300j–9(e)) shall apply to the construction carried out in whole or part with assistance made available under this heading by a Drinking Water State Revolving fund under section 1452 of such Act: *Provided further*, That, notwithstanding the requirements of section 1452(a)(2) of such Act, each State shall use 50 percent of the amount of the capitalization grant received by the State under section 1452 of such Act to provide assistance, in the form of additional subsidization, including forgiveness of principal, negative interest loans, and grants, to municipalities (as defined in section 1401 of such Act) for projects that are included on the State's priority list established under section 1452(b)(3) of such Act.

(3) $300,000,000 shall be for grants under title VII, Subtitle G of the Energy Policy Act of 2005: *Provided*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall be not more than 3 percent instead of the percentage specified in such section.

(4) $100,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980: *Provided*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall be not more than 3 percent instead of the percentage specified in such section.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Capital Improvement and Maintenance'', $650,000,000, for reconstruction, capital improvement, decommissioning, and maintenance of forest roads, bridges and trails; alternative energy technologies, energy efficiency enhancements and deferred maintenance at Federal facilities; and for remediation of abandoned mine sites, removal of fish passage barriers, and other critical habitat, forest improvement and watershed enhancement projects on Federal lands and waters: *Provided*, That funds may be transferred to ''National Forest System'': *Provided further*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall be not more than 5 percent instead of the percentage specified in such section.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $850,000,000, of which $300,000,000 is for hazardous fuels reduction, forest health, wood to energy grants and rehabilitation and restoration activities on Federal lands, and of which $550,000,000 is for State fire assistance hazardous fuels projects, volunteer fire assistance, cooperative forest health projects, city forest enhancements, and wood to energy grants on State and private lands: *Provided*, That amounts in this paragraph may be transferred to ''State and Private Forestry'' and ''National Forest System'': *Provided further*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall be not more than 5 percent instead of the percentage specified in such section.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH FACILITIES

For an additional amount for ''Indian Health Facilities'', $550,000,000, for priority health care facilities construction projects and deferred maintenance, and the purchase of equipment and related services, including but not limited to health information technology: *Provided*, That notwithstanding any other provision of law, the amounts available under this paragraph shall be allocated at the discretion of the Director of the Indian Health Service: *Provided further*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall be not more than 5 percent instead of the percentage specified in such section.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

FACILITIES CAPITAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Facilities Capital'', $150,000,000, for deferred maintenance projects, and for repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623): *Provided*, That funds may be transferred to ''Salaries and Expenses'': *Provided further*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall be not more than 5 percent instead of the percentage specified in such section.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For an additional amount for ''Grants and Administration'', $50,000,000, to be distributed in direct grants to fund arts projects and activities which preserve jobs in the non-profit arts sector threatened by declines in philanthropic and other support during the current economic downturn: *Provided*, That 40 percent of such funds shall be distributed to State arts agencies and regional arts organizations in a manner similar to the agency's current practice and 60 percent of such funds shall be for competitively selected arts projects and activities according to sections 2 and 5(c) of the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 951, 954(c)): *Provided further*, That matching requirements under section

5(e) of such Act shall be waived: *Provided further*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall be not more than 5 percent instead of the percentage specified in such section.

TITLE IX—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

Subtitle A—Labor

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for ''Training and Employment Services'' for activities under the Workforce Investment Act of 1998 (''WIA''), $4,000,000,000, which shall be available for obligation on the date of enactment of this Act, as follows:

(1) $500,000,000 for grants to the States for adult employment and training activities;

(2) $1,200,000,000 for grants to the States for youth activities, including summer jobs for youth: *Provided*, That the work readiness performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer jobs for youth provided with such funds: *Provided further*, That with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting ''age 24'' for ''age 21'': *Provided further*, That no portion of the additional funds provided herein shall be reserved to carry out section 127(b)(1)(A) of the WIA: *Provided further*, That for purposes of section 127(b)(1)(C)(iv) of the WIA, such funds shall be allotted as if the total amount of funding available for youth activities in the fiscal year does not exceed $1,000,000,000;

(3) $1,000,000,000 for grants to the States for dislocated worker employment and training activities;

(4) $500,000,000 for the dislocated workers assistance national reserve to remain available for Federal obligation through June 30, 2010: *Provided*, That such funds shall be made available for grants only to eligible entities that serve areas of high unemployment or high poverty and only for the purposes described in subsection 173(a)(1) of the WIA: *Provided further*, That the Secretary of Labor shall ensure that applicants for such funds demonstrate how income support, child care, and other supportive services necessary for an individual's participation in job training will be provided;

(5) $50,000,000 for YouthBuild activities, which shall remain available for Federal obligation through June 30, 2010; and

(6) $750,000,000 for a program of competitive grants for worker training and placement in high growth and emerging industry sectors: *Provided*, That $500,000,000 shall be for research, labor exchange and job training projects that prepare workers for careers in the energy efficiency and renewable energy industries specified in section 171(e)(1)(B)(ii) of the WIA (as amended by the Green Jobs Act of 2007): *Provided further*, That in awarding grants from those funds not designated in the preceding proviso, the Secretary of Labor shall give priority to projects that prepare workers for careers in the health care sector: *Provided further*, That the provisions of section 1103 of this Act shall not apply to this appropriation:

Provided, That the additional funds provided to States under this heading are not subject to section 191(a) of the WIA: *Provided further*, That notwithstanding section 1106 of this Act, there shall be no amount set aside from the appropriations made in subsections (1) through (3) under this heading and the amount set aside for subsections (4) through (6) shall be up to 1 percent instead of the percentage specified in such section.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount for ''Community Service Employment for Older Americans'' to carry out title V of the Older Americans Act of 1965, $120,000,000, which shall be available for obligation on the date of enactment of this Act: *Provided*, That funds shall be allotted within 30 days of such enactment to current grantees in proportion to their allotment in program year 2008.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for ''State Unemployment Insurance and Employment Service Operations'' for grants to the States in accordance with section 6 of the Wagner-Peyser Act, $500,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, and which shall be available for obligation on the date of enactment of this Act: *Provided*, That such funds shall remain available to the States through September 30, 2010: *Provided further*, That, with respect to such funds, section 6(b)(1) of such Act shall be applied by substituting ''one-third'' for ''two-thirds'' in subparagraph (A), with the remaining one-third of the sums to be allotted in accordance with section 132(b)(2)(B)(ii)(III) of the Workforce Investment Act of 1998: *Provided further*, That not less than $250,000,000 of the amount provided under this heading shall be used by States for reemployment services for unemployment insurance claimants (including the integrated Employment Service and Unemployment Insurance information technology required to identify and serve the needs of such claimants): *Provided further*, That the Secretary of Labor shall establish planning and reporting procedures necessary to provide oversight of funds used for reemployment services.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Departmental Management'', $80,000,000, for the enforcement of worker protection laws and regulations, oversight, and coordination activities related to the infrastructure and unemployment insurance investments in this Act: *Provided*, That the Secretary of Labor may transfer such sums as necessary to ''Employment and Standards Administration'', ''Occupational Safety and Health Administration'', and ''Employment and Training Administration—Program Administration'' for enforcement, oversight, and coordination activities: *Provided further*, That the provisions of section 1106 of this Act shall not apply to this appropriation.

OFFICE OF JOB CORPS

For an additional amount for ''Office of Job Corps'', $300,000,000, for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available upon the date of enactment of this Act and remain available for obligation through June 30, 2010: *Provided*, That section 1552(a) of title 31, United States Code shall not apply to up to 30 percent of such funds, if such funds are used for a multi-year lease agreement that will result in construction activities that can commence within 120 days of enactment of this Act: *Provided further*, That notwithstanding section 3324(a) of title 31, United States Code, the funds referred to in the preceding proviso may be used for advance, progress, and other payments: *Provided further*, That the Secretary of Labor may transfer up to 15 percent of such funds to meet the operational needs of such centers, which may include the provision of additional training for careers in the energy efficiency and renewable energy industries: *Provided further*, That priority should be given to activities that can commence promptly following enactment and to those projects that will create the greatest impact on the energy efficiency of Job Corps facilities: *Provided further*, That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each activity funded under this heading not later than September 30, 2009 and quarterly thereafter as long as funding provided under this heading is available for obligation or expenditure.

GENERAL PROVISIONS, THIS SUBTITLE

SEC. 9101. ELIGIBLE EMPLOYEES IN THE RECREATIONAL MARINE INDUSTRY.

Section 2(3)(F) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902(3)(F)) is amended—

(1) by striking '', repair, or dismantle''; and

(2) by striking the semicolon and inserting '', or individuals employed to repair any recreational vessel, or to dismantle any part of a recreational vessel in connection with the repair of such vessel;''.

Subtitle B—Health and Human Services

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES

For an additional amount for ''Health Resources and Services'', $2,188,000,000 which shall be used as follows:

(1) $500,000,000, of which $250,000,000 shall not be available until October 1, 2009, shall be for grants to health centers authorized under section 330 of the Public Health Service Act (''PHS Act'');

(2) $1,000,000,000 shall be available for renovation and repair of health centers authorized under section 330 of the PHS Act and for the acquisition by such centers of health information technology systems: *Provided*, That the timeframe for the award of grants pursuant to section 1103(b) of this Act shall not be later than 180 days after the date of enactment of this Act instead of the timeframe specified in such section;

(3) $88,000,000 shall be for fit-out and other costs related to moving into a facility to be secured through a competitive lease procurement to replace or renovate a headquarters building for Public Health Service agencies and other components of the Department of Health and Human Services; and

(4) $600,000,000, of which $300,000,000 shall not be available until October 1, 2009, shall be for the training of nurses and primary care physicians and dentists as authorized under titles VII and VIII of the PHS Act, for the provision of health care personnel under the National Health Service Corps program authorized under title III of the PHS Act, and for the patient navigator program authorized under title III of the PHS Act.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for ''Disease Control, Research, and Training'' for equipment, construction, and renovation of facilities, including necessary repairs and improvements to leased laboratories, $462,000,000: *Provided*, That notwithstanding any other provision of law, the Centers for Disease Control and Prevention may award a single contract or related contracts for development and construction of facilities that collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18: *Provided further*, That in accordance with applicable authorities, policies,

and procedures, the Centers for Disease Control and Prevention shall acquire real property, and make any necessary improvements thereon, to relocate and consolidate property and facilities of the National Institute for Occupational Safety and Health.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CENTER FOR RESEARCH RESOURCES

For an additional amount for ''National Center for Research Resources'', $1,500,000,000 for grants or contracts under section 481A of the Public Health Service Act to renovate or repair existing non-Federal research facilities: *Provided*, That sections 481A(c)(1)(B)(ii), paragraphs (1), (3), and (4) of section 481A(e), and section 481B of such Act shall not apply to the use of such funds: *Provided further*, That the references to ''20 years'' in subsections (c)(1)(B)(i) and (f) of section 481A of such Act are deemed to be references to ''10 years'' for purposes of using such funds: *Provided further*, That the National Center for Research Resources may also use such funds to provide, under the authority of section 301 and title IV of such Act, shared instrumentation and other capital research equipment to recipients of grants and contracts under section 481A of such Act and other appropriate entities: *Provided further*, That the Director of the Center shall provide to the Committees on Appropriations of the House of Representatives and the Senate an annual report indicating the number of institutions receiving awards of a grant or contract under section 481A of such Act, the proposed use of the funding, the average award size, a list of grant or contract recipients, and the amount of each award: *Provided further*, That the Center, in obligating such funds, shall require that each entity that applies for a grant or contract under section 481A for any project shall include in its application an assurance described in section 1621(b)(1)(I) of the Public Health Service Act: *Provided further*, That the Center shall give priority in the award of grants and contracts under section 481A of such Act to those applications that are expected to generate demonstrable energy-saving or beneficial environmental effects: *Provided further*, That the provisions of section 1103 of this Act shall not apply to the peer-reviewed grants awarded under this heading.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of the Director'', $1,500,000,000, of which $750,000,000 shall not be available until October 1, 2009: *Provided*, That such funds shall be transferred to the Institutes and Centers of the National Institutes of Health and to the Common Fund established under section 402A(c)(1) of the Public Health Service Act in proportion to the appropriations otherwise made to such Institutes, Centers, and Common Fund for fiscal year 2009: *Provided further*, That these funds shall be used to support additional scientific research and shall be merged with and be available for the same purposes as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the National Institutes of Health: *Provided further*, That none of these funds may be transferred to ''National Institutes of Health—Buildings and Facilities'', the Center for Scientific Review, the Center for Information Technology, the Clinical Center, the Global Fund for HIV/AIDS, Tuberculosis and Malaria, or the Office of the Director (except for the transfer to the Common Fund): *Provided further*, That the provisions of section 1103 of this Act shall not apply to the peer-reviewed grants awarded under this heading.

BUILDINGS AND FACILITIES

For an additional amount for ''Buildings and Facilities'', $500,000,000, to fund high priority repair and improvement projects for National Institutes of Health facilities on the Bethesda, Maryland campus and other agency locations.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Healthcare Research and Quality'' to carry out titles III and IX of the Public Health Service Act, part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, $700,000,000 for comparative effectiveness research: *Provided*, That of the amount appropriated in this paragraph, $400,000,000 shall be transferred to the Office of the Director of the National Institutes of Health (''Office of the Director'') to conduct or support comparative effectiveness research: *Provided further*, That funds transferred to the Office of the Director may be transferred to the national research institutes and national centers of the National Institutes of Health and to the Common Fund established under section 402A(c)(1) of the Public Health Service Act: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the National Institutes of Health: *Provided further*, That the provisions of section 1103 of this Act shall not apply to the peer-reviewed grants awarded under this paragraph: *Provided further*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall be not more than 1 percent instead of the percentage specified in such section.

In addition, $400,000,000 shall be available for comparative effectiveness research to be allocated at the discretion of the Secretary of Health and Human Services (''Secretary''): *Provided*, That the funding appropriated in this paragraph shall be used to accelerate the development and dissemination of research assessing the comparative effectiveness of health care treatments and strategies, including through efforts that: (1) conduct, support, or synthesize research that compares the clinical outcomes, effectiveness, and appropriateness of items, services, and procedures that are used to prevent, diagnose, or treat diseases, disorders, and other health conditions; and (2) encourage the development and use of clinical registries, clinical data networks, and other forms of electronic health data that can be used to generate or obtain outcomes data: *Provided further*, That the Secretary shall enter into a contract with the Institute of Medicine, for which no more than $1,500,000 shall be made available from funds provided in this paragraph, to produce and submit a report to the Congress and the Secretary by not later than June 30, 2009, that includes recommendations on the national priorities for comparative effectiveness research to be conducted or supported with the funds provided in this paragraph and that considers input from stakeholders: *Provided further*, That the Secretary shall consider any recommendations of the Federal Coordinating Council for Comparative Effectiveness Research established by section 9201 of this Act and any recommendations included in the Institute of Medicine report pursuant to the preceding proviso in designating activities to receive funds provided in this paragraph and may make grants and contracts with appropriate entities, which may include agencies within the Department of Health and Human Services and other governmental agencies, as well as private sector entities, that have demonstrated experience and capacity to achieve the goals of comparative effectiveness research: *Provided further*, That the Secretary shall publish information on grants and contracts awarded with the funds provided under this heading within a reasonable time of the obligation of funds for such grants and contracts and shall disseminate research findings from such grants and contracts to clinicians, patients, and the general public, as appropriate: *Provided further*, That, to the extent feasible, the Secretary shall ensure that the recipients of the funds provided by this paragraph offer an opportunity for public comment on the research: *Provided further*, That the provisions of section 1103 of this Act shall not apply to the peer-reviewed grants awarded under this paragraph: *Provided further*, That the Secretary shall provide the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate with an annual report on the research conducted or supported through the funds provided under this heading: *Provided further*, That the Secretary, jointly with the Directors of the Agency for Healthcare Research and Quality and the National Institutes of Health, shall provide the Committees on Appropriations of the House of Representatives and the Senate a fiscal year 2009 operating plan for the funds appropriated under this heading prior to making any Federal obligations of such funds in fiscal year 2009, but not later than 90 days after the date of enactment of this Act, and a fiscal year 2010 operating plan for such funds prior to making any Federal obligations of such funds in fiscal year 2010, but not later than November 1, 2009, that detail the type of research being conducted or supported, including the priority conditions addressed; and specify the allocation of resources within the Department of Health and Human Services: *Provided further*, That the Secretary jointly with the Directors of the Agency for Healthcare Research and Quality and the National Institutes of Health, shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each activity funded under this heading not later than November 1, 2009, and every 6 months thereafter as long as funding provided under this heading is available for obligation or expenditure.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

For an additional amount for ''Low-Income Home Energy Assistance'' for making payments under section 2602(b) and section 2602(d) of the Low-Income Home Energy Assistance Act of 1981, $1,000,000,000, which shall become available on October 1, 2009: *Provided*, That the provisions of section 1106 of this Act shall not apply to this appropriation.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For an additional amount for ''Payments to States for the Child Care and Development Block Grant'', $2,000,000,000, of which $1,000,000,000 shall become available on October 1, 2009, which shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That the provisions of section 1106 of this Act shall not apply to this appropriation.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for ''Children and Families Services Programs'', $3,200,000,000, which shall be used as follows:

(1) $1,000,000,000 for carrying out activities under the Head Start Act, of which

$500,000,000 shall become available on October 1, 2009;

(2) $1,100,000,000 for expansion of Early Head Start programs, as described in section 645A of the Head Start Act, of which $550,000,000 shall become available on October 1, 2009: *Provided*, That of the funds provided in this sentence, up to 10 percent shall be available for the provision of training and technical assistance to such programs consistent with section 645A(g)(2) of such Act, and up to 3 percent shall be available for monitoring the operation of such programs consistent with section 641A of such Act: *Provided further*, That the preceding proviso shall apply to this appropriation in lieu of the provisions of section 1106 of this Act: *Provided further*, That the provisions of section 1103 of this Act shall not apply to this appropriation;

(3) $1,000,000,000 for carrying out activities under sections 674 through 679 of the Community Services Block Grant Act, of which $500,000,000 shall become available on October 1, 2009, and of which no part shall be subject to paragraphs (2) and (3) of section 674(b) of such Act: *Provided*, That notwithstanding section 675C(a)(1) of such Act, 100 percent of the funds made available to a State from this additional amount shall be distributed to eligible entities as defined in section 673(1) of such Act: *Provided further*, That for services furnished under such Act during fiscal years 2009 and 2010, States may apply the last sentence of section 673(2) of such Act by substituting ''200 percent'' for ''125 percent'': *Provided further*, That the provisions of section 1106 of this Act shall not apply to this appropriation; and

(4) $100,000,000 for carrying out activities under section 1110 of the Social Security Act, of which $50,000,000 shall become available on October 1, 2009: *Provided*, That the Secretary of Health and Human Services shall distribute such amount under the Compassion Capital Fund to eligible faith-based and community organizations: *Provided further*, That the provisions of section 1106 of this Act shall not apply to this appropriation.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For an additional amount for ''Aging Services Programs'' under section 311, and subparts 1 and 2 of part C, of title III of the Older Americans Act of 1965, $200,000,000, of which $100,000,000 shall become available on October 1, 2009: *Provided*, That the provisions of section 1106 of this Act shall not apply to this appropriation.

OFFICE OF THE SECRETARY

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of the National Coordinator for Health Information Technology'' to carry out section 9202 of this Act, $2,000,000,000, to remain available until expended: *Provided*, That of such amount, the Secretary of Health and Human Services shall transfer $20,000,000 to the Director of the National Institute of Standards and Technology in the Department of Commerce for continued work on advancing health care information enterprise integration through activities such as technical standards analysis and establishment of conformance testing infrastructure, so long as such activities are coordinated with the Office of the National Coordinator for Health Information Technology: *Provided further*, That the provisions of section 1103 of this Act shall not apply to this appropriation: *Provided further*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall be 0.25 percent instead of the percentage specified in such section: *Provided further*, That funds available under this heading shall become available for obligation only upon submission of an annual operating plan by the Secretary to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the fiscal year 2009 operating plan shall be provided not later than 90 days after enactment of this Act and that subsequent annual operating plans shall be provided not later than November 1 of each year: *Provided further*, That these operating plans shall describe how expenditures are aligned with the specific objectives, milestones, and metrics of the Federal Health Information Technology Strategic Plan, including any subsequent updates to the Plan; the allocation of resources within the Department of Health and Human Services and other Federal agencies; and the identification of programs and activities that are supported: *Provided further*, That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each major set of activities not later than November 1, 2009, and every 6 months thereafter as long as funding provided under this heading is available for obligation or expenditure: *Provided further*, That the Comptroller General of the United States shall review on an annual basis the expenditures from funds provided under this heading to determine if such funds are used in a manner consistent with the purpose and requirements under this heading.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'' to support advanced research and development pursuant to section 319L of the Public Health Service Act, $430,000,000: *Provided*, That the provisions of section 1103 of this Act shall not apply to this appropriation.

For an additional amount for ''Public Health and Social Services Emergency Fund'' to prepare for and respond to an influenza pandemic, including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools, $420,000,000: *Provided*, That the provisions of section 1103 of this Act shall not apply to this appropriation: *Provided further*, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services (''Secretary''), be deposited in the Strategic National Stockpile: *Provided further*, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccine and other biologics, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologics: *Provided further*, That funds appropriated in this paragraph may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposed specified in this sentence.

For an additional amount for ''Public Health and Social Services Emergency Fund'' to improve information technology security at the Department of Health and Human Services, $50,000,000: *Provided*, That the Secretary shall prepare and submit a report by not later than November 1, 2009, and by not later than 15 days after the end of each month thereafter, updating the status of actions taken and funds obligated in this and previous appropriations Acts for pandemic influenza preparedness and response activities, biomedical advanced research and development activities, Project BioShield, and Cyber Security.

PREVENTION AND WELLNESS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for a ''Prevention and Wellness Fund'' to be administered through the Department of Health and Human Services Office of the Secretary, $3,000,000,000: *Provided*, That the provisions of section 1103 of this Act shall not apply to this appropriation: *Provided further*, That of the amount appropriated under this heading not less than $2,350,000,000 shall be transferred to the Centers for Disease Control and Prevention as follows:

(1) not less than $954,000,000 shall be used as an additional amount to carry out the immunization program authorized by section 317(a), (j), and (k)(1) of the Public Health Service Act (''section 317 immunization program''), of which $649,900,000 shall be available on October 1, 2009;

(2) not less than $296,000,000 shall be used as an additional amount to carry out Part A of title XIX of the Public Health Service Act, of which $148,000,000 shall be available on October 1, 2009;

(3) not less than $545,000,000 shall be used as an additional amount to carry out chronic disease, health promotion, and genomics programs, as jointly determined by the Secretary of Health and Human Services (''Secretary'') and the Director of the Centers for Disease Control and Prevention (''Director'');

(4) not less than $335,000,000 shall be used as an additional amount to carry out domestic HIV/AIDS, viral hepatitis, sexually-transmitted diseases, and tuberculosis prevention programs, as jointly determined by the Secretary and the Director;

(5) not less than $60,000,000 shall be used as an additional amount to carry out environmental health programs, as jointly determined by the Secretary and the Director;

(6) not less than $50,000,000 shall be used as an additional amount to carry out injury prevention and control programs, as jointly determined by the Secretary and the Director;

(7) not less than $30,000,000 shall be used as an additional amount for public health workforce development activities, as jointly determined by the Secretary and the Director;

(8) not less than $40,000,000 shall be used as an additional amount for the National Institute for Occupational Safety and Health to carry out research activities within the National Occupational Research Agenda; and

(9) not less than $40,000,000 shall be used as an additional amount for the National Center for Health Statistics:

Provided further, That of the amount appropriated under this heading not less than $150,000,000 shall be available for an additional amount to carry out activities to implement a national action plan to prevent healthcare-associated infections, as determined by the Secretary, of which not less $50,000,000 shall be provided to States to implement healthcare-associated infection reduction strategies: *Provided further*, That of the amount appropriated under this heading $500,000,000 shall be used to carry out evidence-based clinical and community-based prevention and wellness strategies and public health workforce development activities authorized by the Public Health Service Act, as determined by the Secretary, that deliver specific, measurable health outcomes that address chronic and infectious disease rates and health disparities, which shall include evidence-based interventions in obesity, diabetes, heart disease, cancer, tobacco cessation and smoking prevention, and oral health, and which may be used for the Healthy Communities program administered

by the Centers for Disease Control and Prevention and other existing community-based programs administered by the Department of Health and Human Services: *Provided further*, That funds appropriated in the preceding proviso may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate: *Provided further*, That the Secretary shall, directly or through contracts with public or private entities, provide for annual evaluations of programs carried out with funds provided under this heading in order to determine the quality and effectiveness of the programs: *Provided further*, That the Secretary shall, not later than 1 year after the date of enactment of this Act, submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report (1) summarizing the annual evaluations of programs from the preceding proviso; and (2) making recommendations concerning future spending on prevention and wellness activities, including any recommendations made by the United States Preventive Services Task Force in the area of clinical preventive services and the Task Force on Community Preventive Services in the area of community preventive services: *Provided further*, That the Secretary shall enter into a contract with the Institute of Medicine, for which no more than $1,500,000 shall be made available from funds provided in this paragraph, to produce and submit a report to the Congress and the Secretary by no later than 1 year after the date of enactment of this Act that includes recommendations on the national priorities for clinical and community-based prevention and wellness activities that will have a positive impact in preventing illness or reducing healthcare costs and that considers input from stakeholders: *Provided further*, That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a fiscal year 2009 operating plan for the Prevention and Wellness Fund prior to making any Federal obligations of funds provided under this heading in fiscal year 2009 (excluding funds to carry out the section 317 immunization program), but not later than 90 days after the date of enactment of this Act, and a fiscal year 2010 operating plan for the Prevention and Wellness Fund prior to making any Federal obligations of funds provided under this heading in fiscal year 2010 (excluding funds to carry out the section 317 immunization program), but not later than November 1, 2009, that indicate the prevention priorities to be addressed; provide measurable goals for each prevention priority; detail the allocation of resources within the Department of Health and Human Services; and identify which programs or activities are supported, including descriptions of any new programs or activities: *Provided further*, That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each activity funded under this heading not later than November 1, 2009 and every 6 months thereafter as long as funding provided under this heading is available for obligation or expenditure.

GENERAL PROVISIONS, THIS SUBTITLE

SEC. 9201. FEDERAL COORDINATING COUNCIL FOR COMPARATIVE EFFECTIVENESS RESEARCH.

(a) ESTABLISHMENT.—There is hereby established a Federal Coordinating Council for Comparative Effectiveness Research (in this section referred to as the ''Council'').

(b) PURPOSE; DUTIES.—The Council shall—

(1) assist the offices and agencies of the Federal Government, including the Departments of Health and Human Services, Veterans Affairs, and Defense, and other Federal departments or agencies, to coordinate the conduct or support of comparative effectiveness and related health services research; and

(2) advise the President and Congress on—

(A) strategies with respect to the infrastructure needs of comparative effectiveness research within the Federal Government;

(B) appropriate organizational expenditures for comparative effectiveness research by relevant Federal departments and agencies; and

(C) opportunities to assure optimum coordination of comparative effectiveness and related health services research conducted or supported by relevant Federal departments and agencies, with the goal of reducing duplicative efforts and encouraging coordinated and complementary use of resources.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Council shall be composed of not more than 15 members, all of whom are senior Federal officers or employees with responsibility for health-related programs, appointed by the President, acting through the Secretary of Health and Human Services (in this section referred to as the ''Secretary''). Members shall first be appointed to the Council not later than 30 days after the date of the enactment of this Act.

(2) MEMBERS.—

(A) IN GENERAL.—The members of the Council shall include one senior officer or employee from each of the following agencies:

(i) The Agency for Healthcare Research and Quality.

(ii) The Centers for Medicare and Medicaid Services.

(iii) The National Institutes of Health.

(iv) The Office of the National Coordinator for Health Information Technology.

(v) The Food and Drug Administration.

(vi) The Veterans Health Administration within the Department of Veterans Affairs.

(vii) The office within the Department of Defense responsible for management of the Department of Defense Military Health Care System.

(B) QUALIFICATIONS.—At least half of the members of the Council shall be physicians or other experts with clinical expertise.

(3) CHAIRMAN; VICE CHAIRMAN.—The Secretary shall serve as Chairman of the Council and shall designate a member to serve as Vice Chairman.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than June 30, 2009, the Council shall submit to the President and the Congress a report containing information describing Federal activities on comparative effectiveness research and recommendations for additional investments in such research conducted or supported from funds made available for allotment by the Secretary for comparative effectiveness research in this Act.

(2) ANNUAL REPORT.—The Council shall submit to the President and Congress an annual report regarding its activities and recommendations concerning the infrastructure needs, appropriate organizational expenditures and opportunities for better coordination of comparative effectiveness research by relevant Federal departments and agencies.

(e) STAFFING; SUPPORT.—From funds made available for allotment by the Secretary for comparative effectiveness research in this Act, the Secretary shall make available not more than 1 percent to the Council for staff and administrative support.

SEC. 9202. INVESTMENT IN HEALTH INFORMATION TECHNOLOGY.

(a) IN GENERAL.—The Secretary of Health and Human Services shall invest in the infrastructure necessary to allow for and promote the electronic exchange and use of health information for each individual in the United States consistent with the goals outlined in the Strategic Plan developed by the Office of the National Coordinator for Health Information Technology. Such investment shall include investment in at least the following:

(1) Health information technology architecture that will support the nationwide electronic exchange and use of health information in a secure, private, and accurate manner, including connecting health information exchanges, and which may include updating and implementing the infrastructure necessary within different agencies of the Department of Health and Human Services to support the electronic use and exchange of health information.

(2) Integration of health information technology, including electronic medical records, into the initial and ongoing training of health professionals and others in the healthcare industry who would be instrumental to improving the quality of healthcare through the smooth and accurate electronic use and exchange of health information as determined by the Secretary.

(3) Training on and dissemination of information on best practices to integrate health information technology, including electronic records, into a provider's delivery of care, including community health centers receiving assistance under section 330 of the Public Health Service Act and providers participating in one or more of the programs under titles XVIII, XIX, and XXI of the Social Security Act (relating to Medicare, Medicaid, and the State Childrens Health Insurance Program).

(4) Infrastructure and tools for the promotion of telemedicine, including coordination among Federal agencies in the promotion of telemedicine.

(5) Promotion of the interoperability of clinical data repositories or registries.

The Secretary shall implement paragraph (3) in coordination with State agencies administering the Medicaid program and the State Children's Health Insurance Program.

(b) LIMITATION.—None of the funds appropriated to carry out this section may be used to make significant investments in, or provide significant funds for, the acquisition of hardware or software or for the use of an electronic health or medical record, or significant components thereof, unless such investments or funds are for certified products that would permit the full and accurate electronic exchange and use of health information in a medical record, including standards for security, privacy, and quality improvement functions adopted by the Office of the National Coordinator for Health Information Technology.

(c) REPORT.—The Secretary shall annually report to the Committees on Energy and Commerce, on Ways and Means, on Science and Technology, and on Appropriations of the House of Representatives and the Committees on Finance, on Health, Education, Labor, and Pensions, and on Appropriations of the Senate on the uses of these funds and their impact on the infrastructure for the electronic exchange and use of health information.

Subtitle C—Education

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For an additional amount for ''Education for the Disadvantaged'' to carry out title I of the Elementary and Secondary Education Act of 1965 (''ESEA''), $13,000,000,000: *Provided*, That $5,500,000,000 shall be available

for targeted grants under section 1125 of the ESEA, of which $2,750,000,000 shall become available on July 1, 2009, and shall remain available through September 30, 2010, and $2,750,000,000 shall become available on July 1, 2010, and shall remain available through September 30, 2011: *Provided further*, That $5,500,000,000 shall be available for education finance incentive grants under section 1125A of the ESEA, of which $2,750,000,000 shall become available on July 1, 2009, and shall remain available through September 30, 2010, and $2,750,000,000 shall become available on July 1, 2010, and shall remain available through September 30, 2011: *Provided further*, That $2,000,000,000 shall be for school improvement grants under section 1003(g) of the ESEA, of which $1,000,000,000 shall become available on July 1, 2009, and shall remain available through September 30, 2010, and $1,000,000,000 shall become available on July 1, 2010, and shall remain available through September 30, 2011: *Provided further*, That the provisions of section 1106 of this Act shall not apply to this appropriation.

IMPACT AID

For an additional amount for ''Impact Aid'' to carry out section 8007 of title VIII of the Elementary and Secondary Education Act of 1965, $100,000,000, which shall remain available through September 30, 2010: *Provided*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall be 1 percent instead of the percentage specified in such section.

SCHOOL IMPROVEMENT PROGRAMS

For an additional amount for ''School Improvement Programs'' to carry out subpart 1, part D of title II of the Elementary and Secondary Education Act of 1965 (''ESEA''), and subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, $1,066,000,000: *Provided*, That $1,000,000,000 shall be available for subpart 1, part D of title II of the ESEA, of which $500,000,000 shall become available on July 1, 2009, and shall remain available through September 30, 2010, and $500,000,000 shall become available on July 1, 2010, and remain available through September 30, 2011: *Provided further*, That the provisions of section 1106 of this Act shall not apply to these funds: *Provided further*, That $66,000,000 shall be available for subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, of which $33,000,000 shall become available on July 1, 2009, and shall remain available through September 30, 2010, and $33,000,000 shall become available on July 1, 2010, and remain available through September 30, 2011.

INNOVATION AND IMPROVEMENT

For an additional amount for ''Innovation and Improvement'' to carry out subpart 1, part D and subpart 2, part B of title V of the Elementary and Secondary Education Act of 1965 (''ESEA''), $225,000,000: *Provided*, That $200,000,000 shall be available for subpart 1, part D of title V of the ESEA: *Provided further*, That these funds shall be expended as directed in the fifth, sixth, and seventh provisos under the heading ''Innovation and Improvement'' in the Department of Education Appropriations Act, 2008: *Provided further*, That a portion of these funds shall also be used for a rigorous national evaluation by the Institute of Education Sciences, utilizing randomized controlled methodology to the extent feasible, that assesses the impact of performance-based teacher and principal compensation systems supported by the funds provided in this Act on teacher and principal recruitment and retention in high-need schools and subjects: *Provided further*, That $25,000,000 shall be available for subpart 2, part B of title V of the ESEA: *Provided further*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall be 1 percent instead of the percentage specified in such section.

SPECIAL EDUCATION

For an additional amount for ''Special Education'' for carrying out section 611 and part C of the Individuals with Disabilities Education Act (''IDEA''), $13,600,000,000: *Provided*, That $13,000,000,000 shall be available for section 611 of the IDEA, of which $6,000,000,000 shall become available on July 1, 2009, and remain available through September 30, 2010, and $7,000,000,000 shall become available on July 1, 2010, and remain available through September 30, 2011: *Provided further*, That $600,000,000 shall be available for part C of the IDEA, of which $300,000,000 shall become available on July 1, 2009, and remain available through September 30, 2010, and $300,000,000 shall become available on July 1, 2010, and remain available through September 30, 2011: *Provided further*, That by July 1, 2009, the Secretary of Education shall reserve the amount needed for grants under section 643(e) of the IDEA from funds available for obligation on July 1, 2009, with any remaining funds to be allocated in accordance with section 643(c) of the IDEA: *Provided further*, That by July 1, 2010, the Secretary shall reserve the amount needed for grants under section 643(e) of the IDEA from funds available for obligation on July 1, 2010, with any remaining funds to be allocated in accordance with section 643(c) of the IDEA: *Provided further*, That if every State, as defined by section 602(31) of the IDEA, reaches its maximum allocation under section 611(d)(3)(B)(iii) of the IDEA, and there are remaining funds, such funds shall be proportionally allocated to each State subject to the maximum amounts contained in section 611(a)(2) of the IDEA: *Provided further*, That the provisions of section 1106 of this Act shall not apply to this appropriation.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For an additional amount for ''Rehabilitation Services and Disability Research'' for providing grants to States to carry out the Vocational Rehabilitation Services program under part B of title I and parts B and C of chapter 1 and chapter 2 of title VII of the Rehabilitation Act of 1973, $700,000,000: *Provided*, That $500,000,000 shall be available for part B of title I of the Rehabilitation Act, of which $250,000,000 shall become available on October 1, 2009: *Provided further*, That funds provided herein shall not be considered in determining the amount required to be appropriated under section 100(b)(1) of the Rehabilitation Act of 1973 in any fiscal year: *Provided further*, That, notwithstanding section 7(14)(A), the Federal share of the costs of vocational rehabilitation services provided with the funds provided herein shall be 100 percent: *Provided further*, That the provisions of section 1106 of this Act shall not apply to these funds: *Provided further*, That $200,000,000 shall be available for parts B and C of chapter 1 and chapter 2 of title VII of the Rehabilitation Act, of which $100,000,000 shall become available on October 1, 2009: *Provided further*, That $34,775,000 shall be for State Grants, $114,581,000 shall be for independent living centers, and $50,644,000 shall be for services for older blind individuals.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for ''Student Financial Assistance'' to carry out subpart 1 of part A and part C of title IV of the Higher Education Act of 1965 (''HEA''), $16,126,000,000, which shall remain available through September 30, 2011: *Provided*, That $15,636,000,000 shall be available for subpart 1of part A of title IV of the HEA: *Provided further*, That $490,000,000 shall be available for part C of title IV of the HEA, of which $245,000,000 shall become available on October 1, 2009: *Provided further*, That the provisions of section 1106 of this Act shall not apply to this appropriation.

The maximum Pell Grant for which a student shall be eligible during award year 2009-2010 shall be $4,860.

STUDENT AID ADMINISTRATION

For an additional amount for ''Student Aid Administration'' to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, $50,000,000, which shall remain available through September 30, 2011: *Provided*, That such amount shall also be available for an independent audit of programs and activities authorized under section 459A of such Act: *Provided further*, That the provisions of section 1106 of this Act shall not apply to this appropriation.

HIGHER EDUCATION

For an additional amount for ''Higher Education'' to carry out part A of title II of the Higher Education Act of 1965, $100,000,000: *Provided*, That section 203(c)(1) of such Act shall not apply to awards made with these funds.

INSTITUTE OF EDUCATION SCIENCES

For an additional amount for Institute of Education Sciences to carry out section 208 of the Educational Technical Assistance Act, $250,000,000, which may be used for Statewide data systems that include postsecondary and workforce information, of which up to $5,000,000 may be used for State data coordinators and for awards to public or private organizations or agencies to improve data coordination: *Provided*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall be 1 percent instead of the percentage specified in such section.

SCHOOL MODERNIZATION, RENOVATION, AND REPAIR

For carrying out section 9301 of this Act, $14,000,000,000: *Provided*, That amount available under section 9301 of this Act for administration and oversight shall take the place of the set-aside under section 1106 of this Act.

HIGHER EDUCATION MODERNIZATION, RENOVATION, AND REPAIR

For carrying out section 9302 of this Act, $6,000,000,000: *Provided*, That amount available under section 9302 of this Act for administration and oversight shall take the place of the set-aside under section 1106 of this Act.

GENERAL PROVISIONS, THIS SUBTITLE

SEC. 9301. 21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES.

(a) DEFINITIONS.—In this section:

(1) The term ''Bureau-funded school'' has the meaning given to such term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

(2) The term ''charter school'' has the meaning given such term in section 5210 of the Elementary and Secondary Education Act of 1965.

(3) The term ''local educational agency''—

(A) has the meaning given to that term in section 9101 of the Elementary and Secondary Education Act of 1965, and shall also include the Recovery School District of Louisiana and the New Orleans Public Schools; and

(B) includes any public charter school that constitutes a local educational agency under State law.

(4) The term ''outlying area''—

(A) means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) includes the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(5) The term ''public school facilities'' includes charter schools.

(6) The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(7) The term ''LEED Green Building Rating System'' means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as the LEED Green Building Rating System.

(8) The term ''Energy Star'' means the Energy Star program of the United States Department of Energy and the United States Environmental Protection Agency.

(9) The term ''CHPS Criteria'' means the green building rating program developed by the Collaborative for High Performance Schools.

(10) The term ''Green Globes'' means the Green Building Initiative environmental design and rating system referred to as Green Globes.

(b) PURPOSE.—Grants under this section shall be for the purpose of modernizing, renovating, or repairing public school facilities, based on their need for such improvements, to be safe, healthy, high-performing, and up-to-date technologically.

(c) ALLOCATION OF FUNDS.—

(1) RESERVATIONS.—

(A) IN GENERAL.—From the amount appropriated to carry out this section, the Secretary of Education shall reserve 1 percent of such amount, consistent with the purpose described in subsection (b)—

(i) to provide assistance to the outlying areas; and

(ii) for payments to the Secretary of the Interior to provide assistance to Bureau-funded schools.

(B) ADMINISTRATION AND OVERSIGHT.—The Secretary may, in addition, reserve up to $6,000,000 of such amount for administration and oversight of this section.

(2) ALLOCATION TO STATES.—

(A) STATE-BY-STATE ALLOCATION.—Of the amount appropriated to carry out this section, and not reserved under paragraph (1), each State shall be allocated an amount in proportion to the amount received by all local educational agencies in the State under part A of title I of the Elementary and Secondary Education Act of 1965 for fiscal year 2008 relative to the total amount received by all local educational agencies in every State under such part for such fiscal year.

(B) STATE ADMINISTRATION.—A State may reserve up to 1 percent of its allocation under subparagraph (A) to carry out its responsibilities under this section, including—

(i) providing technical assistance to local educational agencies;

(ii) developing, within 6 months of receiving its allocation under subparagraph (A), a plan to develop a database that includes an inventory of public school facilities in the State and the modernization, renovation, and repair needs of, energy use by, and the carbon footprint of such schools; and

(iii) developing a school energy efficiency quality plan.

(C) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—From the amount allocated to a State under subparagraph (A), each local educational agency in the State that meets the requirements of section 1112(a) of the Elementary and Secondary Education Act of 1965 shall receive an amount in proportion to the amount received by such local educational agency under part A of title I of that Act for fiscal year 2008 relative to the total amount received by all local educational agencies in the State under such part for such fiscal year, except that no local educational agency that received funds under part A of title I of that Act for such fiscal year shall receive a grant of less than $5,000.

(D) SPECIAL RULE.—Section 1122(c)(3) of the Elementary and Secondary Education Act of 1965 shall not apply to subparagraph (A) or (C).

(3) SPECIAL RULES.—

(A) DISTRIBUTIONS BY SECRETARY.—The Secretary of Education shall make and distribute the reservations and allocations described in paragraphs (1) and (2) not later than 30 days after the date of the enactment of this Act.

(B) DISTRIBUTIONS BY STATES.—A State shall make and distribute the allocations described in paragraph (2)(C) within 30 days of receiving such funds from the Secretary.

(d) USE IT OR LOSE IT REQUIREMENTS.—

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

(2) REDISTRIBUTION OF UNCOMMITTED FUNDS.—A State shall recover or deobligate any funds not committed in accordance with paragraph (1), and redistribute such funds to other local educational agencies eligible under this section and able to make use of such funds in a timely manner (including binding commitments within 120 days after the reallocation).

(e) ALLOWABLE USES OF FUNDS.—A local educational agency receiving a grant under this section shall use the grant for modernization, renovation, or repair of public school facilities, including—

(1) repairing, replacing, or installing roofs, including extensive, intensive or semi-intensive green roofs, electrical wiring, plumbing systems, sewage systems, lighting systems, or components of such systems, windows, or doors, including security doors;

(2) repairing, replacing, or installing heating, ventilation, air conditioning systems, or components of such systems (including insulation), including indoor air quality assessments;

(3) bringing public schools into compliance with fire, health, and safety codes, including professional installation of fire/life safety alarms, including modernizations, renovations, and repairs that ensure that schools are prepared for emergencies, such as improving building infrastructure to accommodate security measures;

(4) modifications necessary to make public school facilities accessible to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), except that such modifications shall not be the primary use of the grant;

(5) asbestos or polychlorinated biphenyls abatement or removal from public school facilities;

(6) implementation of measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls, abatement, or a combination of each;

(7) implementation of measures designed to reduce or eliminate human exposure to mold or mildew;

(8) upgrading or installing educational technology infrastructure to ensure that students have access to up-to-date educational technology;

(9) technology activities that are carried out in connection with school repair and renovation, including—

(A) wiring;

(B) acquiring hardware and software;

(C) acquiring connectivity linkages and resources; and

(D) acquiring microwave, fiber optics, cable, and satellite transmission equipment;

(10) modernization, renovation, or repair of science and engineering laboratory facilities, libraries, and career and technical education facilities, including those related to energy efficiency and renewable energy, and improvements to building infrastructure to accommodate bicycle and pedestrian access;

(11) renewable energy generation and heating systems, including solar, photovoltaic, wind, geothermal, or biomass, including wood pellet, systems or components of such systems;

(12) other modernization, renovation, or repair of public school facilities to—

(A) improve teachers' ability to teach and students' ability to learn;

(B) ensure the health and safety of students and staff;

(C) make them more energy efficient; or

(D) reduce class size; and

(13) required environmental remediation related to public school modernization, renovation, or repair described in paragraphs (1) through (12).

(f) IMPERMISSIBLE USES OF FUNDS.—No funds received under this section may be used for—

(1) payment of maintenance costs; or

(2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

(g) SUPPLEMENT, NOT SUPPLANT.—A local educational agency receiving a grant under this section shall use such Federal funds only to supplement and not supplant the amount of funds that would, in the absence of such Federal funds, be available for modernization, renovation, or repair of public school facilities.

(h) PROHIBITION REGARDING STATE AID.—A State shall not take into consideration payments under this section in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

(i) SPECIAL RULE ON CONTRACTING.—Each local educational agency receiving a grant under this section shall ensure that, if the agency carries out modernization, renovation, or repair through a contract, the process for any such contract ensures the maximum number of qualified bidders, including local, small, minority, and women- and veteran-owned businesses, through full and open competition.

(j) SPECIAL RULE ON USE OF IRON AND STEEL PRODUCED IN THE UNITED STATES.—

(1) IN GENERAL.—A local educational agency shall not obligate or expend funds received under this section for a project for the modernization, renovation, or repair of a public school facility unless all of the iron and steel used in such project is produced in the United States.

(2) EXCEPTIONS.—The provisions of paragraph (1) shall not apply in any case in which the local educational agency finds that—

(A) their application would be inconsistent with the public interest;

(B) iron and steel are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(C) inclusion of iron and steel produced in the United States will increase the cost of the overall project contract by more than 25 percent.

(k) APPLICATION OF GEPA.—The grant program under this section is an applicable program (as that term is defined in section 400 of the General Education Provisions Act (20 U.S.C. 1221)) subject to section 439 of such Act (20 U.S.C. 1232b).

(l) CHARTER SCHOOLS.—A local educational agency receiving an allocation under this section shall use an equitable portion of that allocation for allowable activities benefitting charter schools within its jurisdiction, as determined based on the percentage of students from low-income families in the schools of the agency who are enrolled in charter schools and on the needs of those schools as determined by the agency.

(m) GREEN SCHOOLS.—

(1) IN GENERAL.—A local educational agency shall use not less than 25 percent of the funds received under this section for public school modernization, renovation, or repairs that are certified, verified, or consistent with any applicable provisions of—

(A) the LEED Green Building Rating System;

(B) Energy Star;

(C) the CHPS Criteria;

(D) Green Globes; or

(E) an equivalent program adopted by the State or another jurisdiction with authority over the local educational agency.

(2) TECHNICAL ASSISTANCE.—The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall provide outreach and technical assistance to States and school districts concerning the best practices in school modernization, renovation, and repair, including those related to student academic achievement and student and staff health, energy efficiency, and environmental protection.

(n) YOUTHBUILD PROGRAMS.—The Secretary of Education, in consultation with the Secretary of Labor, shall work with recipients of funds under this section to promote appropriate opportunities for participants in a YouthBuild program (as defined in section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a)) to gain employment experience on modernization, renovation, and repair projects funded under this section.

(o) REPORTING.—

(1) REPORTS BY LOCAL EDUCATIONAL AGENCIES.—Local educational agencies receiving a grant under this section shall compile, and submit to the State educational agency (which shall compile and submit such reports to the Secretary), a report describing the projects for which such funds were used, including—

(A) the number of public schools in the agency, including the number of charter schools;

(B) the total amount of funds received by the local educational agency under this section and the amount of such funds expended, including the amount expended for modernization, renovation, and repair of charter schools;

(C) the number of public schools in the agency with a metro-centric locale code of 41, 42, or 43 as determined by the National Center for Education Statistics and the percentage of funds received by the agency under this section that were used for projects at such schools;

(D) the number of public schools in the agency that are eligible for schoolwide programs under section 1114 of the Elementary and Secondary Education Act of 1965 and the percentage of funds received by the agency under this section that were used for projects at such schools;

(E) the cost of each project, which, if any, of the standards described in subsection (k)(1) the project met, and any demonstrable or expected academic, energy, or environmental benefits as a result of the project;

(F) if flooring was installed, whether—

(i) it was low- or no-VOC (Volatile Organic Compounds) flooring;

(ii) it was made from sustainable materials; and

(iii) use of flooring described in clause (i) or (ii) was cost effective; and

(G) the total number and amount of contracts awarded, and the number and amount of contracts awarded to local, small, minority-owned, women-owned, and veteran-owned businesses.

(2) REPORTS BY SECRETARY.—Not later than December 31, 2011, the Secretary of Education shall submit to the Committees on Education and Labor and Appropriations of the House of Representatives and the Committees on Health, Education, Labor, and Pensions and Appropriations of the Senate a report on grants made under this section, including the information described in paragraph (1), the types of modernization, renovation, and repair funded, and the number of students impacted, including the number of students counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965.

SEC. 9302. HIGHER EDUCATION MODERNIZATION, RENOVATION, AND REPAIR.

(a) PURPOSE.—Grants awarded under this section shall be for the purpose of modernizing, renovating, and repairing institution of higher education facilities that are primarily used for instruction, research, or student housing.

(b) GRANTS TO STATE HIGHER EDUCATION AGENCIES.—

(1) FORMULA.—From the amounts appropriated to carry out this section, the Secretary of Education shall allocate funds to State higher education agencies based on the number of students attending institutions of higher education, with the State higher education agency in each State receiving an amount that is in proportion to the number of full-time equivalent undergraduate students attending institutions of higher education in such State for the most recent fiscal year for which there are data available, relative to the total number of full-time equivalent undergraduate students attending institutions of higher education in all States for such fiscal year.

(2) APPLICATION.—To be eligible to receive an allocation from the Secretary under paragraph (1), a State higher education agency shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

(3) REALLOCATION.—Amounts allocated to a State higher education agency under this section that are not obligated by such agency within 6 months of the date the agency receives such amounts shall be returned to the Secretary, and the Secretary shall reallocate such amounts to State higher education agencies in other States on the same basis as the original allocations under paragraph (1)(B).

(4) ADMINISTRATION AND OVERSIGHT EXPENSES.—From the amounts appropriated to carry out this section, not more than $6,000,000 shall be available to the Secretary for administrative and oversight expenses related to carrying out this section.

(c) USE OF GRANTS BY STATE HIGHER EDUCATION AGENCIES.—

(1) SUBGRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—

(A) IN GENERAL.—Except as provided in paragraph (2), each State higher education agency receiving an allocation under subsection (b)(1) shall use the amount allocated to award subgrants to institutions of higher education within the State to carry out projects in accordance with subsection (d)(1).

(B) SUBGRANT AWARD ALLOCATION.—A State higher education agency shall award subgrants to institutions of higher education under this section based on the demonstrated need of each institution for facility modernization, renovation, and repair.

(C) PRIORITY CONSIDERATIONS.—In awarding subgrants under this section, each State higher education agency shall give priority consideration to institutions of higher education with any of the following characteristics:

(i) The institution is eligible for Federal assistance under title III or title V of the Higher Education Act of 1965.

(ii) The institution was impacted by a major disaster or emergency declared by the President (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2))), including an institution affected by a Gulf hurricane disaster, as such term is defined in section 824(g)(1) of the Higher Education Act of 1965 (20 U.S.C. 11611–3(g)(1)).

(iii) The institution demonstrates that the proposed project or projects to be carried out with a subgrant under this section will increase the energy efficiency of the institution's facilities and comply with the LEED Green Building Rating System.

(2) ADMINISTRATIVE AND OVERSIGHT EXPENSES.—Of the allocation amount received under subsection (b)(1), a State higher education agency may reserve not more than 5 percent of such amount, or $500,000, whichever is less, for administrative and oversight expenses related to carrying out this section.

(d) USE OF SUBGRANTS BY INSTITUTIONS OF HIGHER EDUCATION.—

(1) PERMISSIBLE USES OF FUNDS.—An institution of higher education receiving a subgrant under this section shall use such subgrant to modernize, renovate, or repair facilities of the institution that are primarily used for instruction, research, or student housing, which may include any of the following:

(A) Repair, replacement, or installation of roofs, electrical wiring, plumbing systems, sewage systems, or lighting systems.

(B) Repair, replacement, or installation of heating, ventilation, or air conditioning systems (including insulation).

(C) Compliance with fire and safety codes, including—

(i) professional installation of fire or life safety alarms; and

(ii) modernizations, renovations, and repairs that ensure that the institution's facilities are prepared for emergencies, such as improving building infrastructure to accommodate security measures.

(D) Retrofitting necessary to increase the energy efficiency of the institution's facilities.

(E) Renovations to the institution's facilities necessary to comply with accessibility requirements in the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(F) Abatement or removal of asbestos from the institution's facilities.

(G) Modernization, renovation, and repair relating to improving science and engineering laboratories, libraries, and instructional facilities.

(H) Upgrading or installation of educational technology infrastructure.

(I) Installation or upgrading of renewable energy generation and heating systems, including solar, photovoltaic, wind, biomass (including wood pellet), or geothermal systems, or components of such systems.

(J) Other modernization, renovation, or repair projects that are primarily for instruction, research, or student housing.

(2) GREEN SCHOOL REQUIREMENT.—An institution of higher education receiving a subgrant under this section shall use not less than 25 percent of such subgrant to carry out projects for modernization, renovation, or repair that are certified, verified, or consistent with the applicable provisions of—

(A) the LEED Green Building Rating System;

(B) Energy Star;

(C) the CHPS Criteria;

(D) Green Globes; or

(E) an equivalent program adopted by the State or the State higher education agency.

(3) PROHIBITED USES OF FUNDS.—No funds awarded under this section may be used for—

(A) the maintenance of systems, equipment, or facilities, including maintenance associated with any permissible uses of funds described in paragraph (1);

(B) modernization, renovation, or repair of stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;

(C) modernization, renovation, or repair of facilities—

(i) used for sectarian instruction, religious worship, or a school or department of divinity; or

(ii) in which a substantial portion of the functions of the facilities are subsumed in a religious mission; or

(D) construction of new facilities.

(4) USE IT OR LOSE IT REQUIREMENTS.—

(A) DEADLINE FOR BINDING COMMITMENTS.—Each institution of higher education receiving a subgrant under this section shall enter into contracts or other binding commitments not later than 1 year after the date of the enactment of this Act (or not later than 9 months after the subgrant is awarded, if later) to make use of 50 percent of the funds awarded, and shall enter into contracts or other binding commitments not later than 2 years after the date of the enactment of this Act (or not later than 21 months after the subgrant is awarded, if later) to make use of the remaining funds. In the case of activities to be carried out directly by an institution of higher education receiving such a subgrant (rather than by contracts, subgrants, or other arrangements with third parties), a certification by the institution specifying the amounts, planned timing, and purpose of such expenditures shall be deemed a binding commitment for purposes of this section.

(B) REDISTRIBUTION OF UNCOMMITTED FUNDS.—A State higher education agency shall recover or deobligate any subgrant funds not committed in accordance with subparagraph (A), and redistribute such funds to other institutions of higher education that are—

(i) eligible for subgrants under this section; and

(ii) able to make use of such funds in a timely manner (including binding commitments within 120 days after the reallocation).

(e) APPLICATION OF GEPA.—The grant program authorized in this section is an applicable program (as that term is defined in section 400 of the General Education Provisions Act (20 U.S.C. 1221)) subject to section 439 of such Act (20 U.S.C. 1232b). The Secretary shall, notwithstanding section 437 of such Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, establish such program rules as may be necessary to implement such grant program by notice in the Federal Register.

(f) REPORTING.—

(1) REPORTS BY INSTITUTIONS.—Not later than September 30, 2011, each institution of higher education receiving a subgrant under this section shall submit to the State higher education agency awarding such subgrant a report describing the projects for which such subgrant was received, including—

(A) a description of each project carried out, or planned to be carried out, with such subgrant, including the types of modernization, renovation, and repair to be completed by each such project;

(B) the total amount of funds received by the institution under this section and the amount of such funds expended, as of the date of the report, on the such projects;

(C) the actual or planned cost of each such project and any demonstrable or expected academic, energy, or environmental benefits resulting from such project; and

(D) the total number of contracts, and amount of funding for such contracts, awarded by the institution to carry out such projects, as of the date of such report, including the number of contracts, and amount of funding for such contracts, awarded to local, small, minority-owned, women-owned, and veteran-owned businesses, as such terms are defined by the Small Business Act.

(2) REPORTS BY STATES.—Not later than December 31, 2011, each State higher education agency receiving a grant under this section shall submit to the Secretary a report containing a compilation of all of the reports under paragraph (1) submitted to the agency by institutions of higher education.

(3) REPORTS BY THE SECRETARY.—Not later than March 31, 2012, the Secretary shall submit to the Committee on Education and Labor in the House of Representatives and the Committee on Health, Education, Labor, and Pensions in the Senate and Committees on Appropriations of the House of Representatives and the Senate a report on grants and subgrants made under this section, including the information described in paragraph (1).

(g) DEFINITIONS.—In this section:

(1) CHPS CRITERIA.—The term ''CHPS Criteria'' means the green building rating program developed by the Collaborative for High Performance Schools.

(2) ENERGY STAR.—The term ''Energy Star'' means the Energy Star program of the United States Department of Energy and the United States Environmental Protection Agency.

(3) GREEN GLOBES.—The term ''Green Globes'' means the Green Building Initiative environmental design and rating system referred to as Green Globes.

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 101 of the Higher Education Act of 1965.

(5) LEED GREEN BUILDING RATING SYSTEM.—The term ''LEED Green Building Rating System'' means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as the LEED Green Building Rating System.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(7) STATE.—The term ''State'' has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(8) STATE HIGHER EDUCATION AGENCY.—The term ''State higher education agency'' has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

SEC. 9303. MANDATORY PELL GRANTS.

Section 401(b)(9)(A) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(9)(A)) is amended—

(1) in clause (ii), by striking ''$2,090,000,000'' and inserting ''$2,733,000,000''; and

(2) in clause (iii), by striking ''$3,030,000,000'' and inserting ''$3,861,000,000''.

SEC. 9304. INCREASE STUDENT LOAN LIMITS.

(a) AMENDMENTS.—Section 428H(d) of the Higher Education Act of 1965 (20 U.S.C. 1078–8(d)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking ''$2,000'' and inserting ''$4,000''; and

(B) in subparagraph (B), by striking ''$31,000'' and inserting ''$39,000''; and

(2) in paragraph (4)—

(A) in subparagraph (A)—

(i) in clause (i)(I) and clause (iii)(I), by striking ''$6,000'' each place it appears and inserting ''$8,000''; and

(ii) in clause (ii)(I) and clause (iii)(II), by striking ''$7,000'' each place it appears and inserting ''$9,000''; and

(B) in subparagraph (B), by striking ''$57,500'' and inserting ''$65,500''.

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective for loans first disbursed on or after January 1, 2009.

SEC. 9305. STUDENT LENDER SPECIAL ALLOWANCE.

(a) TEMPORARY CALCULATION RULE.—Section 438(b)(2)(I) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(I)) is amended by adding at the end the following new clause:

''(vii) TEMPORARY CALCULATION RULE DURING UNSTABLE COMMERCIAL PAPER MARKETS.—

''(I) CALCULATION BASED ON LIBOR.—For the calendar quarter beginning on October 1, 2008, and ending on December 31, 2008, in computing the special allowance paid pursuant to this subsection with respect to loans for which the first disbursement is made on or after January 1, 2000, clause (i)(I) of this subparagraph shall be applied by substituting 'the rate that is the average rate of the 3-month London Inter Bank Offered Rate (LIBOR) for United States dollars in effect for each of the days in such quarter as compiled and released by the British Bankers Association, minus 0.13 percent,' for 'the average of the bond equivalent rates of the quotes of the 3-month commercial paper (financial) rates in effect for each of the days in such quarter as reported by the Federal Reserve in Publication H–15 (or its successor) for such 3-month period'.

''(II) PARTICIPATION INTERESTS.—Notwithstanding subclause (I) of this clause, the special allowance paid on any loan held by a lender that has sold participation interests in such loan to the Secretary shall be the rate computed under this subparagraph without regard to subclause (I) of this clause, unless the lender agrees that the participant's yield with respect to such participation interest is to be calculated in accordance with subclause (I) of this clause.''.

(b) CONFORMING AMENDMENTS.—Section 438(b)(2)(I) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(I)) is further amended—

(1) in clause (i)(II), by striking ''such average bond equivalent rate'' and inserting ''the rate determined under subclause (I)''; and

(2) in clause (v)(III), by striking ''(iv), and (vi)'' and inserting ''(iv), (vi), and (vii)''.

Subtitle D—Related Agencies

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'' to carry out the Domestic Volunteer Service Act of 1973 and the National and

Community Service Act of 1990 (''1990 Act''), $160,000,000, which shall be used to expand existing AmeriCorps grants: *Provided*, That funds made available under this heading may be used to provide adjustments to awards made prior to September 30, 2010 in order to waive the match requirement authorized in section 121(e)(4) of part I of subtitle C of the 1990 Act, if the Chief Executive Officer of the Corporation for National and Community Service (''CEO'') determines that the grantee has reduced capacity to meet this requirement: *Provided further*, That in addition to requirements identified herein, funds provided under this heading shall be subject to the terms and conditions under which funds are appropriated in fiscal year 2009: *Provided further*, That the CEO shall provide the Committees on Appropriations of the House of Representatives and the Senate a fiscal year 2009 operating plan for the funds appropriated under this heading prior to making any Federal obligations of such funds in fiscal year 2009, but not later than 90 days after the date of enactment of this Act, and a fiscal year 2010 operating plan for such funds prior to making any Federal obligations of such funds in fiscal year 2010, but not later than November 1, 2009, that detail the allocation of resources and the increased number of volunteers supported by the AmeriCorps programs: *Provided further*, That the CEO shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each activity funded under this heading not later than November 1, 2009, and every 6 months thereafter as long as funding provided under this heading is available for obligation or expenditure.

NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''National Service Trust'' established under subtitle D of title I of the National and Community Service Act of 1990 (''1990 Act''), $40,000,000, which shall remain available until expended: *Provided*, That the Corporation for National and Community Service may transfer additional funds from the amount provided within ''Operating Expenses'' for grants made under subtitle C of the 1990 Act to this appropriation upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the amount appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Limitation on Administrative Expenses'', $900,000,000, which shall be used as follows:

(1) $400,000,000 for the construction and associated costs to establish a new National Computer Center, which may include lease or purchase of real property: *Provided*, That the construction plan and site selection for such center shall be subject to review and approval by the Office of Management and Budget: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified 15 days in advance of the lease or purchase of such site: *Provided further*, That such center shall continue to be a government-operated facility; and

(2) $500,000,000 for processing disability and retirement workloads: *Provided*, That up to $40,000,000 may be used by the Commissioner of Social Security for health information technology research and activities to facilitate the adoption of electronic medical records in disability claims, including the transfer of funds to ''Supplemental Security Income Program'' to carry out activities under section 1110 of the Social Security Act.

TITLE X—MILITARY CONSTRUCTION AND VETERANS AFFAIRS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $920,000,000: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further*, That of the amount provided under this heading, $600,000,000 shall be for training and recruit troop housing, $220,000,000 shall be for permanent party troop housing, and $100,000,000 shall be for child development centers: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of the House of Representatives and the Senate an expenditure plan for funds provided under this heading.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $350,000,000: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further*, That of the amount provided under this heading, $170,000,000 shall be for sailor and marine housing and $180,000,000 shall be for child development centers: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of the House of Representatives and the Senate an expenditure plan for funds provided under this heading.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $280,000,000: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further*, That of the amount provided under this heading, $200,000,000 shall be for airmen housing and $80,000,000 shall be for child development centers: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of the House of Representatives and the Senate an expenditure plan for funds provided under this heading.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-Wide'', $3,750,000,000, for the construction of hospitals and ambulatory surgery centers: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of the House of Representatives and the Senate an expenditure plan for funds provided under this heading.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for ''Military Construction, Army National Guard'', $140,000,000: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of the House of Representatives and the Senate an expenditure plan for funds provided under this heading.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For an additional amount for ''Military Construction, Air National Guard'', $70,000,000: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of the House of Representatives and the Senate an expenditure plan for funds provided under this heading.

MILITARY CONSTRUCTION, ARMY RESERVE

For an additional amount for ''Military Construction, Army Reserve'', $100,000,000: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of the House of Representatives and the Senate an expenditure plan for funds provided under this heading.

MILITARY CONSTRUCTION, NAVY RESERVE

For an additional amount for ''Military Construction, Navy Reserve'', $30,000,000: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of the House of Representatives and the Senate an expenditure plan for funds provided under this heading.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For an additional amount for ''Military Construction, Air Force Reserve'', $60,000,000: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of the House of Representatives and the Senate an expenditure plan for funds provided under this heading.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For an additional amount to be deposited into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $300,000,000: *Provided*, That not later than 30

days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of the House of Representatives and the Senate an expenditure plan for funds provided under this heading.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL FACILITIES

For an additional amount for ''Medical Facilities'' for non-recurring maintenance, including energy projects, $950,000,000: *Provided*, That not later than 30 days after the date of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of the House of Representatives and the Senate an expenditure plan for funds provided under this heading.

NATIONAL CEMETERY ADMINISTRATION

For an additional amount for ''National Cemetery Administration'' for monument and memorial repairs, $50,000,000: *Provided*, That not later than 30 days after the date of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of the House of Representatives and the Senate an expenditure plan for funds provided under this heading.

TITLE XI—DEPARTMENT OF STATE

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

CAPITAL INVESTMENT FUND

For an additional amount for ''Capital Investment Fund'', $276,000,000, of which up to $120,000,000 shall be available for the design and construction of a backup information management facility in the United States to support mission-critical operations and projects, and up to $98,527,000 shall be available to carry out the Department of State's responsibilities under the Comprehensive National Cybersecurity Initiative: *Provided*, That the Secretary of State shall submit to the Committees on Appropriations of the House of Representatives and the Senate within 90 days of enactment of this Act a detailed spending plan for funds appropriated under this heading.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Construction'' for the water quantity program to meet immediate repair and rehabilitation requirements, $224,000,000: *Provided*, That up to $2,000,000 may be transferred to, and merged with, funds available under the heading ''International Boundary and Water Commission, United States and Mexico—Salaries and Expenses'', and such amount shall be in lieu of amounts available under section 1106 of this Act: *Provided*, That the Secretary of State shall submit to the Committees on Appropriations of the House of Representatives and the Senate within 90 days of enactment of this Act a detailed spending plan for funds appropriated under this heading.

TITLE XII—TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

For an additional amount for ''Grants-in-Aid for Airports'', to enable the Secretary of Transportation to make grants for discretionary projects as authorized by subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, $3,000,000,000: *Provided*, That such funds shall not be subject to apportionment formulas, special apportionment categories, or minimum percentages under chapter 471: *Provided further*, That the conditions, certifications, and assurances required for grants under subchapter I of chapter 471 of such title apply: *Provided further*, That for purposes of applying section 1104 of this Act to this appropriation, the deadline for grantees to enter into contracts or other binding commitments to make use of not less than 50 percent of the funds awarded shall be 120 days after award of the grant.

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY INFRASTRUCTURE INVESTMENT

For projects and activities eligible under section 133 of title 23, United States Code, section 144 of such title (without regard to subsection (g)), and sections 103, 119, 134, 148, and 149 of such title, $30,000,000,000, of which $300,000,000 shall be for Indian reservation roads under section 204 of such title; $250,000,000 shall be for park roads and parkways under section 204 of such title; $20,000,000 shall be for highway surface transportation and technology training under section 140(b) of such title; and $20,000,000 shall be for disadvantaged business enterprises bonding assistance under section 332(e) of title 49, United States Code: *Provided*, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall not be more than 0.2 percent of the funds made available under this heading instead of the percentage specified in such section: *Provided further*, That, after making the set-asides authorized by the previous provisos, the funds made available under this heading shall be distributed among the States, and Puerto Rico, American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, in the same ratio as the obligation limitation for fiscal year 2008 was distributed among the States in accordance with the formula specified in section 120(a)(6) of division K of Public Law 110–161, but, in the case of the Puerto Rico Highway Program and the Territorial Highway Program, under section 120(a)(5) of such division: *Provided further*, That 45 percent of the funds distributed to a State under this heading shall be suballocated within the State in the manner and for the purposes described in section 133(d) of title 23, United States Code, (without regard to the comparison to fiscal year 2005 in paragraph (2)): *Provided further*, That in selecting projects to be funded, recipients shall give priority to projects that can award contracts within 120 days of enactment of this Act, are included in an approved Statewide Transportation Improvement Program (STIP) and/or Metropolitan Transportation Improvement Program (TIP), are projected for completion within a three-year time frame, and are located in economically distressed areas as defined by section 301 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3161): *Provided further*, That funds made available under this heading shall be administered as if apportioned under chapter 1 of title 23, United States Code, except for funds made available for Indian reservation roads and park roads and parkways which shall be administered in accordance with chapter 2 of title 23, United States Code: *Provided further*, That the Federal share payable on account of any project or activity carried out with funds made available under this heading shall, at the option of the recipient, be up to 100 percent of the total cost thereof: *Provided further*, That funds made available by this Act shall not be obligated for the purposes authorized under section 115(b) of title 23, United States Code: *Provided further*, That the provisions of section 1101(b) of Public Law 109–59 shall apply to funds made available under this heading: *Provided further*, That, in lieu of the redistribution required by section 1104(b) of this Act, if less than 50 percent of the funds made available to each State and territory under this heading are obligated within 180 days after the date of distribution of those funds to the States and territories, then the portion of the 50 percent of the total funding distributed to the State or territory that has not been obligated shall be redistributed, in the manner described in section 120(c) of division K of Public Law 110–161, to those States and territories that have obligated at least 50 percent of the funds made available under this heading and are able to obligate amounts in addition to those previously distributed, except that, for those funds suballocated within the State, if less than 50 percent of the funds so suballocated within the State are obligated within 150 days of suballocation, then the portion of the 50 percent of funding so suballocated that has not been obligated will be returned to the State for use anywhere in the State prior to being redistributed in accordance with the first part of this proviso: *Provided further*, That, in lieu of the redistribution required by section 1104(b) of this Act, any funds made available under this heading that are not obligated by August 1, 2010, shall be redistributed, in the manner described in section 120(c) of division K of Public Law 110–161, to those States able to obligate amounts in addition to those previously distributed, except that funds suballocated within the State that are not obligated by June 1, 2010, will be returned to the State for use anywhere in the State prior to being redistributed in accordance with the first part of this proviso: *Provided further*, That notwithstanding section 1103 of this Act, funds made available under this heading shall be apportioned not later than 7 days after the date of enactment of this Act.

FEDERAL RAILROAD ADMINISTRATION

CAPITAL ASSISTANCE FOR INTERCITY PASSENGER RAIL SERVICE

For an additional amount for ''Capital Assistance for Intercity Passenger Rail Service'' to enable the Secretary of Transportation to make grants for capital costs as authorized by chapter 244 of title 49 United States Code, $300,000,000: *Provided*, That notwithstanding section 1103 of this Act, the Secretary shall give preference to projects for the repair, rehabilitation, upgrade, or purchase of railroad assets or infrastructure that can be awarded within 180 days of enactment of this Act: *Provided further*, That in awarding grants for the acquisition of a piece of rolling stock or locomotive, the Secretary shall give preference to FRA-compliant rolling stock and locomotives: *Provided further*, That the Secretary shall give preference to projects that support the development of intercity high speed rail service: *Provided further*, That the Federal share shall be, at the option of the recipient, up to 100 percent.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for ''Capital and Debt Service Grants to the National Railroad Passenger Corporation'' (Amtrak) to enable the Secretary of Transportation to make capital grants to Amtrak as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432), $800,000,000: *Provided*, That priority shall be given to projects for the repair, rehabilitation, or upgrade of railroad assets or infrastructure: *Provided further*, That none of the funds under this heading shall be used to subsidize the operating losses of Amtrak: *Provided further*, Notwithstanding section 1103 of this Act, funds made

available under this heading shall be awarded not later than 7 days after the date of enactment of this Act.

FEDERAL TRANSIT ADMINISTRATION

TRANSIT CAPITAL ASSISTANCE

For transit capital assistance grants, $6,000,000,000, of which $5,400,000,000 shall be for grants under section 5307 of title 49, United States Code and shall be apportioned in accordance with section 5336 of such title (other than subsections (i)(1) and (j)) but may not be combined or commingled with any other funds apportioned under such section 5336, and of which $600,000,000 shall be for grants under section 5311 of such title and shall be apportioned in accordance with such section 5311 but may not be combined or commingled with any other funds apportioned under that section: *Provided*, That of the funds provided for section 5311 under this heading, 3 percent shall be made available for section 5311(c)(1): *Provided further*, That applicable chapter 53 requirements shall apply except that the Federal share of the costs for which a grant is made under this heading shall be, at the option of the recipient, up to 100 percent: *Provided further*, In lieu of the requirements of section 1103 of this Act, funds made available under this heading shall be apportioned not later than 7 days after the date of enactment of this Act: *Provided further*, That for purposes of applying section 1104 of this Act to this appropriation, the deadline for grantees to enter into obligations to make use of not less than 50 percent of the funds awarded shall be 180 days after apportionment: *Provided further*, That the provisions of section 1101(b) of Public Law 109–59 shall apply to funds made available under this heading: *Provided further*, That notwithstanding any other provision of law, of the funds apportioned in accordance with section 5336, up to three-quarters of 1 percent shall be available for administrative expenses and program management oversight and of the funds apportioned in accordance with section 5311, up to one-half of 1 percent shall be available for administrative expenses and program management oversight and both amounts shall remain available for obligation until September 30, 2012: *Provided further*, That the preceding proviso shall apply in lieu of the provisions in section 1106 of this Act.

FIXED GUIDEWAY INFRASTRUCTURE INVESTMENT

For an amount for capital expenditures authorized under section 5309(b)(2) of title 49, United States Code, $2,000,000,000: *Provided*, That the Secretary of Transportation shall apportion funds under this heading pursuant to the formula set forth in section 5337 of title 49, United States Code: *Provided further*, That the funds appropriated under this heading shall not be commingled with funds available under the Formula and Bus Grants account: *Provided further*, In lieu of the requirements of section 1103 of this Act, funds made available under this heading shall be apportioned not later than 7 days after the date of enactment of this Act: *Provided further*, That for purposes of applying section 1104 of this Act to this appropriation, the deadline for grantees to enter into obligations to make use of not less than 50 percent of the funds awarded shall be 180 days after apportionment: *Provided further*, That applicable chapter 53 requirements shall apply except that the Federal share of the costs for which a grant is made under this heading shall be, at the option of the recipient, up to 100 percent: *Provided further*, That the provisions of section 1101(b) of Public Law 109–59 shall apply to funds made available under this heading: *Provided further*, That notwithstanding any other provision of law, up to 1 percent of the funds under this heading shall be available for administrative expenses and program management oversight and shall remain available for obligation until September 30, 2012: *Provided further*, That the preceding proviso shall apply in lieu of the provisions in section 1106 of this Act.

CAPITAL INVESTMENT GRANTS

For an additional amount for ''Capital Investment Grants'', as authorized under section 5338(c)(4) of title 49, United States Code, and allocated under section 5309(m)(2)(A) of such title, to enable the Secretary of Transportation to make discretionary grants as authorized by section 5309(d) and (e) of such title, $1,000,000,000: *Provided*, That such amount shall be allocated without regard to the limitation under section 5309(m)(2)(A)(i): *Provided further*, That in selecting projects to be funded, priority shall be given to projects that are currently in construction or are able to award contracts based on bids within 120 days of enactment of this Act: *Provided further*, That for purposes of applying section 1104 of this Act to this appropriation, the deadline for grantees to enter into contracts or other binding commitments to make use of not less than 50 percent of the funds awarded shall be 120 days after award: *Provided further*, That the provisions of section 1101(b) of Public Law 109–59 shall apply to funds made available under this heading: *Provided further*, That applicable chapter 53 requirements shall apply, except that notwithstanding any other provision of law, up to 1 percent of the funds under this heading shall be available for administrative expenses and program management oversight and shall remain available for obligation until September 30, 2012: *Provided further*, That the preceding proviso shall apply in lieu of the provisions in section 1106 of this Act.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

PUBLIC HOUSING CAPITAL FUND

For an additional amount for ''Public Housing Capital Fund'' to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (''the Act''), $5,000,000,000: *Provided*, That the Secretary of Housing and Urban Development shall distribute at least $4,000,000,000 of this amount by the same formula used for amounts made available in fiscal year 2008: *Provided further*, That public housing authorities shall give priority to capital projects that can award contracts based on bids within 120 days from the date the funds are made available to the public housing authorities: *Provided further*, That public housing agencies shall give priority consideration to the rehabilitation of vacant rental units: *Provided further*, That notwithstanding any other provision of the Act or regulations, (1) funding provided herein may not be used for Operating Fund activities pursuant to section 9(g) of the Act, and (2) any restriction of funding to replacement housing uses shall be inapplicable: *Provided further*, That public housing agencies shall prioritize capital projects underway or already in their 5-year plans: *Provided further*, That of the amount provided under this heading, the Secretary may obligate up to $1,000,000,000, for competitive grants to public housing authorities for activities including: (1) investments that leverage private sector funding or financing for housing renovations and energy conservation retrofit investments; (2) rehabilitation of units using sustainable materials and methods that improve energy efficiency, reduce energy costs, or preserve and improve units with good access to public transportation or employment centers; (3) increase the availability of affordable rental housing by expediting rehabilitation projects to bring vacant units into use or by filling the capital investment gap for redevelopment or replacement housing projects which have been approved or are otherwise ready to proceed but are stalled due to the inability to obtain anticipated private capital; or (4) address the needs of seniors and persons with disabilities through improvements to housing and related facilities which attract or promote the coordinated delivery of supportive services: *Provided further*, That the Secretary may waive statutory or regulatory provisions related to the obligation and expenditure of capital funds if necessary to facilitate the timely expenditure of funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment).

ELDERLY, DISABLED, AND SECTION 8 ASSISTED HOUSING ENERGY RETROFIT

For grants or loans to owners of properties receiving project-based assistance pursuant to section 202 of the Housing Act of 1959 (12 U.S.C. 17012), section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), or section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), to accomplish energy retrofit investments, $2,500,000,000: *Provided*, That such loans or grants shall be provided through the Office of Affordable Housing Preservation of the Department of Housing and Urban Development, on such terms and conditions as the Secretary of Housing and Urban Development deems appropriate: *Provided further*, That eligible owners must have at least a satisfactory management review rating, be in substantial compliance with applicable performance standards and legal requirements, and commit to an additional period of affordability determined by the Secretary: *Provided further*, That the Secretary shall undertake appropriate underwriting and oversight with respect to such transactions: *Provided further*, That the Secretary may set aside funds made available under this heading for an efficiency incentive payable upon satisfactory completion of energy retrofit investments, and may provide additional incentives if such investments resulted in extraordinary job creation for low-income and very low-income persons: *Provided further*, that of the funds provided under this heading, 1 percent shall be available only for staffing, training, technical assistance, technology, monitoring, research and evaluation activities.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For an additional amount for ''Native American Housing Block Grants'', as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (''NAHASDA'') (25 U.S.C. 4111 et seq.), $500,000,000: *Provided*, That $250,000,000 of the amount appropriated under this heading shall be distributed according to the same funding formula used in fiscal year 2008: *Provided further*, That in selecting projects to be funded, recipients shall give priority to projects that can award contracts based on bids within 120 days from the date that funds are available to the recipients: *Provided further*, That in allocating the funds appropriated under this heading, the Secretary of Housing and Urban Development shall not require an additional action plan from grantees: *Provided further*, That the Secretary may obligate $250,000,000 of the amount appropriated under this heading for competitive grants to eligible entities that apply for funds as authorized under NAHASDA: *Provided further*, That in awarding competitive funds, the Secretary shall give priority to projects that will spur construction and rehabilitation and will create

employment opportunities for low-income and unemployed persons.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for ''Community Development Fund'' $1,000,000,000, to carry out the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.): *Provided*, That the amount appropriated in this paragraph shall be distributed according to the same funding formula used in fiscal year 2008: *Provided further*, That in allocating the funds appropriated in this paragraph, the Secretary of Housing and Urban Development shall not require an additional action plan from grantees: *Provided further*, That in selecting projects to be funded, recipients shall give priority to projects that can award contracts based on bids within 120 days from the date the funds are made available to the recipients; *Provided further*, That in administering funds provided in this paragraph, the Secretary may waive any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such waiver is required to facilitate the timely use of such funds and would not be inconsistent with the overall purpose of the statute.

For a further additional amount for ''Community Development Fund'', $4,190,000,000, to be used for neighborhood stabilization activities related to emergency assistance for the redevelopment of abandoned and foreclosed homes as authorized under division B, title III of the Housing and Economic Recovery Act of 2008 (Public Law 110–289), of which—

(1) not less than $3,440,000,000 shall be allocated by a competition for which eligible entities shall be States, units of general local government, and nonprofit entities or consortia of nonprofit entities: *Provided*, That the award criteria for such competition shall include grantee capacity, leveraging potential, targeted impact of foreclosure prevention, and any additional factors determined by the Secretary of Housing and Urban Development: *Provided further*, that the Secretary may establish a minimum grant size: *Provided further*, That amounts made available under this Section may be used to (A) establish financing mechanisms for purchase and redevelopment of foreclosed-upon homes and residential properties, including such mechanisms as soft-seconds, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers; (B) purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell or rent such homes and properties; (C) establish and operate land banks for homes that have been foreclosed upon; (D) demolish foreclosed properties that have become blighted structures; and (E) redevelop demolished or vacant foreclosed properties in order to sell or rent such properties; and

(2) up to $750,000,000 shall be awarded by competition to nonprofit entities or consortia of nonprofit entities to provide community stabilization assistance by (A) accelerating state and local government and nonprofit productivity; (B) increasing the scale and efficiency of property transfers of foreclosed and vacant residential properties from financial institutions and government entities to qualified local housing providers in order to return the properties to productive affordable housing use; (C) building industry and property management capacity; and (D) partnering with private sector real estate developers and contractors and leveraging private sector capital: *Provided further*, That such community stabilization assistance shall be provided primarily in States and areas with high rates of defaults and foreclosures to support the acquisition, rehabilitation and property management of single-family and multi-family homes and to work in partnership with the private sector real estate industry and to leverage available private and public funds for those purposes: *Provided further*, That for purposes of this paragraph qualified local housing providers shall be nonprofit organizations with demonstrated capabilities in real estate development or acquisition and rehabilitation or property management of single- or multi-family homes, or local or state governments or instrumentalities of such governments: *Provided further*, That qualified local housing providers shall be expected to utilize and leverage additional local nonprofit, governmental, for-profit and private resources: *Provided further*, That in the case of any foreclosure on any dwelling or residential real property acquired with any amounts made available under this heading, any successor in interest in such property pursuant to the foreclosure shall assume such interest subject to—(1) the provision by such successor in interest of a notice to vacate to any bona fide tenant at least 90 days before the effective date of such notice; and (2) the rights of any bona fide tenant, as of the date of such notice of foreclosure (A) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90-day notice under this paragraph; or (B) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90-day notice under this paragraph, except that nothing in this paragraph shall affect the requirements for termination of any Federal- or State-subsidized tenancy or of any State or local law that provides longer time periods or other additional protections for tenants: *Provided further*, That, for purposes of this paragraph, a lease or tenancy shall be considered bona fide only if (1) the mortgagor under the contract is not the tenant; (2) the lease or tenancy was the result of an arms-length transaction; and (3) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property: *Provided further*, That the recipient of any grant or loan from amounts made available under this heading may not refuse to lease a dwelling unit in housing assisted with such loan or grant to a holder of a voucher or certificate of eligibility under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) because of the status of the prospective tenant as such a holder: *Provided further*, That in the case of any qualified foreclosed housing for which funds made available under this heading are used and in which a recipient of assistance under section 8(o) of the U.S. Housing Act of 1937 resides at the time of acquisition or financing, the owner and any successor in interest shall be subject to the lease and to the housing assistance payments contract for the occupied unit: *Provided further*, That vacating the property prior to sale shall not constitute good cause for termination of the tenancy unless the property is unmarketable while occupied or unless the owner or subsequent purchaser desires the unit for personal or family use: *Provided further*, That this paragraph shall not preempt any State or local law that provides more protection for tenants: *Provided further*, That amounts made available under this heading may be used for the costs of demolishing foreclosed housing that is deteriorated or unsafe: *Provided further*, That the amount for demolition of such housing may not exceed 10 percent of amounts allocated under this paragraph to States and units of general local government: *Provided further*, That no amounts from a grant made under this paragraph may be used to demolish any public housing (as such term is defined in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a)): *Provided further*, That section 2301(d)(4) of the Housing and Economic Recovery Act of 2008 (Public Law 110–289) is repealed.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For an additional amount for ''HOME Investment Partnerships Program'' as authorized under Title II of the Cranston-Gonzalez National Affordable Housing Act (''the Act''), $1,500,000,000: *Provided*, That the amount appropriated under this heading shall be distributed according to the same funding formula used in fiscal year 2008: *Provided further*, That the Secretary of Housing and Urban Development may waive statutory or regulatory provisions related to the obligation of such funds if necessary to facilitate the timely expenditure of funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment): *Provided further*, That in selecting projects to be funded, recipients shall give priority to projects that can award contracts based on bids within 120 days from the date that funds are available to the recipients.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For an additional amount for ''Self-Help and Assisted Homeownership Opportunity Program'', as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, $10,000,000: *Provided*, That in awarding competitive grant funds, the Secretary of Housing and Urban Development shall give priority to the provision and rehabilitation of sustainable, affordable single and multifamily units in low-income, high-need rural areas: *Provided further*, That in selecting projects to be funded, grantees shall give priority to projects that can award contracts based on bids within 120 days from the date the funds are made available to the grantee.

HOMELESS ASSISTANCE GRANTS

For an additional amount for ''Homeless Assistance Grants'', for the emergency shelter grants program as authorized under subtitle B of tile IV of the McKinney-Vento Homeless Assistance Act, $1,500,000,000: *Provided*, That in addition to homeless prevention activities specified in the emergency shelter grant program, funds provided under this heading may be used for the provision of short-term or medium-term rental assistance; housing relocation and stabilization services including housing search, mediation or outreach to property owners, legal services, credit repair, resolution of security or utility deposits, utility payments, rental assistance for a final month at a location, and moving costs assistance; or other appropriate homelessness prevention activities; *Provided further*, That these funds shall be allocated pursuant to the formula authorized by section 413 of such Act: *Provided further*, That the Secretary of Housing and Urban Development may waive statutory or regulatory provisions related to the obligation and use of emergency shelter grant funds necessary to facilitate the timely expenditure of funds.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For an additional amount for ''Lead Hazard Reduction'', for the Lead Hazard Reduction Program as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $100,000,000: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(e) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That of the total amount made available under this heading, $30,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs.

GENERAL PROVISIONS, THIS TITLE

SEC. 12001. MAINTENANCE OF EFFORT AND REPORTING REQUIREMENTS TO ENSURE TRANSPARENCY AND ACCOUNTABILITY.

(a) MAINTENANCE OF EFFORT.—Not later than 30 days after the date of enactment of this Act, for each amount that is distributed to a State or agency thereof from an appropriation in this Act for a covered program, the Governor of the State shall certify that the State will maintain its effort with regard to State funding for the types of projects that are funded by the appropriation. As part of this certification, the Governor shall submit to the covered agency a statement identifying the amount of funds the State planned to expend as of the date of enactment of this Act from non-Federal sources in the period beginning on the date of enactment of this Act through September 30, 2010, for the types of projects that are funded by the appropriation.

(b) PERIODIC REPORTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, each grant recipient shall submit to the covered agency from which they received funding periodic reports on the use of the funds appropriated in this Act for covered programs. Such reports shall be collected and compiled by the covered agency and transmitted to Congress.

(2) CONTENTS OF REPORTS.—For amounts received under each covered program by a grant recipient under this Act, the grant recipient shall include in the periodic reports information tracking—

(A) the amount of Federal funds appropriated, allocated, obligated, and outlayed under the appropriation;

(B) the number of projects that have been put out to bid under the appropriation and the amount of Federal funds associated with such projects;

(C) the number of projects for which contracts have been awarded under the appropriation and the amount of Federal funds associated with such contracts;

(D) the number of projects for which work has begun under such contracts and the amount of Federal funds associated with such contracts;

(E) the number of projects for which work has been completed under such contracts and the amount of Federal funds associated with such contracts;

(F) the number of jobs created or sustained by the Federal funds provided for projects under the appropriation, including information on job sectors and pay levels; and

(G) for each covered program report information tracking the actual aggregate expenditures by each grant recipient from non-Federal sources for projects eligible for funding under the program during the period beginning on the date of enactment of this Act through September 30, 2010, as compared to the level of such expenditures that were planned to occur during such period as of the date of enactment of this Act.

(3) TIMING OF REPORTS.—Each grant recipient shall submit the first of the periodic reports required under this subsection not later than 30 days after the date of enactment of this Act and shall submit updated reports not later than 60 days, 120 days, 180 days, 1 year, and 3 years after such date of enactment.

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

(1) COVERED AGENCY.—The term ''covered agency'' means the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, and the Federal Transit Administration of the Department of Transportation.

(2) COVERED PROGRAM.—The term ''covered program'' means funds appropriated in this Act for ''Grants-in-Aid for Airports'' to the Federal Aviation Administration; for ''Highway Infrastructure Investment'' to the Federal Highway Administration; for ''Capital Assistance for Intercity Passenger Rail Service'' to the Federal Railroad Administration; for ''Transit Capital Assistance'', ''Fixed Guideway Infrastructure Investment'', and ''Capital Investment Grants'' to the Federal Transit Administration.

(3) GRANT RECIPIENT.—The term ''grant recipient'' means a State or other recipient of assistance provided under a covered program in this Act. Such term does not include a Federal department or agency.

SEC. 12002. FHA LOAN LIMITS FOR 2009.

(a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2009, if the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) for any size residence for any area is less than such dollar amount limitation that was in effect for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 620), notwithstanding any other provision of law, the maximum dollar amount limitation on the principal obligation of a mortgage for such size residence for such area for purposes of such section 203(b)(2) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C. 1715z–20(g))) to be such dollar amount limitation in effect for such size residence for such area for 2008.

(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law, if the Secretary of Housing and Urban Development determines, for any geographic area that is smaller than an area for which dollar amount limitations on the principal obligation of a mortgage are determined under section 203(b)(2) of the National Housing Act, that a higher such maximum dollar amount limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Secretary may, for mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2009, increase the maximum dollar amount limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section), but in no case to an amount that exceeds the amount specified in section 202(a)(2) of the Economic Stimulus Act of 2008.

SEC. 12003. GSE CONFORMING LOAN LIMITS FOR 2009.

(a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages originated during calendar year 2009, if the limitation on the maximum original principal obligation of a mortgage that may purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation determined under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1754(a)(2)), respectively, for any size residence for any area is less than such maximum original principal obligation limitation that was in effect for such size residence for such area for 2008 pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 619), notwithstanding any other provision of law, the limitation on the maximum original principal obligation of a mortgage for such Association and Corporation for such size residence for such area shall be such maximum limitation in effect for such size residence for such area for 2008.

(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law, if the Director of the Federal Housing Finance Agency determines, for any geographic area that is smaller than an area for which limitations on the maximum original principal obligation of a mortgage are determined for the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, that a higher such maximum original principal obligation limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Director may, for mortgages originated during 2009, increase the maximum original principal obligation limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section) for such Association and Corporation, but in no case to an amount that exceeds the amount specified in the matter following the comma in section 201(a)(1)(B) of the Economic Stimulus Act of 2008.

SEC. 12004. FHA REVERSE MORTGAGE LOAN LIMITS FOR 2009.

For mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2009, the second sentence of section 255(g) of the National Housing Act (12 U.S.C. 171520(g)) shall be considered to require that in no case may the benefits of insurance under such section 255 exceed 150 percent of the maximum dollar amount in effect under the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

TITLE XIII—STATE FISCAL STABILIZATION FUND

DEPARTMENT OF EDUCATION

STATE FISCAL STABILIZATION FUND

For necessary expenses for a State Fiscal Stabilization Fund, $79,000,000,000, which shall be administered by the Department of Education, of which $39,500,000,000 shall become available on July 1, 2009 and remain available through September 30, 2010, and $39,500,000,000 shall become available on July 1, 2010 and remain available through September 30, 2011: *Provided*, That the provisions of section 1103 of this Act shall not apply to the funds reserved under section 13001(c) of this title: *Provided further*, That the amount made available under section 13001(b) of this title for administration and oversight shall take the place of the set-aside under section 1106 of this Act.

GENERAL PROVISIONS, THIS TITLE

SEC. 13001. ALLOCATIONS.

(a) OUTLYING AREAS.—From each year's appropriation to carry out this title, the Secretary of Education shall first allocate one half of 1 percent to the outlying areas on the basis of their respective needs, as determined by the Secretary, for activities consistent with this title under such terms and conditions as the Secretary may determine.

(b) ADMINISTRATION AND OVERSIGHT.—The Secretary may, in addition, reserve up to $12,500,000 each year for administration and oversight of this title, including for program evaluation.

(c) RESERVATION FOR ADDITIONAL PROGRAMS.—After reserving funds under subsections (a) and (b), the Secretary shall reserve $7,500,000,000 each year for grants under sections 13006 and 13007.

(d) STATE ALLOCATIONS.—After carrying out subsections (a), (b), and (c), the Secretary shall allocate the remaining funds made available to carry out this title to the States as follows:

(1) 61 percent on the basis of their relative population of individuals aged 5 through 24.

(2) 39 percent on the basis of their relative total population.

(e) STATE GRANTS.—From funds allocated under subsection (d), the Secretary shall make grants to the Governor of each State.

(f) REALLOCATION.—The Governor shall return to the Secretary any funds received under subsection (e) that the Governor does not obligate within one year of receiving a grant, and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (d).

SEC. 13002. STATE USES OF FUNDS.

(a) EDUCATION FUND.—

(1) IN GENERAL.—For each fiscal year, the Governor shall use at least 61 percent of the State's allocation under section 13001 for the support of elementary, secondary, and postsecondary education.

(2) RESTORING 2008 STATE SUPPORT FOR EDUCATION.—

(A) IN GENERAL.—The Governor shall first use the funds described in paragraph (1)—

(i) to provide the amount of funds, through the State's principal elementary and secondary funding formula, that is needed to restore State support for elementary and secondary education to the fiscal year 2008 level; and

(ii) to provide the amount of funds to public institutions of higher education in the State that is needed to restore State support for postsecondary education to the fiscal year 2008 level.

(B) SHORTFALL.—If the Governor determines that the amount of funds available under paragraph (1) is insufficient to restore State support for education to the levels described in clauses (i) and (ii) of subparagraph (A), the Governor shall allocate those funds between those clauses in proportion to the relative shortfall in State support for the education sectors described in those clauses.

(3) SUBGRANTS TO IMPROVE BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.—After carrying out paragraph (2), the Governor shall use any funds remaining under paragraph (1) to provide local educational agencies in the State with subgrants based on their relative shares of funding under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the most recent year for which data are available.

(b) OTHER GOVERNMENT SERVICES.—For each fiscal year, the Governor may use up to 39 percent of the State's allocation under section 1301 for public safety and other government services, which may include assistance for elementary and secondary education and public institutions of higher education.

SEC. 13003. USES OF FUNDS BY LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—A local educational agency that receives funds under this title may use the funds for any activity authorized by the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) (''ESEA''), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (''IDEA''), or the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) (''the Perkins Act'').

(b) PROHIBITION.—A local educational agency may not use funds received under this title for capital projects unless authorized by ESEA, IDEA, or the Perkins Act.

SEC. 13004. USES OF FUNDS BY INSTITUTIONS OF HIGHER EDUCATION.

(a) IN GENERAL.—A public institution of higher education that receives funds under this title shall use the funds for education and general expenditures, and in such a way as to mitigate the need to raise tuition and fees for in-State students.

(b) PROHIBITION.—An institution of higher education may not use funds received under this title to increase its endowment.

(c) ADDITIONAL PROHIBITION.—An institution of higher education may not use funds received under this title for construction, renovation, or facility repair.

SEC. 13005. STATE APPLICATIONS.

(a) IN GENERAL.—The Governor of a State desiring to receive an allocation under section 13001 shall submit an annual application at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) FIRST YEAR APPLICATION.—In the first of such applications, the Governor shall—

(1) include the assurances described in subsection (e);

(2) provide baseline data that demonstrates the State's current status in each of the areas described in such assurances; and

(3) describe how the State intends to use its allocation.

(c) SECOND YEAR APPLICATION.—In the second year application, the Governor shall—

(1) include the assurances described in subsection (e); and

(2) describe how the State intends to use its allocation.

(d) INCENTIVE GRANT APPLICATION.—The Governor of a State seeking a grant under section 13006 shall—

(1) submit an application for consideration;

(2) describe the status of the State's progress in each of the areas described in subsection (e), and the strategies the State is employing to help ensure that high-need students in the State continue making progress towards meeting the State's student academic achievement standards;

(3) describe how the State would use its grant funding, including how it will allocate the funds to give priority to high-need schools and local educational agencies; and

(4) include a plan for evaluating its progress in closing achievement gaps.

(e) ASSURANCES.—An application under subsection (b) or (c) shall include the following assurances:

(1) MAINTENANCE OF EFFORT.—

(A) ELEMENTARY AND SECONDARY EDUCATION.—The State will, in each of fiscal years 2009 and 2010, maintain State support for elementary and secondary education at least at the level of such support in fiscal year 2006.

(B) HIGHER EDUCATION.—The State will, in each of fiscal years 2009 and 2010, maintain State support for public institutions of higher education (not including support for capital projects or for research and development) at least at the level of such support in fiscal year 2006.

(2) ACHIEVING EQUITY IN TEACHER DISTRIBUTION.—The State will take actions to comply with section 1111(b)(8)(C) of ESEA (20 U.S.C. 6311(b)(8)(C)) in order to address inequities in the distribution of teachers between high- and low-poverty schools, and to ensure that low-income and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.

(3) IMPROVING COLLECTION AND USE OF DATA.—The State will establish a longitudinal data system that includes the elements described in section 6401(e)(2)(D) of the America COMPETES Act (20 U.S.C. 9871).

(4) ASSESSMENTS.—The State—

(A) will enhance the quality of academic assessments described in section 1111(b)(3) of ESEA (20 U.S.C. 6311(b)(3)) through activities such as those described in section 6112(a) of such Act (20 U.S.C. 7301a(a)); and

(B) will comply with the requirements of paragraphs 3(C)(ix) and (6) of section 1111(b) of ESEA (20 U.S.C. 6311(b)) and section 612(a)(16) of IDEA (20 U.S.C. 1412(a)(16)) related to the inclusion of children with disabilities and limited English proficient students in State assessments, the development of valid and reliable assessments for those students, and the provision of accommodations that enable their participation in State assessments.

SEC. 13006. STATE INCENTIVE GRANTS.

(a) IN GENERAL.—From the total amount reserved under section 13001(c) that is not used for section 13007, the Secretary shall, in fiscal year 2010, make grants to States that have made significant progress in meeting the objectives of paragraphs (2), (3), and (4) of section 13005(e).

(b) BASIS FOR GRANTS.—The Secretary shall determine which States receive grants under this section, and the amount of those grants, on the basis of information provided in State applications under section 13005 and such other criteria as the Secretary determines appropriate.

(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—Each State receiving a grant under this section shall use at least 50 percent of the grant to provide local educational agencies in the State with subgrants based on their relative shares of funding under part A of title I of ESEA (20 U.S.C. 6311 et seq.) for the most recent year.

SEC. 13007. INNOVATION FUND.

(a) IN GENERAL.—

(1) PROGRAM ESTABLISHED.—From the total amount reserved under section 13001(c), the Secretary may reserve up to $325,000,000 each year to establish an Innovation Fund, which shall consist of academic achievement awards that recognize States, local educational agencies, or schools that meet the requirements described in subsection (b).

(2) BASIS FOR AWARDS.—The Secretary shall make awards to States, local educational agencies, or schools that have made significant gains in closing the achievement gap as described in subsection (b)(1)—

(A) to allow such States, local educational agencies, and schools to expand their work and serve as models for best practices;

(B) to allow such States, local educational agencies, and schools to work in partnership with the private sector and the philanthropic community; and

(C) to identify and document best practices that can be shared, and taken to scale based on demonstrated success.

(b) ELIGIBILITY.—To be eligible for such an award, a State, local educational agency, or school shall—

(1) have significantly closed the achievement gaps between groups of students described in section 1111(b)(2) of ESEA (20 U.S.C. 6311(b)(2));

(2) have exceeded the State's annual measurable objectives consistent with such section 1111(b)(2) for 2 or more consecutive years or have demonstrated success in significantly increasing student academic achievement for all groups of students described in such section through another measure, such as measures described in section 1111(c)(2) of ESEA;

(3) have made significant improvement in other areas, such as graduation rates or increased recruitment and placement of high-quality teachers and school leaders, as demonstrated with meaningful data; and

(4) demonstrate that they have established partnerships with the private sector, which may include philanthropic organizations, and that the private sector will provide matching funds in order to help bring results to scale.

SEC. 13008. STATE REPORTS.

For each year of the program under this title, a State receiving funds under this title shall submit a report to the Secretary, at such time and in such manner as the Secretary may require, that describes—

(1) the uses of funds provided under this title within the State;

(2) how the State distributed the funds it received under this title;

(3) the number of jobs that the Governor estimates were saved or created with funds the State received under this title;

(4) tax increases that the Governor estimates were averted because of the availability of funds from this title;

(5) the State's progress in reducing inequities in the distribution of teachers, in implementing a State student longitudinal data system, and in developing and implementing valid and reliable assessments for limited English proficient students and children with disabilities;

(6) the tuition and fee increases for in-State students imposed by public institutions of higher education in the State during the period of availability of funds under this title, and a description of any actions taken by the State to limit those increases; and

(7) the extent to which public institutions of higher education maintained, increased, or decreased enrollment of in-State students, including students eligible for Pell Grants or other need-based financial assistance.

SEC. 13009. EVALUATION.

The Comptroller General of the United States shall conduct evaluations of the programs under sections 13006 and 13007 which shall include, but not be limited to, the criteria used for the awards made, the States selected for awards, award amounts, how each State used the award received, and the impact of this funding on the progress made toward closing achievement gaps.

SEC. 13010. SECRETARY'S REPORT TO CONGRESS.

The Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate, not less than 6 months following the submission of State reports, that evaluates the information provided in the State reports under section 13008.

SEC. 13011. PROHIBITION ON PROVISION OF CERTAIN ASSISTANCE.

No recipient of funds under this title shall use such funds to provide financial assistance to students to attend private elementary or secondary schools.

SEC. 13012. DEFINITIONS.

Except as otherwise provided in this title, as used in this title—

(1) the term ''institution of higher education'' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

(2) the term ''Secretary'' means the Secretary of Education;

(3) the term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(4) any other term used in this title that is defined in section 9101 of ESEA (20 U.S.C. 7801) shall have the meaning given the term in that section.

DIVISION B—OTHER PROVISIONS

TITLE I—TAX PROVISIONS

SEC. 1000. SHORT TITLE, ETC.

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

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1000. Short title, etc.

Subtitle A—Making Work Pay

Sec. 1001. Making work pay credit.

Subtitle B—Additional Tax Relief for Families With Children

Sec. 1101. Increase in earned income tax credit.

Sec. 1102. Increase of refundable portion of child credit.

Subtitle C—American Opportunity Tax Credit

Sec. 1201. American opportunity tax credit.

Subtitle D—Housing Incentives

Sec. 1301. Waiver of requirement to repay first-time homebuyer credit.

Sec. 1302. Coordination of low-income housing credit and low-income housing grants.

Subtitle E—Tax Incentives for Business

PART 1—TEMPORARY INVESTMENT INCENTIVES

Sec. 1401. Special allowance for certain property acquired during 2009.

Sec. 1402. Temporary increase in limitations on expensing of certain depreciable business assets.

PART 2—5-YEAR CARRYBACK OF OPERATING LOSSES

Sec. 1411. 5-year carryback of operating losses.

Sec. 1412. Exception for TARP recipients.

PART 3—INCENTIVES FOR NEW JOBS

Sec. 1421. Incentives to hire unemployed veterans and disconnected youth.

PART 4—CLARIFICATION OF REGULATIONS RELATED TO LIMITATIONS ON CERTAIN BUILT-IN LOSSES FOLLOWING AN OWNERSHIP CHANGE

Sec. 1431. Clarification of regulations related to limitations on certain built-in losses following an ownership change.

Subtitle F—Fiscal Relief for State and Local Governments

PART 1—IMPROVED MARKETABILITY FOR TAX-EXEMPT BONDS

Sec. 1501. De minimis safe harbor exception for tax-exempt interest expense of financial institutions.

Sec. 1502. Modification of small issuer exception to tax-exempt interest expense allocation rules for financial institutions.

Sec. 1503. Temporary modification of alternative minimum tax limitations on tax-exempt bonds.

PART 2—TAX CREDIT BONDS FOR SCHOOLS

Sec. 1511. Qualified school construction bonds.

Sec. 1512. Extension and expansion of qualified zone academy bonds.

PART 3—TAXABLE BOND OPTION FOR GOVERNMENTAL BONDS

Sec. 1521. Taxable bond option for governmental bonds.

PART 4—RECOVERY ZONE BONDS

Sec. 1531. Recovery zone bonds.

Sec. 1532. Tribal economic development bonds.

PART 5—REPEAL OF WITHHOLDING TAX ON GOVERNMENT CONTRACTORS

Sec. 1541. Repeal of withholding tax on government contractors.

Subtitle G—Energy Incentives

PART 1—RENEWABLE ENERGY INCENTIVES

Sec. 1601. Extension of credit for electricity produced from certain renewable resources.

Sec. 1602. Election of investment credit in lieu of production credit.

Sec. 1603. Repeal of certain limitations on credit for renewable energy property.

Sec. 1604. Coordination with renewable energy grants.

PART 2—INCREASED ALLOCATIONS OF NEW CLEAN RENEWABLE ENERGY BONDS AND QUALIFIED ENERGY CONSERVATION BONDS

Sec. 1611. Increased limitation on issuance of new clean renewable energy bonds.

Sec. 1612. Increased limitation and expansion of qualified energy conservation bonds.

PART 3—ENERGY CONSERVATION INCENTIVES

Sec. 1621. Extension and modification of credit for nonbusiness energy property.

Sec. 1622. Modification of credit for residential energy efficient property.

Sec. 1623. Temporary increase in credit for alternative fuel vehicle refueling property.

PART 4—ENERGY RESEARCH INCENTIVES

Sec. 1631. Increased research credit for energy research.

Subtitle H—Other Provisions

PART 1—APPLICATION OF CERTAIN LABOR STANDARDS TO PROJECTS FINANCED WITH CERTAIN TAX-FAVORED BONDS

Sec. 1701. Application of certain labor standards to projects financed with certain tax-favored bonds.

PART 2—GRANTS TO PROVIDE FINANCING FOR LOW-INCOME HOUSING

Sec. 1711. Grants to States for low-income housing projects in lieu of low-income housing credit allocations for 2009.

PART 3—GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS

Sec. 1721. Grants for specified energy property in lieu of tax credits.

PART 4—STUDY OF ECONOMIC, EMPLOYMENT, AND RELATED EFFECTS OF THIS ACT

Sec. 1731. Study of economic, employment, and related effects of this Act.

Subtitle A—Making Work Pay

SEC. 1001. MAKING WORK PAY CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 is amended by inserting after section 36 the following new section:

''SEC. 36A. MAKING WORK PAY CREDIT.

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

''(1) 6.2 percent of earned income of the taxpayer, or

''(2) $500 ($1,000 in the case of a joint return).

''(b) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(1) IN GENERAL.—The amount allowable as a credit under subsection (a) (determined without regard to this paragraph) for the taxable year shall be reduced (but not below zero) by 2 percent of so much of the taxpayer's modified adjusted gross income as exceeds $75,000 ($150,000 in the case of a joint return).

''(2) MODIFIED ADJUSTED GROSS INCOME.—For purposes of subparagraph (A), the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

''(c) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means any individual other than—

''(A) any nonresident alien individual,

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

''(C) an estate or trust.

Such term shall not include any individual unless the requirements of section 32(c)(1)(E) are met with respect to such individual.

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

''(d) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2010.''.

(b) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the amendments made by this section with respect to taxable years beginning in 2009 and 2010. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the amendments made by this section for taxable years beginning in 2009 and 2010 if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to the residents of such possession.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes for any taxable year under section 36A of the Internal Revenue Code of 1986 (as added by this section) to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of the amendments made by this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term ''possession of the United States'' includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 36A of the Internal Revenue Code of 1986 (as added by this section).

(c) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any credit or refund allowed or made to any individual by reason of section 36A of the Internal Revenue Code of 1986 (as added by this section) or by reason of subsection (b) of this section shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following 2 months, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(d) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by inserting ''36A,'' after ''36,''.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''36A,'' after ''36,''.

(3) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 36 the following new item:

''Sec. 36A. Making work pay credit.''.

(e) EFFECTIVE DATE.—This section shall apply to taxable years beginning after December 31, 2008.

Subtitle B—Additional Tax Relief for Families With Children

SEC. 1101. INCREASE IN EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Subsection (b) of section 32 is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULES FOR 2009 AND 2010.—In the case of any taxable year beginning in 2009 or 2010—

''(A) INCREASED CREDIT PERCENTAGE FOR 3 OR MORE QUALIFYING CHILDREN.—In the case of a taxpayer with 3 or more qualifying children, the credit percentage is 45 percent.

''(B) REDUCTION OF MARRIAGE PENALTY.—

''(i) IN GENERAL.—The dollar amount in effect under paragraph (2)(B) shall be $5,000.

''(ii) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in 2010, the $5,000 amount in clause (i) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins determined by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

''(iii) ROUNDING.—Subparagraph (A) of subsection (j)(2) shall apply after taking into account any increase under clause (ii).''.

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

SEC. 1102. INCREASE OF REFUNDABLE PORTION OF CHILD CREDIT.

(a) IN GENERAL.—Paragraph (4) of section 24(d) is amended to read as follows:

''(4) SPECIAL RULE FOR 2009 AND 2010.—Notwithstanding paragraph (3), in the case of any taxable year beginning in 2009 or 2010, the dollar amount in effect for such taxable year under paragraph (1)(B)(i) shall be zero.''.

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

Subtitle C—American Opportunity Tax Credit

SEC. 1201. AMERICAN OPPORTUNITY TAX CREDIT.

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

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

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

''(A) 100 percent of so much of the qualified tuition and related expenses paid by the taxpayer during the taxable year (for education furnished to the eligible student during any academic period beginning in such taxable year) as does not exceed $2,000, plus

''(B) 25 percent of such expenses so paid as exceeds $2,000 but does not exceed $4,000.

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

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

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

''(A) the excess of—

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

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

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

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

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

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

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

''(6) PORTION OF CREDIT MADE REFUNDABLE.—40 percent of so much of the credit allowed under subsection (a) as is attributable

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

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

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) is amended by inserting ''25A(i),'' after ''23,''.

(2) Section 25(e)(1)(C)(ii) is amended by inserting ''25A(i),'' after ''24,''.

(3) Section 26(a)(1) is amended by inserting ''25A(i),'' after ''24,''.

(4) Section 25B(g)(2) is amended by inserting ''25A(i),'' after ''23,''.

(5) Section 904(i) is amended by inserting ''25A(i),'' after ''24,''.

(6) Section 1400C(d)(2) is amended by inserting ''25A(i),'' after ''24,''.

(7) Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''25A,'' before ''35''.

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

(d) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (b)(1) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

(e) TREASURY STUDIES REGARDING EDUCATION INCENTIVES.—

(1) STUDY REGARDING COORDINATION WITH NON-TAX EDUCATIONAL INCENTIVES.—The Secretary of the Treasury, or the Secretary's delegate, shall study how to coordinate the credit allowed under section 25A of the Internal Revenue Code of 1986 with the Federal Pell Grant program under section 401 of the Higher Education Act of 1965.

(2) STUDY REGARDING IMPOSITION OF COMMUNITY SERVICE REQUIREMENTS.—The Secretary of the Treasury, or the Secretary's delegate, shall study the feasibility of requiring students to perform community service as a condition of taking their tuition and related expenses into account under section 25A of the Internal Revenue Code of 1986.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury, or the Secretary's delegate, shall report to Congress on the results of the studies conducted under this paragraph.

Subtitle D—Housing Incentives

SEC. 1301. WAIVER OF REQUIREMENT TO REPAY FIRST-TIME HOMEBUYER CREDIT.

(a) IN GENERAL.—Paragraph (4) of section 36(f) is amended by adding at the end the following new subparagraph:

''(D) WAIVER OF RECAPTURE FOR PURCHASES IN 2009.—In the case of any credit allowed with respect to the purchase of a principal residence after December 31, 2008, and before July 1, 2009—

''(i) paragraph (1) shall not apply, and

''(ii) paragraph (2) shall apply only if the disposition or cessation described in paragraph (2) with respect to such residence occurs during the 36-month period beginning on the date of the purchase of such residence by the taxpayer.''.

(b) CONFORMING AMENDMENT.—Subsection (g) of section 36 is amended by striking ''subsection (c)'' and inserting ''subsections (c) and (f)(4)(D)''.

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

SEC. 1302. COORDINATION OF LOW-INCOME HOUSING CREDIT AND LOW-INCOME HOUSING GRANTS.

Subsection (i) of section 42 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(9) COORDINATION WITH LOW-INCOME HOUSING GRANTS.—

''(A) REDUCTION IN STATE HOUSING CREDIT CEILING FOR LOW-INCOME HOUSING GRANTS RECEIVED IN 2009.—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2009 shall each be reduced by so much of such amount as is taken into account in determining the amount of any grant to such State under section 1711 of the American Recovery and Reinvestment Tax Act of 2009.

''(B) SPECIAL RULE FOR BASIS.—Basis of a qualified low-income building shall not be reduced by the amount of any grant described in subparagraph (A).''.

Subtitle E—Tax Incentives for Business

PART 1—TEMPORARY INVESTMENT INCENTIVES

SEC. 1401. SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED DURING 2009.

(a) IN GENERAL.—Paragraph (2) of section 168(k) is amended—

(1) by striking ''January 1, 2010'' and inserting ''January 1, 2011'', and

(2) by striking ''January 1, 2009'' each place it appears and inserting ''January 1, 2010''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 is amended by striking ''JANUARY 1, 2009'' and inserting ''JANUARY 1, 2010''.

(2) The heading for clause (ii) of section 168(k)(2)(B) is amended by striking ''PRE-JANUARY 1, 2009'' and inserting ''PRE-JANUARY 1, 2010''.

(3) Subparagraph (D) of section 168(k)(4) is amended—

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

(B) by redesignating clause (ii) as clause (v), and

(C) by inserting after clause (i) the following new clauses:

''(ii) 'April 1, 2008' shall be substituted for 'January 1, 2008' in subparagraph (A)(iii)(I) thereof,

''(iii) 'January 1, 2009' shall be substituted for 'January 1, 2010' each place it appears,

''(iv) 'January 1, 2010' shall be substituted for 'January 1, 2011' in subparagraph (A)(iv) thereof, and''.

(4) Subparagraph (B) of section 168(l)(5) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(5) Subparagraph (B) of section 1400N(d)(3) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(c) EFFECTIVE DATES.—

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

(2) TECHNICAL AMENDMENT.—Section 168(k)(4)(D)(ii) of the Internal Revenue Code of 1986, as added by subsection (b)(3)(C), shall apply to taxable years ending after March 31, 2008.

SEC. 1402. TEMPORARY INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Paragraph (7) of section 179(b) is amended—

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

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

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

PART 2—5-YEAR CARRYBACK OF OPERATING LOSSES

SEC. 1411. 5-YEAR CARRYBACK OF OPERATING LOSSES.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) is amended to read as follows:

''(H) CARRYBACK FOR 2008 AND 2009 NET OPERATING LOSSES.—

''(i) IN GENERAL.—In the case of an applicable 2008 or 2009 net operating loss with respect to which the taxpayer has elected the application of this subparagraph—

''(I) such net operating loss shall be reduced by 10 percent of such loss (determined without regard to this subparagraph),

''(II) subparagraph (A)(i) shall be applied by substituting any whole number elected by the taxpayer which is more than 2 and less than 6 for '2',

''(III) subparagraph (E)(ii) shall be applied by substituting the whole number which is one less than the whole number substituted under subclause (II) for '2', and

''(IV) subparagraph (F) shall not apply.

''(ii) APPLICABLE 2008 OR 2009 NET OPERATING LOSS.—For purposes of this subparagraph, the term 'applicable 2008 or 2009 net operating loss' means—

''(I) the taxpayer's net operating loss for any taxable year ending in 2008 or 2009, or

''(II) if the taxpayer elects to have this subclause apply in lieu of subclause (I), the taxpayer's net operating loss for any taxable year beginning in 2008 or 2009.

''(iii) ELECTION.—Any election under this subparagraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the taxpayer's return for the taxable year of the net operating loss. Any such election, once made, shall be irrevocable.

''(iv) COORDINATION WITH ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—In the case of a taxpayer who elects to have clause (ii)(II) apply, section 56(d)(1)(A)(ii) shall be applied by substituting 'ending during 2001 or 2002 or beginning during 2008 or 2009' for 'ending during 2001, 2002, 2008, or 2009'.''.

(b) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—Subclause (I) of section 56(d)(1)(A)(ii) is amended to read as follows:

''(I) the amount of such deduction attributable to the sum of carrybacks of net operating losses from taxable years ending during 2001, 2002, 2008, or 2009 and carryovers of net operating losses to such taxable years, or''.

(c) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—Subsection (b) of section 810 is amended by adding at the end the following new paragraph:

''(4) CARRYBACK FOR 2008 AND 2009 LOSSES.—

''(A) IN GENERAL.—In the case of an applicable 2008 or 2009 loss from operations with respect to which the taxpayer has elected the application of this paragraph—

''(i) such loss from operations shall be reduced by 10 percent of such loss (determined without regard to this paragraph), and

''(ii) paragraph (1)(A) shall be applied, at the election of the taxpayer, by substituting '5' or '4' for '3'.

''(B) APPLICABLE 2008 OR 2009 LOSS FROM OPERATIONS.—For purposes of this paragraph, the term 'applicable 2008 or 2009 loss from operations' means—

''(i) the taxpayer's loss from operations for any taxable year ending in 2008 or 2009, or

''(ii) if the taxpayer elects to have this clause apply in lieu of clause (i), the taxpayer's loss from operations for any taxable year beginning in 2008 or 2009.

''(C) ELECTION.—Any election under this paragraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the taxpayer's return for the taxable year of the loss from operations. Any such election, once made, shall be irrevocable.

''(D) COORDINATION WITH ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—In the case of a taxpayer who elects to have subparagraph (B)(ii) apply, section 56(d)(1)(A)(ii) shall be applied by substituting 'ending during 2001 or 2002 or beginning during 2008 or 2009' for 'ending during 2001, 2002, 2008, or 2009'.''.

(d) CONFORMING AMENDMENT.—Section 172 is amended by striking subsection (k).

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to net operating losses arising in taxable years ending after December 31, 2007.

(2) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—The amendment made by subsection (b) shall apply to taxable years ending after 1997.

(3) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—The amendment made by subsection (d) shall apply to losses from operations arising in taxable years ending after December 31, 2007.

(4) TRANSITIONAL RULE.—In the case of a net operating loss (or, in the case of a life insurance company, a loss from operations) for a taxable year ending before the date of the enactment of this Act—

(A) any election made under section 172(b)(3) or 810(b)(3) of the Internal Revenue Code of 1986 with respect to such loss may (notwithstanding such section) be revoked before the applicable date,

(B) any election made under section 172(b)(1)(H) or 810(b)(4) of such Code with respect to such loss shall (notwithstanding such section) be treated as timely made if made before the applicable date, and

(C) any application under section 6411(a) of such Code with respect to such loss shall be treated as timely filed if filed before the applicable date.

For purposes of this paragraph, the term ''applicable date'' means the date which is 60 days after the date of the enactment of this Act.

SEC. 1412. EXCEPTION FOR TARP RECIPIENTS.

The amendments made by this part shall not apply to—

(1) any taxpayer if—

(A) the Federal Government acquires, at any time, an equity interest in the taxpayer pursuant to the Emergency Economic Stabilization Act of 2008, or

(B) the Federal Government acquires, at any time, any warrant (or other right) to acquire any equity interest with respect to the taxpayer pursuant to such Act,

(2) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, and

(3) any taxpayer which at any time in 2008 or 2009 is a member of the same affiliated group (as defined in section 1504 of the Internal Revenue Code of 1986, determined without regard to subsection (b) thereof) as a taxpayer described in paragraph (1) or (2).

PART 3—INCENTIVES FOR NEW JOBS

SEC. 1421. INCENTIVES TO HIRE UNEMPLOYED VETERANS AND DISCONNECTED YOUTH.

(a) IN GENERAL.—Subsection (d) of section 51 is amended by adding at the end the following new paragraph:

''(14) CREDIT ALLOWED FOR UNEMPLOYED VETERANS AND DISCONNECTED YOUTH HIRED IN 2009 OR 2010.—

''(A) IN GENERAL.—Any unemployed veteran or disconnected youth who begins work for the employer during 2009 or 2010 shall be treated as a member of a targeted group for purposes of this subpart.

''(B) DEFINITIONS.—For purposes of this paragraph—

''(i) UNEMPLOYED VETERAN.—The term 'unemployed veteran' means any veteran (as defined in paragraph (3)(B), determined without regard to clause (ii) thereof) who is certified by the designated local agency as—

''(I) having been discharged or released from active duty in the Armed Forces during 2008, 2009, or 2010, and

''(II) being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks during the 1-year period ending on the hiring date.

''(ii) DISCONNECTED YOUTH.—The term 'disconnected youth' means any individual who is certified by the designated local agency—

''(I) as having attained age 16 but not age 25 on the hiring date,

''(II) as not regularly attending any secondary, technical, or post-secondary school during the 6-month period preceding the hiring date,

''(III) as not regularly employed during such 6-month period, and

''(IV) as not readily employable by reason of lacking a sufficient number of basic skills.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2008.

PART 4—CLARIFICATION OF REGULATIONS RELATED TO LIMITATIONS ON CERTAIN BUILT-IN LOSSES FOLLOWING AN OWNERSHIP CHANGE

SEC. 1431. CLARIFICATION OF REGULATIONS RELATED TO LIMITATIONS ON CERTAIN BUILT-IN LOSSES FOLLOWING AN OWNERSHIP CHANGE.

(a) FINDINGS.—Congress finds as follows:

(1) The delegation of authority to the Secretary of the Treasury under section 382(m) of the Internal Revenue Code of 1986 does not authorize the Secretary to provide exemptions or special rules that are restricted to particular industries or classes of taxpayers.

(2) Internal Revenue Service Notice 2008–83 is inconsistent with the congressional intent in enacting such section 382(m).

(3) The legal authority to prescribe Internal Revenue Service Notice 2008–83 is doubtful.

(4) However, as taxpayers should generally be able to rely on guidance issued by the Secretary of the Treasury legislation is necessary to clarify the force and effect of Internal Revenue Service Notice 2008–83 and restore the proper application under the Internal Revenue Code of 1986 of the limitation on built-in losses following an ownership change of a bank.

(b) DETERMINATION OF FORCE AND EFFECT OF INTERNAL REVENUE SERVICE NOTICE 2008–83 EXEMPTING BANKS FROM LIMITATION ON CERTAIN BUILT–IN LOSSES FOLLOWING OWNERSHIP CHANGE.—

(1) IN GENERAL.—Internal Revenue Service Notice 2008–83—

(A) shall be deemed to have the force and effect of law with respect to any ownership change (as defined in section 382(g) of the Internal Revenue Code of 1986) occurring on or before January 16, 2009, and

(B) shall have no force or effect with respect to any ownership change after such date.

(2) BINDING CONTRACTS.—Notwithstanding paragraph (1), Internal Revenue Service Notice 2008–83 shall have the force and effect of law with respect to any ownership change (as so defined) which occurs after January 16, 2009 if such change—

(A) is pursuant to a written binding contract entered into on or before such date, or

(B) is pursuant to a written agreement entered into on or before such date and such agreement was described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission required by reason of such ownership change.

Subtitle F—Fiscal Relief for State and Local Governments

PART 1—IMPROVED MARKETABILITY FOR TAX-EXEMPT BONDS

SEC. 1501. DE MINIMIS SAFE HARBOR EXCEPTION FOR TAX-EXEMPT INTEREST EXPENSE OF FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Subsection (b) of section 265 is amended by adding at the end the following new paragraph:

''(7) DE MINIMIS EXCEPTION FOR BONDS ISSUED DURING 2009 OR 2010.—

''(A) IN GENERAL.—In applying paragraph (2)(A), there shall not be taken into account tax-exempt obligations issued during 2009 or 2010.

''(B) LIMITATION.—The amount of tax-exempt obligations not taken into account by reason of subparagraph (A) shall not exceed 2 percent of the amount determined under paragraph (2)(B).

''(C) REFUNDINGS.—For purposes of this paragraph, a refunding bond (whether a current or advance refunding) shall be treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond).''.

(b) TREATMENT AS FINANCIAL INSTITUTION PREFERENCE ITEM.—Clause (iv) of section 291(e)(1)(B) is amended by adding at the end the following: ''That portion of any obligation not taken into account under paragraph (2)(A) of section 265(b) by reason of paragraph (7) of such section shall be treated for purposes of this section as having been acquired on August 7, 1986.''.

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

SEC. 1502. MODIFICATION OF SMALL ISSUER EXCEPTION TO TAX-EXEMPT INTEREST EXPENSE ALLOCATION RULES FOR FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Paragraph (3) of section 265(b) (relating to exception for certain tax-exempt obligations) is amended by adding at the end the following new subparagraph:

''(G) SPECIAL RULES FOR OBLIGATIONS ISSUED DURING 2009 AND 2010.—

''(i) INCREASE IN LIMITATION.—In the case of obligations issued during 2009 or 2010, subparagraphs (C)(i), (D)(i), and (D)(iii)(II) shall each be applied by substituting '$30,000,000' for '$10,000,000'.

''(ii) QUALIFIED 501(C)(3) BONDS TREATED AS ISSUED BY EXEMPT ORGANIZATION.—In the case of a qualified 501(c)(3) bond (as defined in section 145) issued during 2009 or 2010, this paragraph shall be applied by treating the 501(c)(3) organization for whose benefit such bond was issued as the issuer.

''(iii) SPECIAL RULE FOR QUALIFIED FINANCINGS.—In the case of a qualified financing issue issued during 2009 or 2010—

''(I) subparagraph (F) shall not apply, and

''(II) any obligation issued as a part of such issue shall be treated as a qualified tax-exempt obligation if the requirements of this paragraph are met with respect to each qualified portion of the issue (determined by treating each qualified portion as a separate issue issued by the qualified borrower with respect to which such portion relates).

''(iv) QUALIFIED FINANCING ISSUE.—For purposes of this subparagraph, the term 'qualified financing issue' means any composite, pooled, or other conduit financing issue the

proceeds of which are used directly or indirectly to make or finance loans to one or more ultimate borrowers each of whom is a qualified borrower.

''(v) QUALIFIED PORTION.—For purposes of this subparagraph, the term 'qualified portion' means that portion of the proceeds which are used with respect to each qualified borrower under the issue.

''(vi) QUALIFIED BORROWER.—For purposes of this subparagraph, the term 'qualified borrower' means a borrower which is a State or political subdivision thereof or an organization described in section 501(c)(3) and exempt from taxation under section 501(a).''.

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

SEC. 1503. TEMPORARY MODIFICATION OF ALTERNATIVE MINIMUM TAX LIMITATIONS ON TAX-EXEMPT BONDS.

(a) INTEREST ON PRIVATE ACTIVITY BONDS ISSUED DURING 2009 AND 2010 NOT TREATED AS TAX PREFERENCE ITEM.—Subparagraph (C) of section 57(a)(5) is amended by adding at the end a new clause:

''(vi) EXCEPTION FOR BONDS ISSUED IN 2009 AND 2010.—For purposes of clause (i), the term 'private activity bond' shall not include any bond issued after December 31, 2008, and before January 1, 2011. For purposes of the preceding sentence, a refunding bond (whether a current or advance refunding) shall be treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond).''.

(b) NO ADJUSTMENT TO ADJUSTED CURRENT EARNINGS FOR INTEREST ON TAX-EXEMPT BONDS ISSUED AFTER 2008.—Subparagraph (B) of section 56(g)(4) is amended by adding at the end the following new clause:

''(iv) TAX EXEMPT INTEREST ON BONDS ISSUED IN 2009 AND 2010.—Clause (i) shall not apply in the case of any interest on a bond issued after December 31, 2008, and before January 1, 2011. For purposes of the preceding sentence, a refunding bond (whether a current or advance refunding) shall be treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond).''.

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

PART 2—TAX CREDIT BONDS FOR SCHOOLS

SEC. 1511. QUALIFIED SCHOOL CONSTRUCTION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 54F. QUALIFIED SCHOOL CONSTRUCTION BONDS.

''(a) QUALIFIED SCHOOL CONSTRUCTION BOND.—For purposes of this subchapter, the term 'qualified school construction bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for the construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue,

''(2) the bond is issued by a State or local government within the jurisdiction of which such school is located, and

''(3) the issuer designates such bond for purposes of this section.

''(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) by any issuer shall not exceed the sum of—

''(1) the limitation amount allocated under subsection (d) for such calendar year to such issuer, and

''(2) if such issuer is a large local educational agency (as defined in subsection (e)(4)) or is issuing on behalf of such an agency, the limitation amount allocated under subsection (e) for such calendar year to such agency.

''(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified school construction bond limitation for each calendar year. Such limitation is—

''(1) $11,000,000,000 for 2009,

''(2) $11,000,000,000 for 2010, and

''(3) except as provided in subsection (f), zero after 2010.

''(d) 60 PERCENT OF LIMITATION ALLOCATED AMONG STATES.—

''(1) IN GENERAL.—60 percent of the limitation applicable under subsection (c) for any calendar year shall be allocated by the Secretary among the States in proportion to the respective numbers of children in each State who have attained age 5 but not age 18 for the most recent fiscal year ending before such calendar year. The limitation amount allocated to a State under the preceding sentence shall be allocated by the State to issuers within such State.

''(2) MINIMUM ALLOCATIONS TO STATES.—

''(A) IN GENERAL.—The Secretary shall adjust the allocations under this subsection for any calendar year for each State to the extent necessary to ensure that the sum of—

''(i) the amount allocated to such State under this subsection for such year, and

''(ii) the aggregate amounts allocated under subsection (e) to large local educational agencies in such State for such year,

is not less than an amount equal to such State's adjusted minimum percentage of the amount to be allocated under paragraph (1) for the calendar year.

''(B) ADJUSTED MINIMUM PERCENTAGE.—A State's adjusted minimum percentage for any calendar year is the product of—

''(i) the minimum percentage described in section 1124(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6334(d)) for such State for the most recent fiscal year ending before such calendar year, multiplied by

''(ii) 1.68.

''(3) ALLOCATIONS TO CERTAIN POSSESSIONS.—The amount to be allocated under paragraph (1) to any possession of the United States other than Puerto Rico shall be the amount which would have been allocated if all allocations under paragraph (1) were made on the basis of respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). In making other allocations, the amount to be allocated under paragraph (1) shall be reduced by the aggregate amount allocated under this paragraph to possessions of the United States.

''(4) ALLOCATIONS FOR INDIAN SCHOOLS.—In addition to the amounts otherwise allocated under this subsection, $200,000,000 for calendar year 2009, and $200,000,000 for calendar year 2010, shall be allocated by the Secretary of the Interior for purposes of the construction, rehabilitation, and repair of schools funded by the Bureau of Indian Affairs. In the case of amounts allocated under the preceding sentence, Indian tribal governments (as defined in section 7701(a)(40)) shall be treated as qualified issuers for purposes of this subchapter.

''(e) 40 PERCENT OF LIMITATION ALLOCATED AMONG LARGEST SCHOOL DISTRICTS.—

''(1) IN GENERAL.—40 percent of the limitation applicable under subsection (c) for any calendar year shall be allocated under paragraph (2) by the Secretary among local educational agencies which are large local educational agencies for such year.

''(2) ALLOCATION FORMULA.—The amount to be allocated under paragraph (1) for any calendar year shall be allocated among large local educational agencies in proportion to the respective amounts each such agency received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year ending before such calendar year.

''(3) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local educational agency for any calendar year may be reallocated by such agency to the State in which such agency is located for such calendar year. Any amount reallocated to a State under the preceding sentence may be allocated as provided in subsection (d)(1).

''(4) LARGE LOCAL EDUCATIONAL AGENCY.—For purposes of this section, the term 'large local educational agency' means, with respect to a calendar year, any local educational agency if such agency is—

''(A) among the 100 local educational agencies with the largest numbers of children aged 5 through 17 from families living below the poverty level, as determined by the Secretary using the most recent data available from the Department of Commerce that are satisfactory to the Secretary, or

''(B) 1 of not more than 25 local educational agencies (other than those described in subparagraph (A)) that the Secretary of Education determines (based on the most recent data available satisfactory to the Secretary) are in particular need of assistance, based on a low level of resources for school construction, a high level of enrollment growth, or such other factors as the Secretary deems appropriate.

''(f) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

''(1) the amount allocated under subsection (d) to any State, exceeds

''(2) the amount of bonds issued during such year which are designated under subsection (a) pursuant to such allocation,

the limitation amount under such subsection for such State for the following calendar year shall be increased by the amount of such excess. A similar rule shall apply to the amounts allocated under subsection (d)(4) or (e).''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) is amended by striking ''or'' at the end of subparagraph (C), by inserting ''or'' at the end of subparagraph (D), and by inserting after subparagraph (D) the following new subparagraph:

''(E) a qualified school construction bond,''.

(2) Subparagraph (C) of section 54A(d)(2) is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) in the case of a qualified school construction bond, a purpose specified in section 54F(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54F. Qualified school construction bonds.''.

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

SEC. 1512. EXTENSION AND EXPANSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Section 54E(c)(1) is amended by striking ''and 2009'' and inserting ''and $1,400,000,000 for 2009 and 2010''.

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

PART 3—TAXABLE BOND OPTION FOR GOVERNMENTAL BONDS

SEC. 1521. TAXABLE BOND OPTION FOR GOVERNMENTAL BONDS.

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

"Subpart J—Taxable Bond Option for Governmental Bonds

''Sec. 54AA. Taxable bond option for governmental bonds.

"SEC. 54AA. TAXABLE BOND OPTION FOR GOVERNMENTAL BONDS.

''(a) IN GENERAL.—If a taxpayer holds a taxable governmental bond on one or more interest payment dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

''(b) AMOUNT OF CREDIT.—The amount of the credit determined under this subsection with respect to any interest payment date for a taxable governmental bond is 35 percent of the amount of interest payable by the issuer with respect to such date.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

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

''(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

''(d) TAXABLE GOVERNMENTAL BOND.—

''(1) IN GENERAL.—For purposes of this section, the term 'taxable governmental bond' means any obligation (other than a private activity bond) if—

''(A) the interest on such obligation would (but for this section) be excludable from gross income under section 103, and

''(B) the issuer makes an irrevocable election to have this section apply.

''(2) APPLICABLE RULES.—For purposes of applying paragraph (1)—

''(A) a taxable governmental bond shall not be treated as federally guaranteed by reason of the credit allowed under subsection (a) or section 6432,

''(B) the yield on a taxable governmental bond shall be determined without regard to the credit allowed under subsection (a), and

''(C) a bond shall not be treated as a taxable governmental bond if the issue price has more than a de minimis amount (determined under rules similar to the rules of section 1273(a)(3)) of premium over the stated principal amount of the bond.

''(e) INTEREST PAYMENT DATE.—For purposes of this section, the term 'interest payment date' means any date on which the holder of record of the taxable governmental bond is entitled to a payment of interest under such bond.

''(f) SPECIAL RULES.—

''(1) INTEREST ON TAXABLE GOVERNMENTAL BONDS INCLUDIBLE IN GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES.—For purposes of this title, interest on any taxable governmental bond shall be includible in gross income.

''(2) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of subsections (f), (g), (h), and (i) of section 54A shall apply for purposes of the credit allowed under subsection (a).

''(g) SPECIAL RULE FOR QUALIFIED BONDS ISSUED BEFORE 2011.—In the case of a qualified bond issued before January 1, 2011—

''(1) ISSUER ALLOWED REFUNDABLE CREDIT.—In lieu of any credit allowed under this section with respect to such bond, the issuer of such bond shall be allowed a credit as provided in section 6432.

''(2) QUALIFIED BOND.—For purposes of this subsection, the term 'qualified bond' means any taxable governmental bond issued as part of an issue if—

''(A) 100 percent of the available project proceeds (as defined in section 54A) of such issue are to be used for capital expenditures, and

''(B) the issuer makes an irrevocable election to have this subsection apply.

''(h) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section and section 6432.''.

(b) CREDIT FOR QUALIFIED BONDS ISSUED BEFORE 2011.—Subchapter B of chapter 65, as amended by this Act, is amended by adding at the end the following new section:

"SEC. 6432. CREDIT FOR QUALIFIED BONDS ALLOWED TO ISSUER.

''(a) IN GENERAL.—In the case of a qualified bond issued before January 1, 2011, the issuer of such bond shall be allowed a credit with respect to each interest payment under such bond which shall be payable by the Secretary as provided in subsection (b).

''(b) PAYMENT OF CREDIT.—The Secretary shall pay (contemporaneously with each interest payment date under such bond) to the issuer of such bond (or to any person who makes such interest payments on behalf of the issuer) 35 percent of the interest payable under such bond on such date.

''(c) APPLICATION OF ARBITRAGE RULES.—For purposes of section 148, the yield on a qualified bond shall be reduced by the credit allowed under this section.

''(d) INTEREST PAYMENT DATE.—For purposes of this subsection, the term 'interest payment date' means each date on which interest is payable by the issuer under the terms of the bond.

''(e) QUALIFIED BOND.—For purposes of this subsection, the term 'qualified bond' has the meaning given such term in section 54AA(h).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1324(b)(2) of title 31, United States Code, is amended by striking ''or 6428'' and inserting ''6428, or 6432,''.

(2) Section 54A(c)(1)(B) is amended by striking ''subpart C'' and inserting ''subparts C and J''.

(3) Sections 54(c)(2), 1397E(c)(2), and 1400N(l)(3)(B) are each amended by striking ''and I'' and inserting '', I, and J''.

(4) Section 6401(b)(1) is amended by striking ''and I'' and inserting ''I, and J''.

(5) The table of subparts for part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Subpart J. Taxable bond option for governmental bonds.''.

(6) The table of sections for subchapter B of chapter 65, as amended by this Act, is amended by adding at the end the following new item:

''Sec. 6432. Credit for qualified bonds allowed to issuer on advance basis.''.

(d) TRANSITIONAL COORDINATION WITH STATE LAW.—Except as otherwise provided by a State after the date of the enactment of this Act, the interest on any taxable governmental bond (as defined in section 54AA of the Internal Revenue Code of 1986, as added by this section) and the amount of any credit determined under such section with respect to such bond shall be treated for purposes of the income tax laws of such State as being exempt from Federal income tax.

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

PART 4—RECOVERY ZONE BONDS

SEC. 1531. RECOVERY ZONE BONDS.

(a) IN GENERAL.—Subchapter Y of chapter 1 is amended by adding at the end the following new part:

"PART III—RECOVERY ZONE BONDS

''Sec. 1400U–1. Allocation of recovery zone bonds.

''Sec. 1400U–2. Recovery zone economic development bonds.

''Sec. 1400U–3. Recovery zone facility bonds.

"SEC. 1400U–1. ALLOCATION OF RECOVERY ZONE BONDS.

''(a) ALLOCATIONS.—

''(1) IN GENERAL.—The Secretary shall allocate the national recovery zone economic development bond limitation and the national recovery zone facility bond limitation among the States in the proportion that each such State's 2008 State employment decline bears to the aggregate of the 2008 State employment declines for all of the States.

''(2) 2008 STATE EMPLOYMENT DECLINE.—For purposes of this subsection, the term '2008 State employment decline' means, with respect to any State, the excess (if any) of—

''(A) the number of individuals employed in such State determined for December 2007, over

''(B) the number of individuals employed in such State determined for December 2008.

''(3) ALLOCATIONS BY STATES.—

''(A) IN GENERAL.—Each State with respect to which an allocation is made under paragraph (1) shall reallocate such allocation among the counties and large municipalities in such State in the proportion the each such county's or municipality's 2008 employment decline bears to the aggregate of the 2008 employment declines for all the counties and municipalities in such State.

''(B) LARGE MUNICIPALITIES.—For purposes of subparagraph (A), the term 'large municipality' means a municipality with a population of more than 100,000.

''(C) DETERMINATION OF LOCAL EMPLOYMENT DECLINES.—For purposes of this paragraph, the employment decline of any municipality or county shall be determined in the same manner as determining the State employment decline under paragraph (2), except that in the case of a municipality any portion of which is in a county, such portion shall be treated as part of such municipality and not part of such county.

''(4) NATIONAL LIMITATIONS.—

''(A) RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.—There is a national recovery zone economic development bond limitation of $10,000,000,000.

''(B) RECOVERY ZONE FACILITY BONDS.—There is a national recovery zone facility bond limitation of $15,000,000,000.

''(b) RECOVERY ZONE.—For purposes of this part, the term 'recovery zone' means—

''(1) any area designated by the issuer as having significant poverty, unemployment, home foreclosures, or general distress, and

''(2) any area for which a designation as an empowerment zone or renewal community is in effect.

"SEC. 1400U–2. RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.

''(a) IN GENERAL.—In the case of a recovery zone economic development bond—

''(1) such bond shall be treated as a qualified bond for purposes of section 6432, and

''(2) subsection (b) of such section shall be applied by substituting '55 percent' for '35 percent'.

''(b) RECOVERY ZONE ECONOMIC DEVELOPMENT BOND.—

''(1) IN GENERAL.—For purposes of this section, the term 'recovery zone economic development bond' means any taxable governmental bond (as defined in section 54AA(d)) issued before January 1, 2011, as part of issue if—

''(A) 100 percent of the available project proceeds (as defined in section 54A) of such issue are to be used for one or more qualified economic development purposes, and

''(B) the issuer designates such bond for purposes of this section.

''(2) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated by any issuer under paragraph (1) shall not exceed the amount of the recovery zone economic development bond limitation allocated to such issuer under section 1400U–1.

''(c) QUALIFIED ECONOMIC DEVELOPMENT PURPOSE.—For purposes of this section, the term 'qualified economic development purpose' means expenditures for purposes of promoting development or other economic activity in a recovery zone, including—

''(1) capital expenditures paid or incurred with respect to property located in such zone,

''(2) expenditures for public infrastructure and construction of public facilities, and

''(3) expenditures for job training and educational programs.

''SEC. 1400U–3. RECOVERY ZONE FACILITY BONDS.

''(a) IN GENERAL.—For purposes of part IV of subchapter B (relating to tax exemption requirements for State and local bonds), the term 'exempt facility bond' includes any recovery zone facility bond.

''(b) RECOVERY ZONE FACILITY BOND.—

''(1) IN GENERAL.—For purposes of this section, the term 'recovery zone facility bond' means any bond issued as part of an issue if—

''(A) 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of such issue are to be used for recovery zone property,

''(B) such bond is issued before January 1, 2011, and

''(C) the issuer designates such bond for purposes of this section.

''(2) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated by any issuer under paragraph (1) shall not exceed the amount of recovery zone facility bond limitation allocated to such issuer under section 1400U–1.

''(c) RECOVERY ZONE PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—The term 'recovery zone property' means any property to which section 168 applies (or would apply but for section 179) if—

''(A) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after the date on which the designation of the recovery zone took effect,

''(B) the original use of which in the recovery zone commences with the taxpayer, and

''(C) substantially all of the use of which is in the recovery zone and is in the active conduct of a qualified business by the taxpayer in such zone.

''(2) QUALIFIED BUSINESS.—The term 'qualified business' means any trade or business except that—

''(A) the rental to others of real property located in a recovery zone shall be treated as a qualified business only if the property is not residential rental property (as defined in section 168(e)(2)), and

''(B) such term shall not include any trade or business consisting of the operation of any facility described in section 144(c)(6)(B).

''(3) SPECIAL RULES FOR SUBSTANTIAL RENOVATIONS AND SALE-LEASEBACK.—Rules similar to the rules of subsections (a)(2) and (b) of section 1397D shall apply for purposes of this subsection.

''(d) NONAPPLICATION OF CERTAIN RULES.—Sections 146 (relating to volume cap) and 147(d) (relating to acquisition of existing property not permitted) shall not apply to any recovery zone facility bond.''.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter Y of chapter 1 of such Code is amended by adding at the end the following new item:

''PART III. RECOVERY ZONE BONDS.''.

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

SEC. 1532. TRIBAL ECONOMIC DEVELOPMENT BONDS.

(a) IN GENERAL.—Section 7871 is amended by adding at the end the following new subsection:

''(f) TRIBAL ECONOMIC DEVELOPMENT BONDS.—

''(1) ALLOCATION OF LIMITATION.—

''(A) IN GENERAL.—The Secretary shall allocate the national tribal economic development bond limitation among the Indian tribal governments in such manner as the Secretary, in consultation with the Secretary of the Interior, determines appropriate.

''(B) NATIONAL LIMITATION.—There is a national tribal economic development bond limitation of $2,000,000,000.

''(2) BONDS TREATED AS EXEMPT FROM TAX.—In the case of a tribal economic development bond—

''(A) notwithstanding subsection (c), such bond shall be treated for purposes of this title in the same manner as if such bond were issued by a State, and

''(B) section 146 shall not apply.

''(3) TRIBAL ECONOMIC DEVELOPMENT BOND.—

''(A) IN GENERAL.—For purposes of this section, the term 'tribal economic development bond' means any bond issued by an Indian tribal government—

''(i) the interest on which is not exempt from tax under section 103 by reason of subsection (c) (determined without regard to this subsection) but would be so exempt if issued by a State or local government, and

''(ii) which is designated by the Indian tribal government as a tribal economic development bond for purposes of this subsection.

''(B) EXCEPTIONS.—The term tribal economic development bond shall not include any bond issued as part of an issue if any portion of the proceeds of such issue are used to finance—

''(i) any portion of a building in which class II or class III gaming (as defined in section 4 of the Indian Gaming Regulatory Act) is conducted or housed or any other property actually used in the conduct of such gaming, or

''(ii) any facility located outside the Indian reservation (as defined in section 168(j)(6)).

''(C) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated by any Indian tribal government under subparagraph (A) shall not exceed the amount of national tribal economic development bond limitation allocated to such government under paragraph (1).''.

(b) STUDY.—The Secretary of the Treasury, or the Secretary's delegate, shall conduct a study of the effects of the amendment made by subsection (a). Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury, or the Secretary's delegate, shall report to Congress on the results of the studies conducted under this paragraph, including the Secretary's recommendations regarding such amendment.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued after the date of the enactment of this Act.

PART 5—REPEAL OF WITHHOLDING TAX ON GOVERNMENT CONTRACTORS

SEC. 1541. REPEAL OF WITHHOLDING TAX ON GOVERNMENT CONTRACTORS.

Section 3402 is amended by striking subsection (t).

Subtitle G—Energy Incentives

PART 1—RENEWABLE ENERGY INCENTIVES

SEC. 1601. EXTENSION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—Subsection (d) of section 45 is amended—

(1) by striking ''2010'' in paragraph (1) and inserting ''2013'',

(2) by striking ''2011'' each place it appears in paragraphs (2), (3), (4), (6), (7) and (9) and inserting ''2014'', and

(3) by striking ''2012'' in paragraph (11)(B) and inserting ''2014''.

(b) TECHNICAL AMENDMENT.—Paragraph (5) of section 45(d) is amended by striking ''and before'' and all that follows and inserting '' and before October 3, 2008.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to property placed in service after the date of the enactment of this Act.

(2) TECHNICAL AMENDMENT.—The amendment made by subsection (b) shall take effect as if included in section 102 of the Energy Improvement and Extension Act of 2008.

SEC. 1602. ELECTION OF INVESTMENT CREDIT IN LIEU OF PRODUCTION CREDIT.

(a) IN GENERAL.—Subsection (a) of section 48 is amended by adding at the end the following new paragraph:

''(5) ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.—

''(A) IN GENERAL.—In the case of any qualified investment credit facility placed in service in 2009 or 2010—

''(i) such facility shall be treated as energy property for purposes of this section, and

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

''(B) DENIAL OF PRODUCTION CREDIT.—No credit shall be allowed under section 45 for any taxable year with respect to any qualified investment credit facility.

''(C) QUALIFIED INVESTMENT CREDIT FACILITY.—For purposes of this paragraph, the term 'qualified investment credit facility' means any facility described in paragraph (1), (2), (3), (4), (6), (7), (9), or (11) of section 45(d) if no credit has been allowed under section 45 with respect to such facility and the taxpayer makes an irrevocable election to have this paragraph apply to such facility.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2008.

SEC. 1603. REPEAL OF CERTAIN LIMITATIONS ON CREDIT FOR RENEWABLE ENERGY PROPERTY.

(a) REPEAL OF LIMITATION ON CREDIT FOR QUALIFIED SMALL WIND ENERGY PROPERTY.—Paragraph (4) of section 48(c) is amended by striking subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C).

(b) REPEAL OF LIMITATION ON PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—

(1) IN GENERAL.—Subsection (a) of section 48 is amended by striking paragraph (4).

(2) CONFORMING AMENDMENTS.—

(A) Section 25C(e)(1) is amended by striking ''(8), and (9)'' and inserting ''and (8)''.

(B) Section 25D(e) is amended by striking paragraph (9).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2),the amendment made by this section shall apply to periods after December 31, 2008, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(2) CONFORMING AMENDMENTS.—The amendments made by subsection (b)(2) shall apply to taxable years beginning after December 31, 2008.

SEC. 1604. COORDINATION WITH RENEWABLE ENERGY GRANTS.

Section 48 is amended by adding at the end the following new subsection:

''(d) COORDINATION WITH DEPARTMENT OF ENERGY GRANTS.—In the case of any property with respect to which the Secretary of Energy makes a grant under section 1721 of the American Recovery and Reinvestment Tax Act of 2009—

''(1) DENIAL OF PRODUCTION AND INVESTMENT CREDITS.—No credit shall be determined under this section or section 45 with respect to such property for the taxable year in which such grant is made or any subsequent taxable year.

''(2) RECAPTURE OF CREDITS FOR PROGRESS EXPENDITURES MADE BEFORE GRANT.—If a credit was determined under this section with respect to such property for any taxable year ending before such grant is made—

''(A) the tax imposed under subtitle A on the taxpayer for the taxable year in which such grant is made shall be increased by so much of such credit as was allowed under section 38,

''(B) the general business carryforwards under section 39 shall be adjusted so as to recapture the portion of such credit which was not so allowed, and

''(C) the amount of such grant shall be determined without regard to any reduction in the basis of such property by reason of such credit.

''(3) TREATMENT OF GRANTS.—Any such grant shall—

''(A) not be includible in the gross income of the taxpayer, but

''(B) shall be taken into account in determining the basis of the property to which such grant relates, except that the basis of such property shall be reduced under section 50(c) in the same manner as a credit allowed under subsection (a).''.

PART 2—INCREASED ALLOCATIONS OF NEW CLEAN RENEWABLE ENERGY BONDS AND QUALIFIED ENERGY CONSERVATION BONDS

SEC. 1611. INCREASED LIMITATION ON ISSUANCE OF NEW CLEAN RENEWABLE ENERGY BONDS.

Subsection (c) of section 54C is amended by adding at the end the following new paragraph:

''(4) ADDITIONAL LIMITATION.—The national new clean renewable energy bond limitation shall be increased by $1,600,000,000. Such increase shall be allocated by the Secretary consistent with the rules of paragraphs (2) and (3).''.

SEC. 1612. INCREASED LIMITATION AND EXPANSION OF QUALIFIED ENERGY CONSERVATION BONDS.

(a) INCREASED LIMITATION.—Subsection (e) of section 54D is amended by adding at the end the following new paragraph:

''(4) ADDITIONAL LIMITATION.—The national qualified energy conservation bond limitation shall be increased by $2,400,000,000. Such increase shall be allocated by the Secretary consistent with the rules of paragraphs (1), (2), and (3).''.

(b) LOANS AND GRANTS TO IMPLEMENT GREEN COMMUNITY PROGRAMS.—

(1) IN GENERAL.—Subparagraph (A) of section 54D(f)(1) is amended by inserting ''(or loans or grants for capital expenditures to implement any green community program)'' after ''Capital expenditures''.

(2) BONDS TO IMPLEMENT GREEN COMMUNITY PROGRAMS NOT TREATED AS PRIVATE ACTIVITY BONDS FOR PURPOSES OF LIMITATIONS ON QUALIFIED ENERGY CONSERVATION BONDS .—Subsection (e) of section 54D is amended by adding at the end the following new paragraph:

''(4) BONDS TO IMPLEMENT GREEN COMMUNITY PROGRAMS NOT TREATED AS PRIVATE ACTIVITY BONDS.—For purposes of paragraph (3) and subsection (f)(2), a bond shall not be treated as a private activity bond solely because proceeds of the issue of which such bond is a part are to be used for loans or grants for capital expenditures to implement any green community program.''.

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

PART 3—ENERGY CONSERVATION INCENTIVES

SEC. 1621. EXTENSION AND MODIFICATION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

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

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

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

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

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

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

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

SEC. 1622. MODIFICATION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) REMOVAL OF CREDIT LIMITATION FOR PROPERTY PLACED IN SERVICE.—

(1) IN GENERAL.—Paragraph (1) of section 25D(b) is amended to read as follows:

''(1) MAXIMUM CREDIT FOR FUEL CELLS.—In the case of any qualified fuel cell property expenditure, the credit allowed under subsection (a) (determined without regard to subsection (c)) for any taxable year shall not exceed $500 with respect to each half kilowatt of capacity of the qualified fuel cell property (as defined in section 48(c)(1)) to which such expenditure relates.''.

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 25D(e) is amended—

(A) by striking all that precedes subparagraph (B) and inserting the following:

''(4) FUEL CELL EXPENDITURE LIMITATIONS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit with respect to which qualified fuel cell property expenditures are made and which is jointly occupied and used during any calendar year as a residence by two or more individuals the following rules shall apply:

''(A) MAXIMUM EXPENDITURES FOR FUEL CELLS.—The maximum amount of such expenditures which may be taken into account under subsection (a) by all such individuals with respect to such dwelling unit during such calendar year shall be $1,667 in the case of each half kilowatt of capacity of qualified fuel cell property (as defined in section 48(c)(1)) with respect to which such expenditures relate.'', and

(B) by striking subparagraph (C).

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

SEC. 1623. TEMPORARY INCREASE IN CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) IN GENERAL.—Section 30C(e) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR PROPERTY PLACED IN SERVICE DURING 2009 AND 2010.—In the case of property placed in service in taxable years beginning after December 31, 2008, and before January 1, 2011—

''(A) in the case of any such property which does not relate to hydrogen—

''(i) subsection (a) shall be applied by substituting '50 percent' for '30 percent',

''(ii) subsection (b)(1) shall be applied by substituting '$50,000' for '$30,000', and

''(iii) subsection (b)(2) shall be applied by substituting '$2,000' for '$1,000', and

''(B) in the case of any such property which relates to hydrogen, subsection (b) shall be applied by substituting '$200,000' for '$30,000'.''.

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

PART 4—ENERGY RESEARCH INCENTIVES

SEC. 1631. INCREASED RESEARCH CREDIT FOR ENERGY RESEARCH.

(a) IN GENERAL.—Section 41 is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) ENERGY RESEARCH CREDIT.—In the case of any taxable year beginning in 2009 or 2010—

''(1) IN GENERAL.—The credit determined under subsection (a)(1) shall be increased by 20 percent of the qualified energy research expenses for the taxable year.

''(2) QUALIFIED ENERGY RESEARCH EXPENSES.—For purposes of this subsection, the term 'qualified energy research expenses' means so much of the taxpayer's qualified research expenses as are related to the fields of fuel cells and battery technology, renewable energy, energy conservation technology, efficient transmission and distribution of electricity, and carbon capture and sequestration.

''(3) COORDINATION WITH OTHER RESEARCH CREDITS.—

''(A) INCREMENTAL CREDIT.—The amount of qualified energy research expenses taken into account under subsection (a)(1)(A) shall not exceed the base amount.

''(B) ALTERNATIVE SIMPLIFIED CREDIT.—For purposes of subsection (c)(5), the amount of qualified energy research expenses taken into account for the taxable year for which the credit is being determined shall not exceed—

''(i) in the case of subsection (c)(5)(A), 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined, and

''(ii) in the case of subsection (c)(5)(B)(ii), zero.

''(C) BASIC RESEARCH AND ENERGY RESEARCH CONSORTIUM PAYMENTS.—Any amount taken into account under paragraph (1) shall not be taken into account under paragraph (2) or (3) of subsection (a).''.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 41(i)(1)(B), as redesignated by subsection (a), is amended by inserting ''(in the case of the increase in the credit determined under subsection (h), December 31, 2010)'' after ''December 31, 2009''.

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

Subtitle H—Other Provisions

PART 1—APPLICATION OF CERTAIN LABOR STANDARDS TO PROJECTS FINANCED WITH CERTAIN TAX-FAVORED BONDS

SEC. 1701. APPLICATION OF CERTAIN LABOR STANDARDS TO PROJECTS FINANCED WITH CERTAIN TAX-FAVORED BONDS.

Subchapter IV of chapter 31 of the title 40, United States Code, shall apply to projects financed with the proceeds of—

(1) any qualified clean renewable energy bond (as defined in section 54C of the Internal Revenue Code of 1986) issued after the date of the enactment of this Act,

(2) any qualified energy conservation bond (as defined in section 54D of the Internal Revenue Code of 1986) issued after the date of the enactment of this Act,

(3) any qualified zone academy bond (as defined in section 54E of the Internal Revenue Code of 1986) issued after the date of the enactment of this Act,

(4) any qualified school construction bond (as defined in section 54F of the Internal Revenue Code of 1986), and

(5) any recovery zone economic development bond (as defined in section 1400U–2 of the Internal Revenue Code of 1986).

PART 2—GRANTS TO PROVIDE FINANCING FOR LOW-INCOME HOUSING

SEC. 1711. GRANTS TO STATES FOR LOW-INCOME HOUSING PROJECTS IN LIEU OF LOW-INCOME HOUSING CREDIT ALLOCATIONS FOR 2009.

(a) IN GENERAL.—The Secretary of the Treasury shall make a grant to the housing credit agency of each State in an amount equal to such State's low-income housing grant election amount.

(b) LOW-INCOME HOUSING GRANT ELECTION AMOUNT.—For purposes of this section, the term ''low-income housing grant election amount'' means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

(1) the sum of—

(A) 100 percent of the State housing credit ceiling for 2009 which is attributable to amounts described in clauses (i) and (iii) of section 42(h)(3)(C) of the Internal Revenue Code of 1986, and

(B) 40 percent of the State housing credit ceiling for 2009 which is attributable to amounts described in clauses (ii) and (iv) of such section, multiplied by

(2) 10.

(c) SUBAWARDS FOR LOW-INCOME BUILDINGS.—

(1) IN GENERAL.—A State housing credit agency receiving a grant under this section shall use such grant to make subawards to finance the construction or acquisition and rehabilitation of qualified low-income buildings. A subaward under this section may be made to finance a qualified low-income building with or without an allocation under section 42 of the Internal Revenue Code of 1986, except that a State housing credit agency may make subawards to finance qualified low-income buildings without an allocation only if it makes a determination that such use will increase the total funds available to the State to build and rehabilitate affordable housing. In complying with such determination requirement, a State housing credit agency shall establish a process in which applicants that are allocated credits are required to demonstrate good faith efforts to obtain investment commitments for such credits before the agency makes such subawards.

(2) SUBAWARDS SUBJECT TO SAME REQUIREMENTS AS LOW-INCOME HOUSING CREDIT ALLOCATIONS.—Any such subaward with respect to any qualified low-income building shall be made in the same manner and shall be subject to the same limitations (including rent, income, and use restrictions on such building) as an allocation of housing credit dollar amount allocated by such State housing credit agency under section 42 of the Internal Revenue Code of 1986, except that such subawards shall not be limited by, or otherwise affect (except as provided in subsection (h)(3)(J) of such section), the State housing credit ceiling applicable to such agency.

(3) COMPLIANCE AND ASSET MANAGEMENT.—The State housing credit agency shall perform asset management functions to ensure compliance with section 42 of the Internal Revenue Code of 1986 and the long-term viability of buildings funded by any subaward under this section. The State housing credit agency may collect reasonable fees from a subaward recipient to cover expenses associated with the performance of its duties under this paragraph. The State housing credit agency may retain an agent or other private contractor to satisfy the requirements of this paragraph.

(4) RECAPTURE.—The State housing credit agency shall impose conditions or restrictions, including a requirement providing for recapture, on any subaward under this section so as to assure that the building with respect to which such subaward is made remains a qualified low-income building during the compliance period. Any such recapture shall be payable to the Secretary of the Treasury for deposit in the general fund of the Treasury and may be enforced by means of liens or such other methods as the Secretary of the Treasury determines appropriate.

(d) RETURN OF UNUSED GRANT FUNDS.—Any grant funds not used to make subawards under this section before January 1, 2011, shall be returned to the Secretary of the Treasury on such date. Any subawards returned to the State housing credit agency on or after such date shall be promptly returned to the Secretary of the Treasury. Any amounts returned to the Secretary of the Treasury under this subsection shall be deposited in the general fund of the Treasury.

(e) DEFINITIONS.—Any term used in this section which is also used in section 42 of the Internal Revenue Code of 1986 shall have the same meaning for purposes of this section as when used in such section 42. Any reference in this section to the Secretary of the Treasury shall be treated as including the Secretary's delegate.

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

PART 3—GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS

SEC. 1721. GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.

(a) IN GENERAL.—Upon application, the Secretary of Energy shall, within 60 days of the application and subject to the requirements of this section, provide a grant to each person who places in service specified energy property during 2009 or 2010 to reimburse such person for a portion of the expense of such facility as provided in subsection (b).

(b) GRANT AMOUNT.—

(1) IN GENERAL.—The amount of the grant under subsection (a) with respect to any specified energy property shall be the applicable percentage of the basis of such facility.

(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term ''applicable percentage'' means—

(A) 30 percent in the case of any property described in paragraphs (1) through (4) of subsection (c), and

(B) 10 percent in the case of any other property.

(3) DOLLAR LIMITATIONS.—In the case of property described in paragraph (2), (6), or (7) of subsection (c), the amount of any grant under this section with respect to such property shall not exceed the limitation described in section 48(c)(1)(B), 48(c)(2)(B), or 48(c)(3)(B) of the Internal Revenue Code of 1986, respectively, with respect to such property.

(c) SPECIFIED ENERGY PROPERTY.—For purposes of this section, the term ''specified energy property'' means any of the following:

(1) QUALIFIED FACILITIES.—Any facility described in paragraph (1), (2), (3), (4), (6), (7), (9), or (11) of section 45(d) of the Internal Revenue Code of 1986.

(2) QUALIFIED FUEL CELL PROPERTY.—Any qualified fuel cell property (as defined in section 48(c)(1) of such Code).

(3) SOLAR PROPERTY.—Any property described in clause (i) or (ii) of section 48(a)(3)(A) of such Code.

(4) QUALIFIED SMALL WIND ENERGY PROPERTY.—Any qualified small wind energy property (as defined in section 48(c)(4) of such Code).

(5) GEOTHERMAL PROPERTY.—Any property described in clause (iii) of section 48(a)(3)(A) of such Code.

(6) QUALIFIED MICROTURBINE PROPERTY.—Any qualified microturbine property (as defined in section 48(c)(2) of such Code).

(7) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Any combined heat and power system property (as defined in section 48(c)(3) of such Code).

(8) GEOTHERMAL HEATPUMP PROPERTY.—Any property described in clause (vii) of section 48(a)(3)(A) of such Code.

(d) APPLICATION OF CERTAIN RULES.—In making grants under this section, the Secretary of Energy shall apply rules similar to the rules of section 50 of the Internal Revenue Code of 1986. In applying such rules, if the facility is disposed of, or otherwise ceases to be a qualified renewable energy facility, the Secretary of Energy shall provide for the recapture of the appropriate percentage of the grant amount in such manner as the Secretary of Energy determines appropriate.

(e) EXCEPTION FOR CERTAIN NON-TAXPAYERS.—The Secretary of Energy shall not make any grant under this section to any Federal, State, or local government (or any political subdivision, agency, or instrumentality thereof) or any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(f) DEFINITIONS.—Terms used in this section which are also used in section 45 or 48 of the Internal Revenue Code of 1986 shall have the same meaning for purposes of this section as when used in such section 45 or 48. Any reference in this section to the Secretary of the Treasury shall be treated as including the Secretary's delegate.

(g) COORDINATION BETWEEN DEPARTMENTS OF TREASURY AND ENERGY.—The Secretary of the Treasury shall provide the Secretary of Energy with such technical assistance as the Secretary of Energy may require in carrying out this section. The Secretary of Energy shall provide the Secretary of the Treasury with such information as the Secretary of the Treasury may require in carrying out the amendment made by section 1604.

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

(i) TERMINATION.—The Secretary of Energy shall not make any grant to any person under this section unless the application of such person for such grant is received before October 1, 2011.

PART 4—STUDY OF ECONOMIC, EMPLOYMENT, AND RELATED EFFECTS OF THIS ACT

SEC. 1731. STUDY OF ECONOMIC, EMPLOYMENT, AND RELATED EFFECTS OF THIS ACT.

On February 1, 2010, and every 3 months thereafter in calendar year 2010, the Comptroller General of the United States shall submit to the Committee on Ways and Means a written report on the most recent national (and, where available, State-by-State) information on—

(1) the economic effects of this Act;

(2) the employment effects of this Act, including—

(A) a comparison of the number of jobs preserved and the number of jobs created as a result of this Act; and

(B) a comparison of the numbers of jobs preserved and the number of jobs created in each of the public and private sectors;

(3) the share of tax and non-tax expenditures provided under this Act that were spent or saved, by group and income class;

(4) how the funds provided to States under this Act have been spent, including a breakdown of—

(A) funds used for services provided to citizens; and

(B) wages and other compensation for public employees; and

(5) a description of any funds made available under this Act that remain unspent, and the reasons why.

TITLE II—ASSISTANCE FOR UNEMPLOYED WORKERS AND STRUGGLING FAMILIES

SEC. 2000. SHORT TITLE.

This title may be cited as the ''Assistance for Unemployed Workers and Struggling Families Act''.

Subtitle A—Unemployment Insurance

SEC. 2001. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

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

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

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

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

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

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

''(1) to the extended unemployment compensation account (as established by section 905 of the Social Security Act) such sums as the Secretary of Labor estimates to be necessary to make payments to States under this title by reason of the amendments made by section 2001(a) of the Assistance for Unemployed Workers and Struggling Families Act; and

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

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

SEC. 2002. INCREASE IN UNEMPLOYMENT COMPENSATION BENEFITS.

(a) FEDERAL-STATE AGREEMENTS.—Any State which desires to do so may enter into and participate in an agreement under this section with the Secretary of Labor (hereinafter in this section referred to as the ''Secretary''). Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—

(1) ADDITIONAL COMPENSATION.—Any agreement under this section shall provide that the State agency of the State will make payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law of the State were applied, with respect to any week for which the individual is (disregarding this section) otherwise entitled under the State law to receive regular compensation, as if such State law had been modified in a manner such that the amount of regular compensation (including dependents' allowances) payable for any week shall be equal to the amount determined under the State law (before the application of this paragraph) plus an additional $25.

(2) ALLOWABLE METHODS OF PAYMENT.—Any additional compensation provided for in accordance with paragraph (1) shall be payable either—

(A) as an amount which is paid at the same time and in the same manner as any regular compensation otherwise payable for the week involved; or

(B) at the option of the State, by payments which are made separately from, but on the same weekly basis as, any regular compensation otherwise payable.

(c) NONREDUCTION RULE.—An agreement under this section shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the method governing the computation of regular compensation under the State law of that State has been modified in a manner such that—

(1) the average weekly benefit amount of regular compensation which will be payable during the period of the agreement (determined disregarding any additional amounts attributable to the modification described in subsection (b)(1)) will be less than

(2) the average weekly benefit amount of regular compensation which would otherwise have been payable during such period under the State law, as in effect on December 31, 2008.

(d) PAYMENTS TO STATES.—

(1) IN GENERAL.—

(A) FULL REIMBURSEMENT.—There shall be paid to each State which has entered into an agreement under this section an amount equal to 100 percent of—

(i) the total amount of additional compensation (as described in subsection (b)(1)) paid to individuals by the State pursuant to such agreement; and

(ii) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(B) TERMS OF PAYMENTS.—Sums payable to any State by reason of such State's having an agreement under this section shall be payable, either in advance or by way of reimbursement (as determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(2) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(3) APPROPRIATION.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, such sums as may be necessary for purposes of this subsection.

(e) APPLICABILITY.—

(1) IN GENERAL.—An agreement entered into under this section shall apply to weeks of unemployment—

(A) beginning after the date on which such agreement is entered into; and

(B) ending before January 1, 2010.

(2) TRANSITION RULE FOR INDIVIDUALS REMAINING ENTITLED TO REGULAR COMPENSATION AS OF JANUARY 1, 2010.—In the case of any individual who, as of the date specified in paragraph (1)(B), has not yet exhausted all rights to regular compensation under the State law of a State with respect to a benefit year that began before such date, additional compensation (as described in subsection (b)(1)) shall continue to be payable to such individual for any week beginning on or after such date for which the individual is otherwise eligible for regular compensation with respect to such benefit year.

(3) TERMINATION.—Notwithstanding any other provision of this subsection, no additional compensation (as described in subsection (b)(1)) shall be payable for any week beginning after June 30, 2010.

(f) FRAUD AND OVERPAYMENTS.—The provisions of section 4005 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2356) shall apply with respect to additional compensation (as described in subsection (b)(1)) to the same extent and in the same manner as in the case of emergency unemployment compensation.

(g) APPLICATION TO OTHER UNEMPLOYMENT BENEFITS.—

(1) IN GENERAL.—Each agreement under this section shall include provisions to provide that the purposes of the preceding provisions of this section shall be applied with respect to unemployment benefits described in subsection (h)(3) to the same extent and in the same manner as if those benefits were regular compensation.

(2) ELIGIBILITY AND TERMINATION RULES.—Additional compensation (as described in subsection (b)(1))—

(A) shall not be payable, pursuant to this subsection, with respect to any unemployment benefits described in subsection (h)(3) for any week beginning on or after the date specified in subsection (e)(1)(B), except in the case of an individual who was eligible to receive additional compensation (as so described) in connection with any regular compensation or any unemployment benefits described in subsection (h)(3) for any period of unemployment ending before such date; and

(B) shall in no event be payable for any week beginning after the date specified in subsection (e)(3).

(h) DISREGARD OF ADDITIONAL COMPENSATION FOR PURPOSES OF MEDICAID AND

SCHIP.—The monthly equivalent of any additional compensation paid under this section shall be disregarded in considering the amount of income of an individual for any purposes under title XIX and title XXI of the Social Security Act.

(i) DEFINITIONS.—For purposes of this section—

(1) the terms ''compensation'', ''regular compensation'', ''benefit year'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note);

(2) the term ''emergency unemployment compensation'' means emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2353); and

(3) any reference to unemployment benefits described in this paragraph shall be considered to refer to—

(A) extended compensation (as defined by section 205 of the Federal-State Extended Unemployment Compensation Act of 1970); and

(B) unemployment compensation (as defined by section 85(b) of the Internal Revenue Code of 1986) provided under any program administered by a State under an agreement with the Secretary.

SEC. 2003. SPECIAL TRANSFERS FOR UNEMPLOYMENT COMPENSATION MODERNIZATION.

(a) IN GENERAL.—Section 903 of the Social Security Act (42 U.S.C. 1103) is amended by adding at the end the following:

''Special Transfers in Fiscal Years 2009, 2010, and 2011 for Modernization

''(f)(1)(A) In addition to any other amounts, the Secretary of Labor shall provide for the making of unemployment compensation modernization incentive payments (hereinafter 'incentive payments') to the accounts of the States in the Unemployment Trust Fund, by transfer from amounts reserved for that purpose in the Federal unemployment account, in accordance with succeeding provisions of this subsection.

''(B) The maximum incentive payment allowable under this subsection with respect to any State shall, as determined by the Secretary of Labor, be equal to the amount obtained by multiplying $7,000,000,000 by the same ratio as would apply under subsection (a)(2)(B) for purposes of determining such State's share of any excess amount (as described in subsection (a)(1)) that would have been subject to transfer to State accounts, as of October 1, 2008, under the provisions of subsection (a).

''(C) Of the maximum incentive payment determined under subparagraph (B) with respect to a State—

''(i) one-third shall be transferred to the account of such State upon a certification under paragraph (4)(B) that the State law of such State meets the requirements of paragraph (2); and

''(ii) the remainder shall be transferred to the account of such State upon a certification under paragraph (4)(B) that the State law of such State meets the requirements of paragraph (3).

''(2) The State law of a State meets the requirements of this paragraph if such State law—

''(A) uses a base period that includes the most recently completed calendar quarter before the start of the benefit year for purposes of determining eligibility for unemployment compensation; or

''(B) provides that, in the case of an individual who would not otherwise be eligible for unemployment compensation under the State law because of the use of a base period that does not include the most recently completed calendar quarter before the start of the benefit year, eligibility shall be determined using a base period that includes such calendar quarter.

''(3) The State law of a State meets the requirements of this paragraph if such State law includes provisions to carry out at least 2 of the following subparagraphs:

''(A) An individual shall not be denied regular unemployment compensation under any State law provisions relating to availability for work, active search for work, or refusal to accept work, solely because such individual is seeking only part-time work (as defined by the Secretary of Labor), except that the State law provisions carrying out this subparagraph may exclude an individual if a majority of the weeks of work in such individual's base period do not include part-time work (as so defined).

''(B) An individual shall not be disqualified from regular unemployment compensation for separating from employment if that separation is for any compelling family reason. For purposes of this subparagraph, the term 'compelling family reason' means the following:

''(i) Domestic violence, verified by such reasonable and confidential documentation as the State law may require, which causes the individual reasonably to believe that such individual's continued employment would jeopardize the safety of the individual or of any member of the individual's immediate family (as defined by the Secretary of Labor).

''(ii) The illness or disability of a member of the individual's immediate family (as those terms are defined by the Secretary of Labor).

''(iii) The need for the individual to accompany such individual's spouse—

''(I) to a place from which it is impractical for such individual to commute; and

''(II) due to a change in location of the spouse's employment.

''(C) Weekly unemployment compensation is payable under this subparagraph to any individual who is unemployed (as determined under the State unemployment compensation law), has exhausted all rights to regular unemployment compensation under the State law, and is enrolled and making satisfactory progress in a State-approved training program or in a job training program authorized under the Workforce Investment Act of 1998. Such programs shall prepare individuals who have been separated from a declining occupation, or who have been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the individual's place of employment, for entry into a high-demand occupation. The amount of unemployment compensation payable under this subparagraph to an individual for a week of unemployment shall be equal to the individual's average weekly benefit amount (including dependents' allowances) for the most recent benefit year, and the total amount of unemployment compensation payable under this subparagraph to any individual shall be equal to at least 26 times the individual's average weekly benefit amount (including dependents' allowances) for the most recent benefit year.

''(D) Dependents' allowances are provided, in the case of any individual who is entitled to receive regular unemployment compensation and who has any dependents (as defined by State law), in an amount equal to at least $15 per dependent per week, subject to any aggregate limitation on such allowances which the State law may establish (but which aggregate limitation on the total allowance for dependents paid to an individual may not be less than $50 for each week of unemployment or 50 percent of the individual's weekly benefit amount for the benefit year, whichever is less).

''(4)(A) Any State seeking an incentive payment under this subsection shall submit an application therefor at such time, in such manner, and complete with such information as the Secretary of Labor may within 60 days after the date of the enactment of this subsection prescribe (whether by regulation or otherwise), including information relating to compliance with the requirements of paragraph (2) or (3), as well as how the State intends to use the incentive payment to improve or strengthen the State's unemployment compensation program. The Secretary of Labor shall, within 30 days after receiving a complete application, notify the State agency of the State of the Secretary's findings with respect to the requirements of paragraph (2) or (3) (or both).

''(B)(i) If the Secretary of Labor finds that the State law provisions (disregarding any State law provisions which are not then currently in effect as permanent law or which are subject to discontinuation) meet the requirements of paragraph (2) or (3), as the case may be, the Secretary of Labor shall thereupon make a certification to that effect to the Secretary of the Treasury, together with a certification as to the amount of the incentive payment to be transferred to the State account pursuant to that finding. The Secretary of the Treasury shall make the appropriate transfer within 7 days after receiving such certification.

''(ii) For purposes of clause (i), State law provisions which are to take effect within 12 months after the date of their certification under this subparagraph shall be considered to be in effect as of the date of such certification.

''(C)(i) No certification of compliance with the requirements of paragraph (2) or (3) may be made with respect to any State whose State law is not otherwise eligible for certification under section 303 or approvable under section 3304 of the Federal Unemployment Tax Act.

''(ii) No certification of compliance with the requirements of paragraph (3) may be made with respect to any State whose State law is not in compliance with the requirements of paragraph (2).

''(iii) No application under subparagraph (A) may be considered if submitted before the date of the enactment of this subsection or after the latest date necessary (as specified by the Secretary of Labor) to ensure that all incentive payments under this subsection are made before October 1, 2011.

''(5)(A) Except as provided in subparagraph (B), any amount transferred to the account of a State under this subsection may be used by such State only in the payment of cash benefits to individuals with respect to their unemployment (including for dependents' allowances and for unemployment compensation under paragraph (3)(C)), exclusive of expenses of administration.

''(B) A State may, subject to the same conditions as set forth in subsection (c)(2) (excluding subparagraph (B) thereof, and deeming the reference to 'subsections (a) and (b)' in subparagraph (D) thereof to include this subsection), use any amount transferred to the account of such State under this subsection for the administration of its unemployment compensation law and public employment offices.

''(6) Out of any money in the Federal unemployment account not otherwise appropriated, the Secretary of the Treasury shall reserve $7,000,000,000 for incentive payments under this subsection. Any amount so reserved shall not be taken into account for purposes of any determination under section 902, 910, or 1203 of the amount in the Federal unemployment account as of any given time.

Any amount so reserved for which the Secretary of the Treasury has not received a certification under paragraph (4)(B) by the deadline described in paragraph (4)(C)(iii) shall, upon the close of fiscal year 2011, become unrestricted as to use as part of the Federal unemployment account.

''(7) For purposes of this subsection, the terms 'benefit year', 'base period', and 'week' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

''Special Transfer in Fiscal Year 2009 for Administration

''(g)(1) In addition to any other amounts, the Secretary of the Treasury shall transfer from the employment security administration account to the account of each State in the Unemployment Trust Fund, within 30 days after the date of the enactment of this subsection, the amount determined with respect to such State under paragraph (2).

''(2) The amount to be transferred under this subsection to a State account shall (as determined by the Secretary of Labor and certified by such Secretary to the Secretary of the Treasury) be equal to the amount obtained by multiplying $500,000,000 by the same ratio as determined under subsection (f)(1)(B) with respect to such State.

''(3) Any amount transferred to the account of a State as a result of the enactment of this subsection may be used by the State agency of such State only in the payment of expenses incurred by it for—

''(A) the administration of the provisions of its State law carrying out the purposes of subsection (f)(2) or any subparagraph of subsection (f)(3);

''(B) improved outreach to individuals who might be eligible for regular unemployment compensation by virtue of any provisions of the State law which are described in subparagraph (A);

''(C) the improvement of unemployment benefit and unemployment tax operations, including responding to increased demand for unemployment compensation; and

''(D) staff-assisted reemployment services for unemployment compensation claimants.''.

(b) REGULATIONS.—The Secretary of Labor may prescribe any regulations, operating instructions, or other guidance necessary to carry out the amendment made by subsection (a).

Subtitle B—Assistance for Vulnerable Individuals

SEC. 2101. EMERGENCY FUND FOR TANF PROGRAM.

(a) IN GENERAL.—Section 403 of the Social Security Act (42 U.S.C. 603) is amended by adding at the end the following:

''(c) EMERGENCY FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund which shall be known as the 'Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs' (in this subsection referred to as the 'Emergency Fund').

''(2) DEPOSITS INTO FUND.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated such sums as are necessary for payment to the Emergency Fund.

''(3) GRANTS.—

''(A) GRANT RELATED TO CASELOAD INCREASES.—

''(i) IN GENERAL.—For each calendar quarter in fiscal year 2009 or 2010, the Secretary shall make a grant from the Emergency Fund to each State that—

''(I) requests a grant under this subparagraph for the quarter; and

''(II) meets the requirement of clause (ii) for the quarter.

''(ii) CASELOAD INCREASE REQUIREMENT.—A State meets the requirement of this clause for a quarter if the average monthly assistance caseload of the State for the quarter exceeds the average monthly assistance caseload of the State for the corresponding quarter in the emergency fund base year of the State.

''(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be 80 percent of the amount (if any) by which the total expenditures of the State for basic assistance (as defined by the Secretary) in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total expenditures of the State for such assistance for the corresponding quarter in the emergency fund base year of the State.

''(B) GRANT RELATED TO INCREASED EXPENDITURES FOR NON-RECURRENT SHORT TERM BENEFITS.—

''(i) IN GENERAL.—For each calendar quarter in fiscal year 2009 or 2010, the Secretary shall make a grant from the Emergency Fund to each State that—

''(I) requests a grant under this subparagraph for the quarter; and

''(II) meets the requirement of clause (ii) for the quarter.

''(ii) NON-RECURRENT SHORT TERM EXPENDITURE REQUIREMENT.—A State meets the requirement of this clause for a quarter if the total expenditures of the State for non-recurrent short term benefits in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total such expenditures of the State for non-recurrent short term benefits in the corresponding quarter in the emergency fund base year of the State.

''(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the excess described in clause (ii).

''(C) GRANT RELATED TO INCREASED EXPENDITURES FOR SUBSIDIZED EMPLOYMENT.—

''(i) IN GENERAL.—For each calendar quarter in fiscal year 2009 or 2010, the Secretary shall make a grant from the Emergency Fund to each State that—

''(I) requests a grant under this subparagraph for the quarter; and

''(II) meets the requirement of clause (ii) for the quarter.

''(ii) SUBSIDIZED EMPLOYMENT EXPENDITURE REQUIREMENT.—A State meets the requirement of this clause for a quarter if the total expenditures of the State for subsidized employment in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total of such expenditures of the State in the corresponding quarter in the emergency fund base year of the State.

''(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the excess described in clause (ii).

''(4) AUTHORITY TO MAKE NECESSARY ADJUSTMENTS TO DATA AND COLLECT NEEDED DATA.—In determining the size of the caseload of a State and the expenditures of a State for basic assistance, non-recurrent short-term benefits, and subsidized employment, during any period for which the State requests funds under this subsection, and during the emergency fund base year of the State, the Secretary may make appropriate adjustments to the data to ensure that the data reflect expenditures under the State program funded under this part and qualified State expenditures. The Secretary may develop a mechanism for collecting expenditure data, including procedures which allow States to make reasonable estimates, and may set deadlines for making revisions to the data.

''(5) LIMITATION.—The total amount payable to a single State under subsection (b) and this subsection for a fiscal year shall not exceed 25 percent of the State family assistance grant.

''(6) LIMITATIONS ON USE OF FUNDS.—A State to which an amount is paid under this subsection may use the amount only as authorized by section 404.

''(7) TIMING OF IMPLEMENTATION.—The Secretary shall implement this subsection as quickly as reasonably possible, pursuant to appropriate guidance to States.

''(8) DEFINITIONS.—In this subsection:

''(A) AVERAGE MONTHLY ASSISTANCE CASELOAD.—The term 'average monthly assistance caseload' means, with respect to a State and a quarter, the number of families receiving assistance during the quarter under the State program funded under this part or as qualified State expenditures, subject to adjustment under paragraph (4).

''(B) EMERGENCY FUND BASE YEAR.—

''(i) IN GENERAL.—The term 'emergency fund base year' means, with respect to a State and a category described in clause (ii), whichever of fiscal year 2007 or 2008 is the fiscal year in which the amount described by the category with respect to the State is the lesser.

''(ii) CATEGORIES DESCRIBED.—The categories described in this clause are the following:

''(I) The average monthly assistance caseload of the State.

''(II) The total expenditures of the State for non-recurrent short term benefits, whether under the State program funded under this part or as qualified State expenditures.

''(III) The total expenditures of the State for subsidized employment, whether under the State program funded under this part or as qualified State expenditures.

''(C) QUALIFIED STATE EXPENDITURES.—The term 'qualified State expenditures' has the meaning given the term in section 409(a)(7).''.

(b) TEMPORARY MODIFICATION OF CASELOAD REDUCTION CREDIT.—Section 407(b)(3)(A)(i) of such Act (42 U.S.C. 607(b)(3)(A)(i)) is amended by inserting ''(or if the immediately preceding fiscal year is fiscal year 2009 or 2010, then, at State option, during the emergency fund base year of the State with respect to the average monthly assistance caseload of the State (within the meaning of section 403(c)(8)(B)))'' before ''under the State''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 2102. ONE-TIME EMERGENCY PAYMENT TO SSI RECIPIENTS.

(a) PAYMENT AUTHORITY.—

(1) IN GENERAL.—At the earliest practicable date in calendar year 2009 but not later than 120 days after the date of the enactment of this section, the Commissioner of Social Security shall make a one-time payment to each individual who is determined by the Commissioner in calendar year 2009 to be an individual who—

(A) is entitled to a cash benefit under the supplemental security income program under title XVI of the Social Security Act (other than pursuant to section 1611(e)(1)(B) of such Act) for at least 1 day in the calendar month in which the first payment under this section is to be made; or

(B)(i) was entitled to such a cash benefit (other than pursuant to section 1611(e)(1)(B) of such Act) for at least 1 day in the 2-month period preceding that calendar month; and

(ii) whose entitlement to that benefit ceased in that 2-month period solely because

the income of the individual (and the income of the spouse, if any, of the individual) exceeded the applicable income limit described in paragraph (1)(A) or (2)(A) of section 1611(a) of such Act.

(2) AMOUNT OF PAYMENT.—Subject to subsection (b)(1) of this section, the amount of the payment shall be—

(A) in the case of an individual eligible for a payment under this section who does not have a spouse eligible for such a payment, an amount equal to the average of the cash benefits payable in the aggregate under section 1611 or 1619(a) of the Social Security Act to eligible individuals who do not have an eligible spouse, for the most recent month for which data on payment of the benefits are available, as determined by the Commissioner of Social Security; or

(B) in the case of an individual eligible for a payment under this section who has a spouse eligible for such a payment, an amount equal to the average of the cash benefits payable in the aggregate under section 1611 or 1619(a) of the Social Security Act to eligible individuals who have an eligible spouse, for the most recent month for which data on payment of the benefits are available, as so determined.

(b) ADMINISTRATIVE PROVISIONS.—

(1) AUTHORITY TO WITHHOLD PAYMENT TO RECOVER PRIOR OVERPAYMENT OF SSI BENEFITS.—The Commissioner of Social Security may withhold part or all of a payment otherwise required to be made under subsection (a) of this section to an individual, in order to recover a prior overpayment of benefits to the individual under the supplemental security income program under title XVI of the Social Security Act, subject to the limitations of section 1631(b) of such Act.

(2) PAYMENT TO BE DISREGARDED IN DETERMINING UNDERPAYMENTS UNDER THE SSI PROGRAM.—A payment under subsection (a) shall be disregarded in determining whether there has been an underpayment of benefits under the supplemental security income program under title XVI of the Social Security Act.

(3) NONASSIGNMENT.—The provisions of section 1631(d) of the Social Security Act shall apply with respect to payments under this section to the same extent as they apply in the case of title XVI of such Act.

(c) PAYMENTS TO BE DISREGARDED FOR PURPOSES OF ALL FEDERAL AND FEDERALLY ASSISTED PROGRAMS.—A payment under subsection (a) shall not be regarded as income to the recipient, and shall not be regarded as a resource of the recipient for the month of receipt and the following 6 months, for purposes of determining the eligibility of any individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(d) APPROPRIATION.—Out of any sums in the Treasury of the United States not otherwise appropriated, there are appropriated such sums as may be necessary to carry out this section.

SEC. 2103. TEMPORARY RESUMPTION OF PRIOR CHILD SUPPORT LAW.

During the period that begins with October 1, 2008, and ends with September 30, 2010, section 455(a)(1) of the Social Security Act shall be applied and administered as if the phrase ''from amounts paid to the State under section 458 or'' did not appear in such section.

TITLE III—HEALTH INSURANCE ASSISTANCE FOR THE UNEMPLOYED

SEC. 3001. SHORT TITLE AND TABLE OF CONTENTS OF TITLE.

(a) SHORT TITLE OF TITLE.—This title may be cited as the ''Health Insurance Assistance for the Unemployed Act of 2009''.

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

Sec. 3001. Short title and table of contents of title.
Sec. 3002. Premium assistance for COBRA benefits and extension of COBRA benefits for older or long-term employees.
Sec. 3003. Temporary optional Medicaid coverage for the unemployed.

SEC. 3002. PREMIUM ASSISTANCE FOR COBRA BENEFITS AND EXTENSION OF COBRA BENEFITS FOR OLDER OR LONG-TERM EMPLOYEES.

(a) PREMIUM ASSISTANCE FOR COBRA CONTINUATION COVERAGE FOR INDIVIDUALS AND THEIR FAMILIES.—

(1) PROVISION OF PREMIUM ASSISTANCE.—

(A) REDUCTION OF PREMIUMS PAYABLE.—In the case of any premium for a period of coverage beginning on or after the date of the enactment of this Act for COBRA continuation coverage with respect to any assistance eligible individual, such individual shall be treated for purposes of any COBRA continuation provision as having paid the amount of such premium if such individual pays 35 percent of the amount of such premium (as determined without regard to this subsection).

(B) PREMIUM REIMBURSEMENT.—For provisions providing the balance of such premium, see section 6431 of the Internal Revenue Code of 1986, as added by paragraph (12).

(2) LIMITATION OF PERIOD OF PREMIUM ASSISTANCE.—

(A) IN GENERAL.—Paragraph (1)(A) shall not apply with respect to any assistance eligible individual for months of coverage beginning on or after the earlier of—

(i) the first date that such individual is eligible for coverage under any other group health plan (other than coverage consisting of only dental, vision, counseling, or referral services (or a combination thereof), coverage under a health reimbursement arrangement or a health flexible spending arrangement, or coverage of treatment that is furnished in an on-site medical facility maintained by the employer and that consists primarily of first-aid services, prevention and wellness care, or similar care (or a combination thereof)) or is eligible for benefits under title XVIII of the Social Security Act, or

(ii) the earliest of—

(I) the date which is 12 months after the first day of the first month that paragraph (1)(A) applies with respect to such individual,

(II) the date following the expiration of the maximum period of continuation coverage required under the applicable COBRA continuation coverage provision, or

(III) the date following the expiration of the period of continuation coverage allowed under paragraph (4)(B)(ii).

(B) TIMING OF ELIGIBILITY FOR ADDITIONAL COVERAGE.—For purposes of subparagraph (A)(i), an individual shall not be treated as eligible for coverage under a group health plan before the first date on which such individual could be covered under such plan.

(C) NOTIFICATION REQUIREMENT.—An assistance eligible individual shall notify in writing the group health plan with respect to which paragraph (1)(A) applies if such paragraph ceases to apply by reason of subparagraph (A)(i). Such notice shall be provided to the group health plan in such time and manner as may be specified by the Secretary of Labor.

(3) ASSISTANCE ELIGIBLE INDIVIDUAL.—For purposes of this section, the term ''assistance eligible individual'' means any qualified beneficiary if—

(A) at any time during the period that begins with September 1, 2008, and ends with December 31, 2009, such qualified beneficiary is eligible for COBRA continuation coverage,

(B) such qualified beneficiary elects such coverage, and

(C) the qualifying event with respect to the COBRA continuation coverage consists of the involuntary termination of the covered employee's employment and occurred during such period.

(4) EXTENSION OF ELECTION PERIOD AND EFFECT ON COVERAGE.—

(A) IN GENERAL.—Notwithstanding section 605(a) of the Employee Retirement Income Security Act of 1974, section 4980B(f)(5)(A) of the Internal Revenue Code of 1986, section 2205(a) of the Public Health Service Act, and section 8905a(c)(2) of title 5, United States Code, in the case of an individual who is a qualified beneficiary described in paragraph (3)(A) as of the date of the enactment of this Act and has not made the election referred to in paragraph (3)(B) as of such date, such individual may elect the COBRA continuation coverage under the COBRA continuation coverage provisions containing such sections during the 60-day period commencing with the date on which the notification required under paragraph (7)(C) is provided to such individual.

(B) COMMENCEMENT OF COVERAGE; NO REACHBACK.—Any COBRA continuation coverage elected by a qualified beneficiary during an extended election period under subparagraph (A)—

(i) shall commence on the date of the enactment of this Act, and

(ii) shall not extend beyond the period of COBRA continuation coverage that would have been required under the applicable COBRA continuation coverage provision if the coverage had been elected as required under such provision.

(C) PREEXISTING CONDITIONS.—With respect to a qualified beneficiary who elects COBRA continuation coverage pursuant to subparagraph (A), the period—

(i) beginning on the date of the qualifying event, and

(ii) ending with the day before the date of the enactment of this Act,

shall be disregarded for purposes of determining the 63-day periods referred to in section 701)(2) of the Employee Retirement Income Security Act of 1974, section 9801(c)(2) of the Internal Revenue Code of 1986, and section 2701(c)(2) of the Public Health Service Act.

(5) EXPEDITED REVIEW OF DENIALS OF PREMIUM ASSISTANCE.—In any case in which an individual requests treatment as an assistance eligible individual and is denied such treatment by the group health plan by reason of such individual's ineligibility for COBRA continuation coverage, the Secretary of Labor (or the Secretary of Health and Human services in connection with COBRA continuation coverage which is provided other than pursuant to part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974), in consultation with the Secretary of the Treasury, shall provide for expedited review of such denial. An individual shall be entitled to such review upon application to such Secretary in such form and manner as shall be provided by such Secretary. Such Secretary shall make a determination regarding such individual's eligibility within 10 business days after receipt of such individual's application for review under this paragraph.

(6) DISREGARD OF SUBSIDIES FOR PURPOSES OF FEDERAL AND STATE PROGRAMS.—Notwithstanding any other provision of law, any premium reduction with respect to an assistance eligible individual under this subsection shall not be considered income or resources in determining eligibility for, or the amount of assistance or benefits provided under, any other public benefit provided under Federal law or the law of any State or political subdivision thereof.

(7) NOTICES TO INDIVIDUALS.—

(A) GENERAL NOTICE.—

(i) IN GENERAL.—In the case of notices provided under section 606(4) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166(4)), section 4980B(f)(6)(D) of the Internal Revenue Code of 1986, section 2206(4) of the Public Health Service Act (42 U.S.C. 300bb-6(4)), or section 8905a(f)(2)(A) of title 5, United States Code, with respect to individuals who, during the period described in paragraph (3)(A), become entitled to elect COBRA continuation coverage, such notices shall include an additional notification to the recipient of the availability of premium reduction with respect to such coverage under this subsection.

(ii) ALTERNATIVE NOTICE.—In the case of COBRA continuation coverage to which the notice provision under such sections does not apply, the Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall, in coordination with administrators of the group health plans (or other entities) that provide or administer the COBRA continuation coverage involved, provide rules requiring the provision of such notice.

(iii) FORM.—The requirement of the additional notification under this subparagraph may be met by amendment of existing notice forms or by inclusion of a separate document with the notice otherwise required.

(B) SPECIFIC REQUIREMENTS.—Each additional notification under subparagraph (A) shall include—

(i) the forms necessary for establishing eligibility for premium reduction under this subsection,

(ii) the name, address, and telephone number necessary to contact the plan administrator and any other person maintaining relevant information in connection with such premium reduction,

(iii) a description of the extended election period provided for in paragraph (4)(A),

(iv) a description of the obligation of the qualified beneficiary under paragraph (2)(C) to notify the plan providing continuation coverage of eligibility for subsequent coverage under another group health plan or eligibility for benefits under title XVIII of the Social Security Act and the penalty provided for failure to so notify the plan, and

(v) a description, displayed in a prominent manner, of the qualified beneficiary's right to a reduced premium and any conditions on entitlement to the reduced premium.

(C) NOTICE RELATING TO RETROACTIVE COVERAGE.—In the case of an individual described in paragraph (3)(A) who has elected COBRA continuation coverage as of the date of enactment of this Act or an individual described in paragraph (4)(A), the administrator of the group health plan (or other entity) involved shall provide (within 60 days after the date of enactment of this Act) for the additional notification required to be provided under subparagraph (A).

(D) MODEL NOTICES.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall prescribe models for the additional notification required under this paragraph.

(8) SAFEGUARDS.—The Secretary of the Treasury shall provide such rules, procedures, regulations, and other guidance as may be necessary and appropriate to prevent fraud and abuse under this subsection.

(9) OUTREACH.—The Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall provide outreach consisting of public education and enrollment assistance relating to premium reduction provided under this subsection. Such outreach shall target employers, group health plan administrators, public assistance programs, States, insurers, and other entities as determined appropriate by such Secretaries. Such outreach shall include an initial focus on those individuals electing continuation coverage who are referred to in paragraph (7)(C). Information on such premium reduction, including enrollment, shall also be made available on website of the Departments of Labor, Treasury, and Health and Human Services.

(10) DEFINITIONS.—For purposes of this subsection—

(A) ADMINISTRATOR.—The term ''administrator'' has the meaning given such term in section 3(16) of the Employee Retirement Income Security Act of 1974.

(B) COBRA CONTINUATION COVERAGE.—The term ''COBRA continuation coverage'' means continuation coverage provided pursuant to part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (other than under section 609), title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986 (other than subsection (f)(1) of such section insofar as it relates to pediatric vaccines), or section 8905a of title 5, United States Code, or under a State program that provides continuation coverage comparable to such continuation coverage. Such term does not include coverage under a health flexible spending arrangement.

(C) COBRA CONTINUATION PROVISION.—The term ''COBRA continuation provision'' means the provisions of law described in subparagraph (B).

(D) COVERED EMPLOYEE.—The term ''covered employee'' has the meaning given such term in section 607(2) of the Employee Retirement Income Security Act of 1974.

(E) QUALIFIED BENEFICIARY.—The term ''qualified beneficiary'' has the meaning given such term in section 607(3) of the Employee Retirement Income Security Act of 1974.

(F) GROUP HEALTH PLAN.—The term ''group health plan'' has the meaning given such term in section 607(1) of the Employee Retirement Income Security Act of 1974.

(G) STATE.—The term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(11) REPORTS.—

(A) INTERIM REPORT.—The Secretary of the Treasury shall submit an interim report to the Committee on Education and Labor, the Committee on Ways and Means, and the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate regarding the premium reduction provided under this subsection that includes—

(i) the number of individuals provided such assistance as of the date of the report; and

(ii) the total amount of expenditures incurred (with administrative expenditures noted separately) in connection with such assistance as of the date of the report.

(B) FINAL REPORT.—As soon as practicable after the last period of COBRA continuation coverage for which premium reduction is provided under this section, the Secretary of the Treasury shall submit a final report to each Committee referred to in subparagraph (A) that includes—

(i) the number of individuals provided premium reduction under this section;

(ii) the average dollar amount (monthly and annually) of premium reductions provided to such individuals; and

(iii) the total amount of expenditures incurred (with administrative expenditures noted separately) in connection with premium reduction under this section.

(12) COBRA PREMIUM ASSISTANCE.—

(A) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 6431. COBRA PREMIUM ASSISTANCE.

''(a) IN GENERAL.—The entity to whom premiums are payable under COBRA continuation coverage shall be reimbursed for the amount of premiums not paid by plan beneficiaries by reason of section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009. Such amount shall be treated as a credit against the requirement of such entity to make deposits of payroll taxes and the liability of such entity for payroll taxes. To the extent that such amount exceeds the amount of such taxes, the Secretary shall pay to such entity the amount of such excess. No payment may be made under this subsection to an entity with respect to any assistance eligible individual until after such entity has received the reduced premium from such individual required under section 3002(a)(1)(A) of such Act.

''(b) PAYROLL TAXES.—For purposes of this section, the term 'payroll taxes' means—

''(1) amounts required to be deducted and withheld for the payroll period under section 3401 (relating to wage withholding),

''(2) amounts required to be deducted for the payroll period under section 3102 (relating to FICA employee taxes), and

''(3) amounts of the taxes imposed for the payroll period under section 3111 (relating to FICA employer taxes).

''(c) TREATMENT OF CREDIT.—Except as otherwise provided by the Secretary, the credit described in subsection (a) shall be applied as though the employer had paid to the Secretary, on the day that the qualified beneficiary's premium payment is received, an amount equal to such credit.

''(d) TREATMENT OF PAYMENT.—For purposes of section 1324(b)(2) of title 31, United States Code, any payment under this section shall be treated in the same manner as a refund of the credit under section 35.

''(e) REPORTING.—

''(1) IN GENERAL.—Each entity entitled to reimbursement under subsection (a) for any period shall submit such reports as the Secretary may require, including—

''(A) an attestation of involuntary termination of employment for each covered employee on the basis of whose termination entitlement to reimbursement is claimed under subsection (a), and

''(B) a report of the amount of payroll taxes offset under subsection (a) for the reporting period and the estimated offsets of such taxes for the subsequent reporting period in connection with reimbursements under subsection (a).

''(2) TIMING OF REPORTS RELATING TO AMOUNT OF PAYROLL TAXES.—Reports required under paragraph (1)(B) shall be submitted at the same time as deposits of taxes imposed by chapters 21, 22, and 24 or at such time as is specified by the Secretary.

''(f) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out this section, including the requirement to report information or the establishment of other methods for verifying the correct amounts of payments and credits under this section. The Secretary shall issue such regulations or guidance with respect to the application of this section to group health plans that are multiemployer plans (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974).''.

(B) SOCIAL SECURITY TRUST FUNDS HELD HARMLESS.—In determining any amount

transferred or appropriated to any fund under the Social Security Act, section 6431 of the Internal Revenue Code of 1986 shall not be taken into account.

(C) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 6431. COBRA premium assistance.''.

(D) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to premiums to which subsection (a)(1)(A) applies.

(13) PENALTY FOR FAILURE TO NOTIFY HEALTH PLAN OF CESSATION OF ELIGIBILITY FOR PREMIUM ASSISTANCE.—

(A) IN GENERAL.—Part I of subchapter B of chapter 68 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 6720C. PENALTY FOR FAILURE TO NOTIFY HEALTH PLAN OF CESSATION OF ELIGIBILITY FOR COBRA PREMIUM ASSISTANCE.

''(a) IN GENERAL.—Any person required to notify a group health plan under section 3002(a)(2)(C)) of the Health Insurance Assistance for the Unemployed Act of 2009 who fails to make such a notification at such time and in such manner as the Secretary of Labor may require shall pay a penalty of 110 percent of the premium reduction provided under such section after termination of eligibility under such subsection.

''(b) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subsection (a) with respect to any failure if it is shown that such failure is due to reasonable cause and not to willful neglect.''.

(B) CLERICAL AMENDMENT.—The table of sections of part I of subchapter B of chapter 68 of such Code is amended by adding at the end the following new item:

''Sec. 6720C. Penalty for failure to notify health plan of cessation of eligibility for COBRA premium assistance.''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to failures occurring after the date of the enactment of this Act.

(14) COORDINATION WITH HCTC.—

(A) IN GENERAL.—Subsection (g) of section 35 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (9) as paragraph (10) and inserting after paragraph (8) the following new paragraph:

''(9) COBRA PREMIUM ASSISTANCE.—In the case of an assistance eligible individual who receives premium reduction for COBRA continuation coverage under section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009 for any month during the taxable year, such individual shall not be treated as an eligible individual, a certified individual, or a qualifying family member for purposes of this section or section 7527 with respect to such month.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to taxable years ending after the date of the enactment of this Act.

(15) EXCLUSION OF COBRA PREMIUM ASSISTANCE FROM GROSS INCOME.—

(A) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139B the following new section:

''SEC. 139C. COBRA PREMIUM ASSISTANCE.

''In the case of an assistance eligible individual (as defined in section 3002 of the Health Insurance Assistance for the Unemployed Act of 2009), gross income does not include any premium reduction provided under subsection (a) of such section.''.

(B) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 139B the following new item:

''Sec. 139C. COBRA premium assistance.''.

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

(b) EXTENSION OF COBRA BENEFITS FOR OLDER OR LONG-TERM EMPLOYEES.—

(1) ERISA AMENDMENT.—Section 602(2)(A) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new clauses:

''(x) SPECIAL RULE FOR OLDER OR LONG-TERM EMPLOYEES GENERALLY.—In the case of a qualifying event described in section 603(2) with respect to a covered employee who (as of such qualifying event) has attained age 55 or has completed 10 or more years of service with the entity that is the employer at the time of the qualifying event, clauses (i) and (ii) shall not apply. For purposes of this clause, in the case of a group health plan that is a multiemployer plan, service by the covered employee performed for 2 or more employers during periods for which such employers contributed to such plan shall be treated as service performed for the entity referred to in the preceding sentence.

''(xi) YEAR OF SERVICE.— For purposes of this subparagraph, the term 'year of service' shall have the meaning provided in section 202(a)(3).''.

(2) IRC AMENDMENT.—Clause (i) of section 4980B(f)(2)(B) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subclauses:

''(X) SPECIAL RULE FOR OLDER OR LONG-TERM EMPLOYEES GENERALLY.—In the case of a qualifying event described in paragraph (3)(B) with respect to a covered employee who (as of such qualifying event) has attained age 55 or has completed 10 or more years of service with the entity that is the employer at the time of the qualifying event, subclauses (I) and (II) shall not apply. For purposes of this subclause, in the case of a group health plan that is a multiemployer plan (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974), service by the covered employee performed for 2 or more employers during periods for which such employers contributed to such plan shall be treated as service performed for the entity referred to in the preceding sentence.

''(XI) YEAR OF SERVICE.— For purposes of this clause, the term 'year of service' shall have the meaning provided in section 202(a)(3) of the Employee Retirement Income Security Act of 1974.''.

(3) PHSA AMENDMENT.—Section 2202(2)(A) of the Public Health Service Act is amended by adding at the end the following new clauses:

''(viii) SPECIAL RULE FOR OLDER OR LONG-TERM EMPLOYEES GENERALLY.—In the case of a qualifying event described in section 2203(2) with respect to a covered employee who (as of such qualifying event) has attained age 55 or has completed 10 or more years of service with the entity that is the employer at the time of the qualifying event, clauses (i) and (ii) shall not apply. For purposes of this clause, in the case of a group health plan that is a multiemployer plan (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974), service by the covered employee performed for 2 or more employers during periods for which such employers contributed to such plan shall be treated as service performed for the entity referred to in the preceding sentence.

''(ix) YEAR OF SERVICE.— For purposes of this subparagraph, the term 'year of service' shall have the meaning provided in section 202(a)(3) of the Employee Retirement Income Security Act of 1974.''.

(4) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by this subsection shall apply to periods of coverage which would (without regard to the amendments made by this section) end on or after the date of the enactment of this Act.

SEC. 3003. TEMPORARY OPTIONAL MEDICAID COVERAGE FOR THE UNEMPLOYED.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(10)(A)(ii)—

(A) by striking ''or'' at the end of subclause (XVIII);

(B) by adding ''or'' at the end of subclause (XIX); and

(C) by adding at the end the following new subclause

''(XX) who are described in subsection (dd)(1) (relating to certain unemployed individuals and their families);''; and

(2) by adding at the end the following new subsection:

''(dd)(1) Individuals described in this paragraph are—

''(A) individuals who—

''(i) are within one or more of the categories described in paragraph (2), as elected under the State plan; and

''(ii) meet the applicable requirements of paragraph (3); and

''(B) individuals who—

''(i) are the spouse, or dependent child under 19 years of age, of an individual described in subparagraph (A); and

''(ii) meet the requirement of paragraph (3)(B).

''(2) The categories of individuals described in this paragraph are each of the following:

''(A)(i) Individuals who are receiving unemployment compensation benefits; and

''(ii) individuals who were receiving, but have exhausted, unemployment compensation benefits on or after July 1, 2008.

''(B) Individuals who are involuntarily unemployed and were involuntarily separated from employment on or after September 1, 2008, and before January 1, 2011, whose family gross income does not exceed a percentage specified by the State (not to exceed 200 percent) of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved, and who, but for subsection (a)(10)(A)(ii)(XX), are not eligible for medical assistance under this title or health assistance under title XXI.

''(C) Individuals who are involuntarily unemployed and were involuntarily separated from employment on or after September 1, 2008, and before January 1, 2011, who are members of households participating in the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq), and who, but for subsection (a)(10)(A)(ii)(XX), are not eligible for medical assistance under this title or health assistance under title XXI.

''(3) The requirements of this paragraph with respect to an individual are the following:

''(A) In the case of individuals within a category described in subparagraph (A)(i) of paragraph (2), the individual was involuntarily separated from employment on or after September 1, 2008, and before January 1, 2011, or meets such comparable requirement as the Secretary specifies through rule, guidance, or otherwise in the case of an individual who was an independent contractor.

''(B) The individual is not otherwise covered under creditable coverage, as defined in section 2701(c) of the Public Health Service Act (42 U.S.C. 300gg(c)), but applied without regard to paragraph (1)(F) of such section and without regard to coverage provided by

reason of the application of subsection (a)(10)(A)(ii)(XX).

''(4)(A) No income or resources test shall be applied with respect to any category of individuals described in subparagraph (A) or (C) of paragraph (2) who are eligible for medical assistance only by reason of the application of subsection (a)(10)(A)(ii)(XX).

''(B) Nothing in this subsection shall be construed to prevent a State from imposing a resource test for the category of individuals described in paragraph (2)(B)).

''(C) In the case of individuals described in paragraph (2)(A) or (2)(C), the requirements of subsections (i)(22) and (x) in section 1903 shall not apply.''.

(b) 100 PERCENT FEDERAL MATCHING RATE.—

(1) FMAP FOR TIME-LIMITED PERIOD.—The third sentence of section 1905(b) of such Act (42 U.S.C. 1396d(b)) is amended by inserting before the period at the end the following: ''and for items and services furnished on or after the date of enactment of this Act and before January 1, 2011, to individuals who are eligible for medical assistance only by reason of the application of section 1902(a)(10)(A)(ii)(XX)''.

(2) CERTAIN ENROLLMENT-RELATED ADMINISTRATIVE COSTS.—Notwithstanding any other provision of law, for purposes of applying section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)), with respect to expenditures incurred on or after the date of the enactment of this Act and before January 1, 2011, for costs of administration (including outreach and the modification and operation of eligibility information systems) attributable to eligibility determination and enrollment of individuals who are eligible for medical assistance only by reason of the application of section 1902(a)(10)(A)(ii)(XX) of such Act, as added by subsection (a)(1), the Federal matching percentage shall be 100 percent instead of the matching percentage otherwise applicable.

(c) CONFORMING AMENDMENTS.—(1) Section 1903(f)(4) of such Act (42 U.S.C. 1396c(f)(4)) is amended by inserting ''1902(a)(10)(A)(ii)(XX), or'' after ''1902(a)(10)(A)(ii)(XIX),''.

(2) Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended, in the matter preceding paragraph (1)—

(A) by striking ''or'' at the end of clause (xii);

(B) by adding ''or'' at the end of clause (xiii); and

(C) by inserting after clause (xiii) the following new clause:

''(xiv) individuals described in section 1902(dd)(1),''.

TITLE IV—HEALTH INFORMATION TECHNOLOGY

SEC. 4001. SHORT TITLE; TABLE OF CONTENTS OF TITLE.

(a) SHORT TITLE.—This title may be cited as the ''Health Information Technology for Economic and Clinical Health Act'' or the ''HITECH Act''.

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

Sec. 4001. Short title; table of contents of title.

Subtitle A—Promotion of Health Information Technology

PART I—IMPROVING HEALTH CARE QUALITY, SAFETY, AND EFFICIENCY

Sec. 4101. ONCHIT; standards development and adoption.

''TITLE XXX—HEALTH INFORMATION TECHNOLOGY AND QUALITY

''Sec. 3000. Definitions.

''Subtitle A—Promotion of Health Information Technology

''Sec. 3001. Office of the National Coordinator for Health Information Technology.

''Sec. 3002. HIT Policy Committee.

''Sec. 3003. HIT Standards Committee.

''Sec. 3004. Process for adoption of endorsed recommendations; adoption of initial set of standards, implementation specifications, and certification criteria.

''Sec. 3005. Application and use of adopted standards and implementation specifications by Federal agencies.

''Sec. 3006. Voluntary application and use of adopted standards and implementation specifications by private entities.

''Sec. 3007. Federal health information technology.

''Sec. 3008. Transitions.

''Sec. 3009. Relation to HIPAA privacy and security law.

''Sec. 3010. Authorization for appropriations.

Sec. 4102. Technical amendment.

PART II—APPLICATION AND USE OF ADOPTED HEALTH INFORMATION TECHNOLOGY STANDARDS; REPORTS

Sec. 4111. Coordination of Federal activities with adopted standards and implementation specifications.

Sec. 4112. Application to private entities.

Sec. 4113. Study and reports.

Subtitle B—Testing of Health Information Technology

Sec. 4201. National Institute for Standards and Technology testing.

Sec. 4202. Research and development programs.

Subtitle C—Incentives for the Use of Health Information Technology

PART I—GRANTS AND LOANS FUNDING

Sec. 4301. Grant, loan, and demonstration programs.

''Subtitle B—Incentives for the Use of Health Information Technology

''Sec. 3011. Immediate funding to strengthen the health information technology infrastructure.

''Sec. 3012. Health information technology implementation assistance.

''Sec. 3013. State grants to promote health information technology.

''Sec. 3014. Competitive grants to States and Indian tribes for the development of loan programs to facilitate the widespread adoption of certified EHR technology.

''Sec. 3015. Demonstration program to integrate information technology into clinical education.

''Sec. 3016. Information technology professionals on health care.

''Sec. 3017. General grant and loan provisions.

''Sec. 3018. Authorization for appropriations.

PART II—MEDICARE PROGRAM

Sec. 4311. Incentives for eligible professionals.

Sec. 4312. Incentives for hospitals.

Sec. 4313. Treatment of payments and savings; implementation funding.

Sec. 4314. Study on application of EHR payment incentives for providers not receiving other incentive payments.

PART III—MEDICAID FUNDING

Sec. 4321. Medicaid provider HIT adoption and operation payments; implementation funding.

Sec. 4322. Medicaid nursing home grant program.

Subtitle D—Privacy

Sec. 4400. Definitions.

PART I—IMPROVED PRIVACY PROVISIONS AND SECURITY PROVISIONS

Sec. 4401. Application of security provisions and penalties to business associates of covered entities; annual guidance on security provisions.

Sec. 4402. Notification in the case of breach.

Sec. 4403. Education on Health Information Privacy.

Sec. 4404. Application of privacy provisions and penalties to business associates of covered entities.

Sec. 4405. Restrictions on certain disclosures and sales of health information; accounting of certain protected health information disclosures; access to certain information in electronic format.

Sec. 4406. Conditions on certain contacts as part of health care operations.

Sec. 4407. Temporary breach notification requirement for vendors of personal health records and other non-HIPAA covered entities.

Sec. 4408. Business associate contracts required for certain entities.

Sec. 4409. Clarification of application of wrongful disclosures criminal penalties.

Sec. 4410. Improved enforcement.

Sec. 4411. Audits.

Sec. 4412. Special rule for information to reduce medication errors and improve patient safety.

PART II—RELATIONSHIP TO OTHER LAWS; REGULATORY REFERENCES; EFFECTIVE DATE; REPORTS

Sec. 4421. Relationship to other laws.

Sec. 4422. Regulatory references.

Sec. 4423. Effective date.

Sec. 4424. Studies, reports, guidance.

Subtitle E—Miscellaneous Medicare Provisions

Sec. 4501. Moratoria on certain Medicare regulations.

Sec. 4502. Long-term care hospital technical corrections.

Subtitle A—Promotion of Health Information Technology

PART I—IMPROVING HEALTH CARE QUALITY, SAFETY, AND EFFICIENCY

SEC. 4101. ONCHIT; STANDARDS DEVELOPMENT AND ADOPTION.

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

''TITLE XXX—HEALTH INFORMATION TECHNOLOGY AND QUALITY

''SEC. 3000. DEFINITIONS.

''In this title:

''(1) CERTIFIED EHR TECHNOLOGY.—The term 'certified EHR technology' means a qualified electronic health record that is certified pursuant to section 3001(c)(5) as meeting standards adopted under section 3004 that are applicable to the type of record involved (as determined by the Secretary, such as an ambulatory electronic health record for office-based physicians or an inpatient hospital electronic health record for hospitals).

''(2) ENTERPRISE INTEGRATION.—The term 'enterprise integration' means the electronic linkage of health care providers, health plans, the government, and other interested parties, to enable the electronic exchange and use of health information among all the components in the health care infrastructure in accordance with applicable law, and such term includes related application protocols and other related standards.

''(3) HEALTH CARE PROVIDER.—The term 'health care provider' means a hospital, skilled nursing facility, nursing facility, home health entity or other long term care

facility, health care clinic, Federally qualified health center, group practice (as defined in section 1877(h)(4) of the Social Security Act), a pharmacist, a pharmacy, a laboratory, a physician (as defined in section 1861(r) of the Social Security Act), a practitioner (as described in section 1842(b)(18)(C) of the Social Security Act), a provider operated by, or under contract with, the Indian Health Service or by an Indian tribe (as defined in the Indian Self-Determination and Education Assistance Act), tribal organization, or urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act), a rural health clinic, a covered entity under section 340B, an ambulatory surgical center described in section 1833(i) of the Social Security Act, and any other category of facility or clinician determined appropriate by the Secretary.

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

''(5) HEALTH INFORMATION TECHNOLOGY.—The term 'health information technology' means hardware, software, integrated technologies and related licenses, intellectual property, upgrades, and packaged solutions sold as services that are specifically designed for use by health care entities for the electronic creation, maintenance, or exchange of health information.

''(6) HEALTH PLAN.—The term 'health plan' has the meaning given such term in section 1171(5) of the Social Security Act.

''(7) HIT POLICY COMMITTEE.—The term 'HIT Policy Committee' means such Committee established under section 3002(a).

''(8) HIT STANDARDS COMMITTEE.—The term 'HIT Standards Committee' means such Committee established under section 3003(a).

''(9) INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.—The term 'individually identifiable health information' has the meaning given such term in section 1171(6) of the Social Security Act.

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

''(11) NATIONAL COORDINATOR.—The term 'National Coordinator' means the head of the Office of the National Coordinator for Health Information Technology established under section 3001(a).

''(12) PHARMACIST.—The term 'pharmacist' has the meaning given such term in section 804(2) of the Federal Food, Drug, and Cosmetic Act.

''(13) QUALIFIED ELECTRONIC HEALTH RECORD.—The term 'qualified electronic health record' means an electronic record of health-related information on an individual that—

''(A) includes patient demographic and clinical health information, such as medical history and problem lists; and

''(B) has the capacity—

''(i) to provide clinical decision support;

''(ii) to support physician order entry;

''(iii) to capture and query information relevant to health care quality; and

''(iv) to exchange electronic health information with, and integrate such information from other sources.

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

"Subtitle A—Promotion of Health Information Technology

"SEC. 3001. OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY.

''(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services an Office of the National Coordinator for Health Information Technology (referred to in this section as the 'Office'). The Office shall be headed by a National Coordinator who shall be appointed by the Secretary and shall report directly to the Secretary.

''(b) PURPOSE.—The National Coordinator shall perform the duties under subsection (c) in a manner consistent with the development of a nationwide health information technology infrastructure that allows for the electronic use and exchange of information and that—

''(1) ensures that each patient's health information is secure and protected, in accordance with applicable law;

''(2) improves health care quality, reduces medical errors, reduces health disparities, and advances the delivery of patient-centered medical care;

''(3) reduces health care costs resulting from inefficiency, medical errors, inappropriate care, duplicative care, and incomplete information;

''(4) provides appropriate information to help guide medical decisions at the time and place of care;

''(5) ensures the inclusion of meaningful public input in such development of such infrastructure;

''(6) improves the coordination of care and information among hospitals, laboratories, physician offices, and other entities through an effective infrastructure for the secure and authorized exchange of health care information;

''(7) improves public health activities and facilitates the early identification and rapid response to public health threats and emergencies, including bioterror events and infectious disease outbreaks;

''(8) facilitates health and clinical research and health care quality;

''(9) promotes prevention of chronic diseases;

''(10) promotes a more effective marketplace, greater competition, greater systems analysis, increased consumer choice, and improved outcomes in health care services; and

''(11) improves efforts to reduce health disparities.

''(c) DUTIES OF THE NATIONAL COORDINATOR.—

''(1) STANDARDS.—The National Coordinator shall review and determine whether to endorse each standard, implementation specification, and certification criterion for the electronic exchange and use of health information that is recommended by the HIT Standards Committee under section 3003 for purposes of adoption under section 3004. The Coordinator shall make such determination, and report to the Secretary such determination, not later than 45 days after the date the recommendation is received by the Coordinator.

''(2) HIT POLICY COORDINATION.—

''(A) IN GENERAL.—The National Coordinator shall coordinate health information technology policy and programs of the Department with those of other relevant executive branch agencies with a goal of avoiding duplication of efforts and of helping to ensure that each agency undertakes health information technology activities primarily within the areas of its greatest expertise and technical capability and in a manner towards a coordinated national goal.

''(B) HIT POLICY AND STANDARDS COMMITTEES.—The National Coordinator shall be a leading member in the establishment and operations of the HIT Policy Committee and the HIT Standards Committee and shall serve as a liaison among those two Committees and the Federal Government.

''(3) STRATEGIC PLAN.—

''(A) IN GENERAL.—The National Coordinator shall, in consultation with other appropriate Federal agencies (including the National Institute of Standards and Technology), update the Federal Health IT Strategic Plan (developed as of June 3, 2008) to include specific objectives, milestones, and metrics with respect to the following:

''(i) The electronic exchange and use of health information and the enterprise integration of such information.

''(ii) The utilization of an electronic health record for each person in the United States by 2014.

''(iii) The incorporation of privacy and security protections for the electronic exchange of an individual's individually identifiable health information.

''(iv) Ensuring security methods to ensure appropriate authorization and electronic authentication of health information and specifying technologies or methodologies for rendering health information unusable, unreadable, or indecipherable.

''(v) Specifying a framework for coordination and flow of recommendations and policies under this subtitle among the Secretary, the National Coordinator, the HIT Policy Committee, the HIT Standards Committee, and other health information exchanges and other relevant entities.

''(vi) Methods to foster the public understanding of health information technology.

''(vii) Strategies to enhance the use of health information technology in improving the quality of health care, reducing medical errors, reducing health disparities, improving public health, and improving the continuity of care among health care settings.

''(B) COLLABORATION.—The strategic plan shall be updated through collaboration of public and private entities.

''(C) MEASURABLE OUTCOME GOALS.—The strategic plan update shall include measurable outcome goals.

''(D) PUBLICATION.—The National Coordinator shall republish the strategic plan, including all updates.

''(4) WEBSITE.—The National Coordinator shall maintain and frequently update an Internet website on which there is posted information on the work, schedules, reports, recommendations, and other information to ensure transparency in promotion of a nationwide health information technology infrastructure.

''(5) CERTIFICATION.—

''(A) IN GENERAL.—The National Coordinator, in consultation with the Director of the National Institute of Standards and Technology, shall develop a program (either directly or by contract) for the voluntary certification of health information technology as being in compliance with applicable certification criteria adopted under this subtitle. Such program shall include testing of the technology in accordance with section 4201(b) of the HITECH Act.

''(B) CERTIFICATION CRITERIA DESCRIBED.—In this title, the term 'certification criteria' means, with respect to standards and implementation specifications for health information technology, criteria to establish that the technology meets such standards and implementation specifications.

''(6) REPORTS AND PUBLICATIONS.—

''(A) REPORT ON ADDITIONAL FUNDING OR AUTHORITY NEEDED.—Not later than 12 months after the date of the enactment of this title, the National Coordinator shall submit to the appropriate committees of jurisdiction of the House of Representatives and the Senate a report on any additional funding or authority the Coordinator or the HIT Policy Committee or HIT Standards Committee requires to evaluate and develop standards, implementation specifications, and certification criteria, or to achieve full participation of

stakeholders in the adoption of a nationwide health information technology infrastructure that allows for the electronic use and exchange of health information.

''(B) IMPLEMENTATION REPORT.—The National Coordinator shall prepare a report that identifies lessons learned from major public and private health care systems in their implementation of health information technology, including information on whether the technologies and practices developed by such systems may be applicable to and usable in whole or in part by other health care providers.

''(C) ASSESSMENT OF IMPACT OF HIT ON COMMUNITIES WITH HEALTH DISPARITIES AND UNINSURED, UNDERINSURED, AND MEDICALLY UNDERSERVED AREAS.—The National Coordinator shall assess and publish the impact of health information technology in communities with health disparities and in areas with a high proportion of individuals who are uninsured, underinsured, and medically underserved individuals (including urban and rural areas) and identify practices to increase the adoption of such technology by health care providers in such communities.

''(D) EVALUATION OF BENEFITS AND COSTS OF THE ELECTRONIC USE AND EXCHANGE OF HEALTH INFORMATION.—The National Coordinator shall evaluate and publish evidence on the benefits and costs of the electronic use and exchange of health information and assess to whom these benefits and costs accrue.

''(E) RESOURCE REQUIREMENTS.—The National Coordinator shall estimate and publish resources required annually to reach the goal of utilization of an electronic health record for each person in the United States by 2014, including the required level of Federal funding, expectations for regional, State, and private investment, and the expected contributions by volunteers to activities for the utilization of such records.

''(7) ASSISTANCE.—The National Coordinator may provide financial assistance to consumer advocacy groups and not-for-profit entities that work in the public interest for purposes of defraying the cost to such groups and entities to participate under, whether in whole or in part, the National Technology Transfer Act of 1995 (15 U.S.C. 272 note).

''(8) GOVERNANCE FOR NATIONWIDE HEALTH INFORMATION NETWORK.—The National Coordinator shall establish a governance mechanism for the nationwide health information network.

''(d) DETAIL OF FEDERAL EMPLOYEES.—

''(1) IN GENERAL.—Upon the request of the National Coordinator, the head of any Federal agency is authorized to detail, with or without reimbursement from the Office, any of the personnel of such agency to the Office to assist it in carrying out its duties under this section.

''(2) EFFECT OF DETAIL.—Any detail of personnel under paragraph (1) shall—

''(A) not interrupt or otherwise affect the civil service status or privileges of the Federal employee; and

''(B) be in addition to any other staff of the Department employed by the National Coordinator.

''(3) ACCEPTANCE OF DETAILEES.—Notwithstanding any other provision of law, the Office may accept detailed personnel from other Federal agencies without regard to whether the agency described under paragraph (1) is reimbursed.

''(e) CHIEF PRIVACY OFFICER OF THE OFFICE OF THE NATIONAL COORDINATOR.—Not later than 12 months after the date of the enactment of this title, the Secretary shall appoint a Chief Privacy Officer of the Office of the National Coordinator, whose duty it shall be to advise the National Coordinator on privacy, security, and data stewardship of electronic health information and to coordinate with other Federal agencies (and similar privacy officers in such agencies), with State and regional efforts, and with foreign countries with regard to the privacy, security, and data stewardship of electronic individually identifiable health information.

''SEC. 3002. HIT POLICY COMMITTEE.

''(a) ESTABLISHMENT.—There is established a HIT Policy Committee to make policy recommendations to the National Coordinator relating to the implementation of a nationwide health information technology infrastructure, including implementation of the strategic plan described in section 3001(c)(3).

''(b) DUTIES.—

''(1) RECOMMENDATIONS ON HEALTH INFORMATION TECHNOLOGY INFRASTRUCTURE.—The HIT Policy Committee shall recommend a policy framework for the development and adoption of a nationwide health information technology infrastructure that permits the electronic exchange and use of health information as is consistent with the strategic plan under section 3001(c)(3) and that includes the recommendations under paragraph (2). The Committee shall update such recommendations and make new recommendations as appropriate.

''(2) SPECIFIC AREAS OF STANDARD DEVELOPMENT.—

''(A) IN GENERAL.—The HIT Policy Committee shall recommend the areas in which standards, implementation specifications, and certification criteria are needed for the electronic exchange and use of health information for purposes of adoption under section 3004 and shall recommend an order of priority for the development, harmonization, and recognition of such standards, specifications, and certification criteria among the areas so recommended. Such standards and implementation specifications shall include named standards, architectures, and software schemes for the authentication and security of individually identifiable health information and other information as needed to ensure the reproducible development of common solutions across disparate entities.

''(B) AREAS REQUIRED FOR CONSIDERATION.—For purposes of subparagraph (A), the HIT Policy Committee shall make recommendations for at least the following areas:

''(i) Technologies that protect the privacy of health information and promote security in a qualified electronic health record, including for the segmentation and protection from disclosure of specific and sensitive individually identifiable health information with the goal of minimizing the reluctance of patients to seek care (or disclose information about a condition) because of privacy concerns, in accordance with applicable law, and for the use and disclosure of limited data sets of such information.

''(ii) A nationwide health information technology infrastructure that allows for the electronic use and accurate exchange of health information.

''(iii) The utilization of a certified electronic health record for each person in the United States by 2014.

''(iv) Technologies that as a part of a qualified electronic health record allow for an accounting of disclosures made by a covered entity (as defined for purposes of regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996) for purposes of treatment, payment, and health care operations (as such terms are defined for purposes of such regulations).

''(v) The use of certified electronic health records to improve the quality of health care, such as by promoting the coordination of health care and improving continuity of health care among health care providers, by reducing medical errors, by improving population health, by reducing health disparities, and by advancing research and education.

''(vi) Technologies that allow individually identifiable health information to be rendered unusable, unreadable, or indecipherable to unauthorized individuals when such information is transmitted in the nationwide health information network or physically transported outside of the secured, physical perimeter of a health care provider, health plan, or health care clearinghouse.

''(C) OTHER AREAS FOR CONSIDERATION.—In making recommendations under subparagraph (A), the HIT Policy Committee may consider the following additional areas:

''(i) The appropriate uses of a nationwide health information infrastructure, including for purposes of—

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

''(II) biosurveillance and public health;

''(III) medical and clinical research; and

''(IV) drug safety.

''(ii) Self-service technologies that facilitate the use and exchange of patient information and reduce wait times.

''(iii) Telemedicine technologies, in order to reduce travel requirements for patients in remote areas.

''(iv) Technologies that facilitate home health care and the monitoring of patients recuperating at home.

''(v) Technologies that help reduce medical errors.

''(vi) Technologies that facilitate the continuity of care among health settings.

''(vii) Technologies that meet the needs of diverse populations.

''(viii) Any other technology that the HIT Policy Committee finds to be among the technologies with the greatest potential to improve the quality and efficiency of health care.

''(3) FORUM.—The HIT Policy Committee shall serve as a forum for broad stakeholder input with specific expertise in policies relating to the matters described in paragraphs (1) and (2).

''(c) MEMBERSHIP AND OPERATIONS.—

''(1) IN GENERAL.—The National Coordinator shall provide leadership in the establishment and operations of the HIT Policy Committee.

''(2) MEMBERSHIP.—The membership of the HIT Policy Committee shall at least reflect providers, ancillary healthcare workers, consumers, purchasers, health plans, technology vendors, researchers, relevant Federal agencies, and individuals with technical expertise on health care quality, privacy and security, and on the electronic exchange and use of health information.

''(3) CONSIDERATION.—The National Coordinator shall ensure that the relevant recommendations and comments from the National Committee on Vital and Health Statistics are considered in the development of policies.

''(d) APPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14 of such Act, shall apply to the HIT Policy Committee.

''(e) PUBLICATION.—The Secretary shall provide for publication in the Federal Register and the posting on the Internet website of the Office of the National Coordinator for Health Information Technology of all policy recommendations made by the HIT Policy Committee under this section.

''SEC. 3003. HIT STANDARDS COMMITTEE.

''(a) ESTABLISHMENT.—There is established a committee to be known as the HIT Standards Committee to recommend to the National Coordinator standards, implementation specifications, and certification criteria for the electronic exchange and use of health information for purposes of adoption under

section 3004, consistent with the implementation of the strategic plan described in section 3001(c)(3) and beginning with the areas listed in section 3002(b)(2)(B) in accordance with policies developed by the HIT Policy Committee.

''(b) DUTIES.—

''(1) STANDARDS DEVELOPMENT.—

''(A) IN GENERAL.—The HIT Standards Committee shall recommend to the National Coordinator standards, implementation specifications, and certification criteria described in subsection (a) that have been developed, harmonized, or recognized by the HIT Standards Committee. The HIT Standards Committee shall update such recommendations and make new recommendations as appropriate, including in response to a notification sent under section 3004(a)(2)(B). Such recommendations shall be consistent with the latest recommendations made by the HIT Policy Committee.

''(B) PILOT TESTING OF STANDARDS AND IMPLEMENTATION SPECIFICATIONS.—In the development, harmonization, or recognition of standards and implementation specifications, the HIT Standards Committee shall, as appropriate, provide for the testing of such standards and specifications by the National Institute for Standards and Technology under section 4201(a) of the HITECH Act.

''(C) CONSISTENCY.—The standards, implementation specifications, and certification criteria recommended under this subsection shall be consistent with the standards for information transactions and data elements adopted pursuant to section 1173 of the Social Security Act.

''(2) FORUM.—The HIT Standards Committee shall serve as a forum for the participation of a broad range of stakeholders to provide input on the development, harmonization, and recognition of standards, implementation specifications, and certification criteria necessary for the development and adoption of a nationwide health information technology infrastructure that allows for the electronic use and exchange of health information.

''(3) SCHEDULE.—Not later than 90 days after the date of the enactment of this title, the HIT Standards Committee shall develop a schedule for the assessment of policy recommendations developed by the HIT Policy Committee under section 3002. The HIT Standards Committee shall update such schedule annually. The Secretary shall publish such schedule in the Federal Register.

''(4) PUBLIC INPUT.—The HIT Standards Committee shall conduct open public meetings and develop a process to allow for public comment on the schedule described in paragraph (3) and recommendations described in this subsection. Under such process comments shall be submitted in a timely manner after the date of publication of a recommendation under this subsection.

''(c) MEMBERSHIP AND OPERATIONS.—

''(1) IN GENERAL.—The National Coordinator shall provide leadership in the establishment and operations of the HIT Standards Committee.

''(2) MEMBERSHIP.—The membership of the HIT Standards Committee shall at least reflect providers, ancillary healthcare workers, consumers, purchasers, health plans, technology vendors, researchers, relevant Federal agencies, and individuals with technical expertise on health care quality, privacy and security, and on the electronic exchange and use of health information.

''(3) CONSIDERATION.—The National Coordinator shall ensure that the relevant recommendations and comments from the National Committee on Vital and Health Statistics are considered in the development of standards.

''(4) ASSISTANCE.—For the purposes of carrying out this section, the Secretary may provide or ensure that financial assistance is provided by the HIT Standards Committee to defray in whole or in part any membership fees or dues charged by such Committee to those consumer advocacy groups and not for profit entities that work in the public interest as a part of their mission.

''(d) APPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14, shall apply to the HIT Standards Committee.

''(e) PUBLICATION.—The Secretary shall provide for publication in the Federal Register and the posting on the Internet website of the Office of the National Coordinator for Health Information Technology of all recommendations made by the HIT Standards Committee under this section.

''SEC. 3004. PROCESS FOR ADOPTION OF ENDORSED RECOMMENDATIONS; ADOPTION OF INITIAL SET OF STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.

''(a) PROCESS FOR ADOPTION OF ENDORSED RECOMMENDATIONS.—

''(1) REVIEW OF ENDORSED STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.—Not later than 90 days after the date of receipt of standards, implementation specifications, or certification criteria endorsed under section 3001(c), the Secretary, in consultation with representatives of other relevant Federal agencies, shall jointly review such standards, implementation specifications, or certification criteria and shall determine whether or not to propose adoption of such standards, implementation specifications, or certification criteria.

''(2) DETERMINATION TO ADOPT STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.—If the Secretary determines—

''(A) to propose adoption of any grouping of such standards, implementation specifications, or certification criteria, the Secretary shall, by regulation, determine whether or not to adopt such grouping of standards, implementation specifications, or certification criteria; or

''(B) not to propose adoption of any grouping of standards, implementation specifications, or certification criteria, the Secretary shall notify the National Coordinator and the HIT Standards Committee in writing of such determination and the reasons for not proposing the adoption of such recommendation.

''(3) PUBLICATION.—The Secretary shall provide for publication in the Federal Register of all determinations made by the Secretary under paragraph (1).

''(b) ADOPTION OF INITIAL SET OF STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.—

''(1) IN GENERAL.—Not later than December 31, 2009, the Secretary shall, through the rulemaking process described in section 3004(a), adopt an initial set of standards, implementation specifications, and certification criteria for the areas required for consideration under section 3002(b)(2)(B).

''(2) APPLICATION OF CURRENT STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.—The standards, implementation specifications, and certification criteria adopted before the date of the enactment of this title through the process existing through the Office of the National Coordinator for Health Information Technology may be applied towards meeting the requirement of paragraph (1).

''SEC. 3005. APPLICATION AND USE OF ADOPTED STANDARDS AND IMPLEMENTATION SPECIFICATIONS BY FEDERAL AGENCIES.

''For requirements relating to the application and use by Federal agencies of the standards and implementation specifications adopted under section 3004, see section 4111 of the HITECH Act.

''SEC. 3006. VOLUNTARY APPLICATION AND USE OF ADOPTED STANDARDS AND IMPLEMENTATION SPECIFICATIONS BY PRIVATE ENTITIES.

''(a) IN GENERAL.—Except as provided under section 4112 of the HITECH Act, any standard or implementation specification adopted under section 3004 shall be voluntary with respect to private entities.

''(b) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to require that a private entity that enters into a contract with the Federal Government apply or use the standards and implementation specifications adopted under section 3004 with respect to activities not related to the contract.

''SEC. 3007. FEDERAL HEALTH INFORMATION TECHNOLOGY.

''(a) IN GENERAL.—The National Coordinator shall support the development, routine updating, and provision of qualified EHR technology (as defined in section 3000) consistent with subsections (b) and (c) unless the Secretary determines that the needs and demands of providers are being substantially and adequately met through the marketplace.

''(b) CERTIFICATION.—In making such EHR technology publicly available, the National Coordinator shall ensure that the qualified EHR technology described in subsection (a) is certified under the program developed under section 3001(c)(3) to be in compliance with applicable standards adopted under section 3003(a).

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

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

''SEC. 3008. TRANSITIONS.

''(a) ONCHIT.—To the extent consistent with section 3001, all functions, personnel, assets, liabilities, and administrative actions applicable to the National Coordinator for Health Information Technology appointed under Executive Order 13335 or the Office of such National Coordinator on the date before the date of the enactment of this title shall be transferred to the National Coordinator appointed under section 3001(a) and the Office of such National Coordinator as of the date of the enactment of this title.

''(b) AHIC.—

''(1) To the extent consistent with sections 3002 and 3003, all functions, personnel, assets, and liabilities applicable to the AHIC Successor, Inc. doing business as the National eHealth Collaborative as of the day before the date of the enactment of this title shall be transferred to the HIT Policy Committee or the HIT Standards Committee, established under section 3002(a) or 3003(a), as appropriate, as of the date of the enactment of this title.

''(2) In carrying out section 3003(b)(1)(A), until recommendations are made by the HIT Policy Committee, recommendations of the

HIT Standards Committee shall be consistent with the most recent recommendations made by such AHIC Successor, Inc.

''(c) RULES OF CONSTRUCTION.—

''(1) ONCHIT.—Nothing in section 3001 or subsection (a) shall be construed as requiring the creation of a new entity to the extent that the Office of the National Coordinator for Health Information Technology established pursuant to Executive Order 13335 is consistent with the provisions of section 3001.

''(2) AHIC.—Nothing in sections 3002 or 3003 or subsection (b) shall be construed as prohibiting the AHIC Successor, Inc. doing business as the National eHealth Collaborative from modifying its charter, duties, membership, and any other structure or function required to be consistent with section 3002 and 3003 in a manner that would permit the Secretary to choose to recognize such AHIC Successor, Inc. as the HIT Policy Committee or the HIT Standards Committee.

''SEC. 3009. RELATION TO HIPAA PRIVACY AND SECURITY LAW.

''(a) IN GENERAL.—With respect to the relation of this title to HIPAA privacy and security law:

''(1) This title may not be construed as having any effect on the authorities of the Secretary under HIPAA privacy and security law.

''(2) The purposes of this title include ensuring that the health information technology standards and implementation specifications adopted under section 3004 take into account the requirements of HIPAA privacy and security law.

''(b) DEFINITION.—For purposes of this section, the term 'HIPAA privacy and security law' means—

''(1) the provisions of part C of title XI of the Social Security Act, section 264 of the Health Insurance Portability and Accountability Act of 1996, and subtitle D of title IV of the HITECH Act; and

''(2) regulations under such provisions.

''SEC. 3010. AUTHORIZATION FOR APPROPRIATIONS.

''There is authorized to be appropriated to the Office of the National Coordinator for Health Information Technology to carry out this subtitle $250,000,000 for fiscal year 2009.''.

SEC. 4102. TECHNICAL AMENDMENT.

Section 1171(5) of the Social Security Act (42 U.S.C. 1320d) is amended by striking ''or C'' and inserting ''C, or D''.

PART II—APPLICATION AND USE OF ADOPTED HEALTH INFORMATION TECHNOLOGY STANDARDS; REPORTS

SEC. 4111. COORDINATION OF FEDERAL ACTIVITIES WITH ADOPTED STANDARDS AND IMPLEMENTATION SPECIFICATIONS.

(a) SPENDING ON HEALTH INFORMATION TECHNOLOGY SYSTEMS.—As each agency (as defined in the Executive Order issued on August 22, 2006, relating to promoting quality and efficient health care in Federal government administered or sponsored health care programs) implements, acquires, or upgrades health information technology systems used for the direct exchange of individually identifiable health information between agencies and with non-Federal entities, it shall utilize, where available, health information technology systems and products that meet standards and implementation specifications adopted under section 3004 of the Public Health Service Act, as added by section 4101.

(b) FEDERAL INFORMATION COLLECTION ACTIVITIES.—With respect to a standard or implementation specification adopted under section 3004 of the Public Health Service Act, as added by section 4101, the President shall take measures to ensure that Federal activities involving the broad collection and submission of health information are consistent with such standard or implementation specification, respectively, within three years after the date of such adoption.

(c) APPLICATION OF DEFINITIONS.—The definitions contained in section 3000 of the Public Health Service Act, as added by section 4101, shall apply for purposes of this part.

SEC. 4112. APPLICATION TO PRIVATE ENTITIES.

Each agency (as defined in such Executive Order issued on August 22, 2006, relating to promoting quality and efficient health care in Federal government administered or sponsored health care programs) shall require in contracts or agreements with health care providers, health plans, or health insurance issuers that as each provider, plan, or issuer implements, acquires, or upgrades health information technology systems, it shall utilize, where available, health information technology systems and products that meet standards and implementation specifications adopted under section 3004 of the Public Health Service Act, as added by section 4101.

SEC. 4113. STUDY AND REPORTS.

(a) REPORT ON ADOPTION OF NATIONWIDE SYSTEM.—Not later than 2 years after the date of the enactment of this Act and annually thereafter, the Secretary of Health and Human Services shall submit to the appropriate committees of jurisdiction of the House of Representatives and the Senate a report that—

(1) describes the specific actions that have been taken by the Federal Government and private entities to facilitate the adoption of a nationwide system for the electronic use and exchange of health information;

(2) describes barriers to the adoption of such a nationwide system; and

(3) contains recommendations to achieve full implementation of such a nationwide system.

(b) REIMBURSEMENT INCENTIVE STUDY AND REPORT.—

(1) STUDY.—The Secretary of Health and Human Services shall carry out, or contract with a private entity to carry out, a study that examines methods to create efficient reimbursement incentives for improving health care quality in Federally qualified health centers, rural health clinics, and free clinics.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of jurisdiction of the House of Representatives and the Senate a report on the study carried out under paragraph (1).

(c) AGING SERVICES TECHNOLOGY STUDY AND REPORT.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall carry out, or contract with a private entity to carry out, a study of matters relating to the potential use of new aging services technology to assist seniors, individuals with disabilities, and their caregivers throughout the aging process.

(2) MATTERS TO BE STUDIED.—The study under paragraph (1) shall include—

(A) an evaluation of—

(i) methods for identifying current, emerging, and future health technology that can be used to meet the needs of seniors and individuals with disabilities and their caregivers across all aging services settings, as specified by the Secretary;

(ii) methods for fostering scientific innovation with respect to aging services technology within the business and academic communities; and

(iii) developments in aging services technology in other countries that may be applied in the United States; and

(B) identification of—

(i) barriers to innovation in aging services technology and devising strategies for removing such barriers; and

(ii) barriers to the adoption of aging services technology by health care providers and consumers and devising strategies to removing such barriers.

(3) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of jurisdiction of the House of Representatives and of the Senate a report on the study carried out under paragraph (1).

(4) DEFINITIONS.—For purposes of this subsection:

(A) AGING SERVICES TECHNOLOGY.—The term ''aging services technology'' means health technology that meets the health care needs of seniors, individuals with disabilities, and the caregivers of such seniors and individuals.

(B) SENIOR.—The term ''senior'' has such meaning as specified by the Secretary.

Subtitle B—Testing of Health Information Technology

SEC. 4201. NATIONAL INSTITUTE FOR STANDARDS AND TECHNOLOGY TESTING.

(a) PILOT TESTING OF STANDARDS AND IMPLEMENTATION SPECIFICATIONS.—In coordination with the HIT Standards Committee established under section 3003 of the Public Health Service Act, as added by section 4101, with respect to the development of standards and implementation specifications under such section, the Director of the National Institute for Standards and Technology shall test such standards and implementation specifications, as appropriate, in order to assure the efficient implementation and use of such standards and implementation specifications.

(b) VOLUNTARY TESTING PROGRAM.—In coordination with the HIT Standards Committee established under section 3003 of the Public Health Service Act, as added by section 4101, with respect to the development of standards and implementation specifications under such section, the Director of the National Institute of Standards and Technology shall support the establishment of a conformance testing infrastructure, including the development of technical test beds. The development of this conformance testing infrastructure may include a program to accredit independent, non-Federal laboratories to perform testing.

SEC. 4202. RESEARCH AND DEVELOPMENT PROGRAMS.

(a) HEALTH CARE INFORMATION ENTERPRISE INTEGRATION RESEARCH CENTERS.—

(1) IN GENERAL.—The Director of the National Institute of Standards and Technology, in consultation with the Director of the National Science Foundation and other appropriate Federal agencies, shall establish a program of assistance to institutions of higher education (or consortia thereof which may include nonprofit entities and Federal Government laboratories) to establish multidisciplinary Centers for Health Care Information Enterprise Integration.

(2) REVIEW; COMPETITION.—Grants shall be awarded under this subsection on a merit-reviewed, competitive basis.

(3) PURPOSE.—The purposes of the Centers described in paragraph (1) shall be—

(A) to generate innovative approaches to health care information enterprise integration by conducting cutting-edge, multidisciplinary research on the systems challenges to health care delivery; and

(B) the development and use of health information technologies and other complementary fields.

(4) RESEARCH AREAS.—Research areas may include—

(A) interfaces between human information and communications technology systems;

(B) voice-recognition systems;

(C) software that improves interoperability and connectivity among health information systems;

(D) software dependability in systems critical to health care delivery;

(E) measurement of the impact of information technologies on the quality and productivity of health care;

(F) health information enterprise management;

(G) health information technology security and integrity; and

(H) relevant health information technology to reduce medical errors.

(5) APPLICATIONS.—An institution of higher education (or a consortium thereof) seeking funding under this subsection shall submit an application to the Director of the National Institute of Standards and Technology at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum, a description of—

(A) the research projects that will be undertaken by the Center established pursuant to assistance under paragraph (1) and the respective contributions of the participating entities;

(B) how the Center will promote active collaboration among scientists and engineers from different disciplines, such as information technology, biologic sciences, management, social sciences, and other appropriate disciplines;

(C) technology transfer activities to demonstrate and diffuse the research results, technologies, and knowledge; and

(D) how the Center will contribute to the education and training of researchers and other professionals in fields relevant to health information enterprise integration.

(b) NATIONAL INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.—The National High-Performance Computing Program established by section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) shall coordinate Federal research and development programs related to the development and deployment of health information technology, including activities related to—

(1) computer infrastructure;

(2) data security;

(3) development of large-scale, distributed, reliable computing systems;

(4) wired, wireless, and hybrid high-speed networking;

(5) development of software and software-intensive systems;

(6) human-computer interaction and information management technologies; and

(7) the social and economic implications of information technology.

Subtitle C—Incentives for the Use of Health Information Technology

PART I—GRANTS AND LOANS FUNDING

SEC. 4301. GRANT, LOAN, AND DEMONSTRATION PROGRAMS.

Title XXX of the Public Health Service Act, as added by section 4101, is amended by adding at the end the following new subtitle:

"Subtitle B—Incentives for the Use of Health Information Technology

"SEC. 3011. IMMEDIATE FUNDING TO STRENGTHEN THE HEALTH INFORMATION TECHNOLOGY INFRASTRUCTURE.

''(a) IN GENERAL.—The Secretary shall, using amounts appropriated under section 3018, invest in the infrastructure necessary to allow for and promote the electronic exchange and use of health information for each individual in the United States consistent with the goals outlined in the strategic plan developed by the National Coordinator (and as available) under section 3001. To the greatest extent practicable, the Secretary shall ensure that any funds so appropriated shall be used for the acquisition of health information technology that meets standards and certification criteria adopted before the date of the enactment of this title until such date as the standards are adopted under section 3004. The Secretary shall invest funds through the different agencies with expertise in such goals, such as the Office of the National Coordinator for Health Information Technology, the Health Resources and Services Administration, the Agency for Healthcare Research and Quality, the Centers of Medicare & Medicaid Services, the Centers for Disease Control and Prevention, and the Indian Health Service to support the following:

''(1) Health information technology architecture that will support the nationwide electronic exchange and use of health information in a secure, private, and accurate manner, including connecting health information exchanges, and which may include updating and implementing the infrastructure necessary within different agencies of the Department of Health and Human Services to support the electronic use and exchange of health information.

''(2) Development and adoption of appropriate certified electronic health records for categories of providers, as defined in section 3000, not eligible for support under title XVIII or XIX of the Social Security Act for the adoption of such records.

''(3) Training on and dissemination of information on best practices to integrate health information technology, including electronic health records, into a provider's delivery of care, consistent with best practices learned from the Health Information Technology Research Center developed under section 3012(b), including community health centers receiving assistance under section 330, covered entities under section 340B, and providers participating in one or more of the programs under titles XVIII, XIX, and XXI of the Social Security Act (relating to Medicare, Medicaid, and the State Children's Health Insurance Program).

''(4) Infrastructure and tools for the promotion of telemedicine, including coordination among Federal agencies in the promotion of telemedicine.

''(5) Promotion of the interoperability of clinical data repositories or registries.

''(6) Promotion of technologies and best practices that enhance the protection of health information by all holders of individually identifiable health information.

''(7) Improvement and expansion of the use of health information technology by public health departments.

''(8) Provision of $300 million to support regional or sub-national efforts towards health information exchange.

''(b) COORDINATION.—The Secretary shall ensure funds under this section are used in a coordinated manner with other health information promotion activities.

''(c) ADDITIONAL USE OF FUNDS.—In addition to using funds as provided in subsection (a), the Secretary may use amounts appropriated under section 3018 to carry out health information technology activities that are provided for under laws in effect on the date of the enactment of this title.

"SEC. 3012. HEALTH INFORMATION TECHNOLOGY IMPLEMENTATION ASSISTANCE.

''(a) HEALTH INFORMATION TECHNOLOGY EXTENSION PROGRAM.—To assist health care providers to adopt, implement, and effectively use certified EHR technology that allows for the electronic exchange and use of health information, the Secretary, acting through the Office of the National Coordinator, shall establish a health information technology extension program to provide health information technology assistance services to be carried out through the Department of Health and Human Services. The National Coordinator shall consult with other Federal agencies with demonstrated experience and expertise in information technology services, such as the National Institute of Standards and Technology, in developing and implementing this program.

''(b) HEALTH INFORMATION TECHNOLOGY RESEARCH CENTER.—

''(1) IN GENERAL.—The Secretary shall create a Health Information Technology Research Center (in this section referred to as the 'Center') to provide technical assistance and develop or recognize best practices to support and accelerate efforts to adopt, implement, and effectively utilize health information technology that allows for the electronic exchange and use of information in compliance with standards, implementation specifications, and certification criteria adopted under section 3004.

''(2) INPUT.—The Center shall incorporate input from—

''(A) other Federal agencies with demonstrated experience and expertise in information technology services such as the National Institute of Standards and Technology;

''(B) users of health information technology, such as providers and their support and clerical staff and others involved in the care and care coordination of patients, from the health care and health information technology industry; and

''(C) others as appropriate.

''(3) PURPOSES.—The purposes of the Center are to—

''(A) provide a forum for the exchange of knowledge and experience;

''(B) accelerate the transfer of lessons learned from existing public and private sector initiatives, including those currently receiving Federal financial support;

''(C) assemble, analyze, and widely disseminate evidence and experience related to the adoption, implementation, and effective use of health information technology that allows for the electronic exchange and use of information including through the regional centers described in subsection (c);

''(D) provide technical assistance for the establishment and evaluation of regional and local health information networks to facilitate the electronic exchange of information across health care settings and improve the quality of health care;

''(E) provide technical assistance for the development and dissemination of solutions to barriers to the exchange of electronic health information; and

''(F) learn about effective strategies to adopt and utilize health information technology in medically underserved communities.

''(c) HEALTH INFORMATION TECHNOLOGY REGIONAL EXTENSION CENTERS.—

''(1) IN GENERAL.—The Secretary shall provide assistance for the creation and support of regional centers (in this subsection referred to as 'regional centers') to provide technical assistance and disseminate best practices and other information learned from the Center to support and accelerate efforts to adopt, implement, and effectively utilize health information technology that allows for the electronic exchange and use of information in compliance with standards, implementation specifications, and certification criteria adopted under section 3004. Activities conducted under this subsection shall be consistent with the strategic plan developed by the National Coordinator, (and, as available) under section 3001.

''(2) AFFILIATION.—Regional centers shall be affiliated with any United States-based

nonprofit institution or organization, or group thereof, that applies and is awarded financial assistance under this section. Individual awards shall be decided on the basis of merit.

''(3) OBJECTIVE.—The objective of the regional centers is to enhance and promote the adoption of health information technology through—

''(A) assistance with the implementation, effective use, upgrading, and ongoing maintenance of health information technology, including electronic health records, to healthcare providers nationwide;

''(B) broad participation of individuals from industry, universities, and State governments;

''(C) active dissemination of best practices and research on the implementation, effective use, upgrading, and ongoing maintenance of health information technology, including electronic health records, to health care providers in order to improve the quality of healthcare and protect the privacy and security of health information;

''(D) participation, to the extent practicable, in health information exchanges;

''(E) utilization, when appropriate, of the expertise and capability that exists in Federal agencies other than the Department; and

''(F) integration of health information technology, including electronic health records, into the initial and ongoing training of health professionals and others in the healthcare industry that would be instrumental to improving the quality of healthcare through the smooth and accurate electronic use and exchange of health information.

''(4) REGIONAL ASSISTANCE.—Each regional center shall aim to provide assistance and education to all providers in a region, but shall prioritize any direct assistance first to the following:

''(A) Public or not-for-profit hospitals or critical access hospitals.

''(B) Federally qualified health centers (as defined in section 1861(aa)(4) of the Social Security Act).

''(C) Entities that are located in rural and other areas that serve uninsured, underinsured, and medically underserved individuals (regardless of whether such area is urban or rural).

''(D) Individual or small group practices (or a consortium thereof) that are primarily focused on primary care.

''(5) FINANCIAL SUPPORT.—The Secretary may provide financial support to any regional center created under this subsection for a period not to exceed four years. The Secretary may not provide more than 50 percent of the capital and annual operating and maintenance funds required to create and maintain such a center, except in an instance of national economic conditions which would render this cost-share requirement detrimental to the program and upon notification to Congress as to the justification to waive the cost-share requirement.

''(6) NOTICE OF PROGRAM DESCRIPTION AND AVAILABILITY OF FUNDS.—The Secretary shall publish in the Federal Register, not later than 90 days after the date of the enactment of this title, a draft description of the program for establishing regional centers under this subsection. Such description shall include the following:

''(A) A detailed explanation of the program and the programs goals.

''(B) Procedures to be followed by the applicants.

''(C) Criteria for determining qualified applicants.

''(D) Maximum support levels expected to be available to centers under the program.

''(7) APPLICATION REVIEW.—The Secretary shall subject each application under this subsection to merit review. In making a decision whether to approve such application and provide financial support, the Secretary shall consider at a minimum the merits of the application, including those portions of the application regarding—

''(A) the ability of the applicant to provide assistance under this subsection and utilization of health information technology appropriate to the needs of particular categories of health care providers;

''(B) the types of service to be provided to health care providers;

''(C) geographical diversity and extent of service area; and

''(D) the percentage of funding and amount of in-kind commitment from other sources.

''(8) BIENNIAL EVALUATION.—Each regional center which receives financial assistance under this subsection shall be evaluated biennially by an evaluation panel appointed by the Secretary. Each evaluation panel shall be composed of private experts, none of whom shall be connected with the center involved, and of Federal officials. Each evaluation panel shall measure the involved center's performance against the objective specified in paragraph (3). The Secretary shall not continue to provide funding to a regional center unless its evaluation is overall positive.

''(9) CONTINUING SUPPORT.—After the second year of assistance under this subsection, a regional center may receive additional support under this subsection if it has received positive evaluations and a finding by the Secretary that continuation of Federal funding to the center was in the best interest of provision of health information technology extension services.

''SEC. 3013. STATE GRANTS TO PROMOTE HEALTH INFORMATION TECHNOLOGY.

''(a) IN GENERAL.—The Secretary, acting through the National Coordinator, shall establish a program in accordance with this section to facilitate and expand the electronic movement and use of health information among organizations according to nationally recognized standards.

''(b) PLANNING GRANTS.—The Secretary may award a grant to a State or qualified State-designated entity (as described in subsection (f)) that submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may specify, for the purpose of planning activities described in subsection (d).

''(c) IMPLEMENTATION GRANTS.—The Secretary may award a grant to a State or qualified State designated entity that—

''(1) has submitted, and the Secretary has approved, a plan described in subsection (e) (regardless of whether such plan was prepared using amounts awarded under subsection (b); and

''(2) submits an application at such time, in such manner, and containing such information as the Secretary may specify.

''(d) USE OF FUNDS.—Amounts received under a grant under subsection (c) shall be used to conduct activities to facilitate and expand the electronic movement and use of health information among organizations according to nationally recognized standards through activities that include—

''(1) enhancing broad and varied participation in the authorized and secure nationwide electronic use and exchange of health information;

''(2) identifying State or local resources available towards a nationwide effort to promote health information technology;

''(3) complementing other Federal grants, programs, and efforts towards the promotion of health information technology;

''(4) providing technical assistance for the development and dissemination of solutions to barriers to the exchange of electronic health information;

''(5) promoting effective strategies to adopt and utilize health information technology in medically underserved communities;

''(6) assisting patients in utilizing health information technology;

''(7) encouraging clinicians to work with Health Information Technology Regional Extension Centers as described in section 3012, to the extent they are available and valuable;

''(8) supporting public health agencies' authorized use of and access to electronic health information;

''(9) promoting the use of electronic health records for quality improvement including through quality measures reporting; and

''(10) such other activities as the Secretary may specify.

''(e) PLAN.—

''(1) IN GENERAL.—A plan described in this subsection is a plan that describes the activities to be carried out by a State or by the qualified State-designated entity within such State to facilitate and expand the electronic movement and use of health information among organizations according to nationally recognized standards and implementation specifications.

''(2) REQUIRED ELEMENTS.—A plan described in paragraph (1) shall—

''(A) be pursued in the public interest;

''(B) be consistent with the strategic plan developed by the National Coordinator, (and, as available) under section 3001;

''(C) include a description of the ways the State or qualified State-designated entity will carry out the activities described in subsection (b); and

''(D) contain such elements as the Secretary may require.

''(f) QUALIFIED STATE-DESIGNATED ENTITY.—For purposes of this section, to be a qualified State-designated entity, with respect to a State, an entity shall—

''(1) be designated by the State as eligible to receive awards under this section;

''(2) be a not-for-profit entity with broad stakeholder representation on its governing board;

''(3) demonstrate that one of its principal goals is to use information technology to improve health care quality and efficiency through the authorized and secure electronic exchange and use of health information;

''(4) adopt nondiscrimination and conflict of interest policies that demonstrate a commitment to open, fair, and nondiscriminatory participation by stakeholders; and

''(5) conform to such other requirements as the Secretary may establish.

''(g) REQUIRED CONSULTATION.—In carrying out activities described in subsections (b) and (c), a State or qualified State-designated entity shall consult with and consider the recommendations of—

''(1) health care providers (including providers that provide services to low income and underserved populations);

''(2) health plans;

''(3) patient or consumer organizations that represent the population to be served;

''(4) health information technology vendors;

''(5) health care purchasers and employers;

''(6) public health agencies;

''(7) health professions schools, universities and colleges;

''(8) clinical researchers;

''(9) other users of health information technology such as the support and clerical staff of providers and others involved in the care and care coordination of patients; and

''(10) such other entities, as may be determined appropriate by the Secretary.

''(h) CONTINUOUS IMPROVEMENT.—The Secretary shall annually evaluate the activities conducted under this section and shall, in awarding grants under this section, implement the lessons learned from such evaluation in a manner so that awards made subsequent to each such evaluation are made in a manner that, in the determination of the Secretary, will lead towards the greatest improvement in quality of care, decrease in costs, and the most effective authorized and secure electronic exchange of health information.

''(i) REQUIRED MATCH.—

''(1) IN GENERAL.—For a fiscal year (beginning with fiscal year 2011), the Secretary may not make a grant under this section to a State unless the State agrees to make available non-Federal contributions (which may include in-kind contributions) toward the costs of a grant awarded under subsection (c) in an amount equal to—

''(A) for fiscal year 2011, not less than $1 for each $10 of Federal funds provided under the grant;

''(B) for fiscal year 2012, not less than $1 for each $7 of Federal funds provided under the grant; and

''(C) for fiscal year 2013 and each subsequent fiscal year, not less than $1 for each $3 of Federal funds provided under the grant.

''(2) AUTHORITY TO REQUIRE STATE MATCH FOR FISCAL YEARS BEFORE FISCAL YEAR 2011.—For any fiscal year during the grant program under this section before fiscal year 2011, the Secretary may determine the extent to which there shall be required a non-Federal contribution from a State receiving a grant under this section.

''SEC. 3014. COMPETITIVE GRANTS TO STATES AND INDIAN TRIBES FOR THE DEVELOPMENT OF LOAN PROGRAMS TO FACILITATE THE WIDESPREAD ADOPTION OF CERTIFIED EHR TECHNOLOGY.

''(a) IN GENERAL.—The National Coordinator may award competitive grants to eligible entities for the establishment of programs for loans to health care providers to conduct the activities described in subsection (e).

''(b) ELIGIBLE ENTITY DEFINED.—For purposes of this subsection, the term 'eligible entity' means a State or Indian tribe (as defined in the Indian Self-Determination and Education Assistance Act) that—

''(1) submits to the National Coordinator an application at such time, in such manner, and containing such information as the National Coordinator may require;

''(2) submits to the National Coordinator a strategic plan in accordance with subsection (d) and provides to the National Coordinator assurances that the entity will update such plan annually in accordance with such subsection;

''(3) provides assurances to the National Coordinator that the entity will establish a Loan Fund in accordance with subsection (c);

''(4) provides assurances to the National Coordinator that the entity will not provide a loan from the Loan Fund to a health care provider unless the provider agrees to—

''(A) submit reports on quality measures adopted by the Federal Government (by not later than 90 days after the date on which such measures are adopted), to—

''(i) the Administrator of the Centers for Medicare & Medicaid Services (or his or her designee), in the case of an entity participating in the Medicare program under title XVIII of the Social Security Act or the Medicaid program under title XIX of such Act; or

''(ii) the Secretary in the case of other entities;

''(B) demonstrate to the satisfaction of the Secretary (through criteria established by the Secretary) that any certified EHR technology purchased, improved, or otherwise financially supported under a loan under this section is used to exchange health information in a manner that, in accordance with law and standards (as adopted under section 3004) applicable to the exchange of information, improves the quality of health care, such as promoting care coordination; and

''(C) comply with such other requirements as the entity or the Secretary may require;

''(D) include a plan on how health care providers involved intend to maintain and support the certified EHR technology over time;

''(E) include a plan on how the health care providers involved intend to maintain and support the certified EHR technology that would be purchased with such loan, including the type of resources expected to be involved and any such other information as the State or Indian Tribe, respectively, may require; and

''(5) agrees to provide matching funds in accordance with subsection (h).

''(c) ESTABLISHMENT OF FUND.—For purposes of subsection (b)(3), an eligible entity shall establish a certified EHR technology loan fund (referred to in this subsection as a 'Loan Fund') and comply with the other requirements contained in this section. A grant to an eligible entity under this section shall be deposited in the Loan Fund established by the eligible entity. No funds authorized by other provisions of this title to be used for other purposes specified in this title shall be deposited in any Loan Fund.

''(d) STRATEGIC PLAN.—

''(1) IN GENERAL.—For purposes of subsection (b)(2), a strategic plan of an eligible entity under this subsection shall identify the intended uses of amounts available to the Loan Fund of such entity.

''(2) CONTENTS.—A strategic plan under paragraph (1), with respect to a Loan Fund of an eligible entity, shall include for a year the following:

''(A) A list of the projects to be assisted through the Loan Fund during such year.

''(B) A description of the criteria and methods established for the distribution of funds from the Loan Fund during the year.

''(C) A description of the financial status of the Loan Fund as of the date of submission of the plan.

''(D) The short-term and long-term goals of the Loan Fund.

''(e) USE OF FUNDS.—Amounts deposited in a Loan Fund, including loan repayments and interest earned on such amounts, shall be used only for awarding loans or loan guarantees, making reimbursements described in subsection (g)(4)(A), or as a source of reserve and security for leveraged loans, the proceeds of which are deposited in the Loan Fund established under subsection (c). Loans under this section may be used by a health care provider to—

''(1) facilitate the purchase of certified EHR technology;

''(2) enhance the utilization of certified EHR technology;

''(3) train personnel in the use of such technology; or

''(4) improve the secure electronic exchange of health information.

''(f) TYPES OF ASSISTANCE.—Except as otherwise limited by applicable State law, amounts deposited into a Loan Fund under this section may only be used for the following:

''(1) To award loans that comply with the following:

''(A) The interest rate for each loan shall not exceed the market interest rate.

''(B) The principal and interest payments on each loan shall commence not later than 1 year after the date the loan was awarded, and each loan shall be fully amortized not later than 10 years after the date of the loan.

''(C) The Loan Fund shall be credited with all payments of principal and interest on each loan awarded from the Loan Fund.

''(2) To guarantee, or purchase insurance for, a local obligation (all of the proceeds of which finance a project eligible for assistance under this subsection) if the guarantee or purchase would improve credit market access or reduce the interest rate applicable to the obligation involved.

''(3) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the eligible entity if the proceeds of the sale of the bonds will be deposited into the Loan Fund.

''(4) To earn interest on the amounts deposited into the Loan Fund.

''(5) To make reimbursements described in subsection (g)(4)(A).

''(g) ADMINISTRATION OF LOAN FUNDS.—

''(1) COMBINED FINANCIAL ADMINISTRATION.—An eligible entity may (as a convenience and to avoid unnecessary administrative costs) combine, in accordance with applicable State law, the financial administration of a Loan Fund established under this subsection with the financial administration of any other revolving fund established by the entity if otherwise not prohibited by the law under which the Loan Fund was established.

''(2) COST OF ADMINISTERING FUND.—Each eligible entity may annually use not to exceed 4 percent of the funds provided to the entity under a grant under this section to pay the reasonable costs of the administration of the programs under this section, including the recovery of reasonable costs expended to establish a Loan Fund which are incurred after the date of the enactment of this title.

''(3) GUIDANCE AND REGULATIONS.—The National Coordinator shall publish guidance and promulgate regulations as may be necessary to carry out the provisions of this section, including—

''(A) provisions to ensure that each eligible entity commits and expends funds allotted to the entity under this section as efficiently as possible in accordance with this title and applicable State laws; and

''(B) guidance to prevent waste, fraud, and abuse.

''(4) PRIVATE SECTOR CONTRIBUTIONS.—

''(A) IN GENERAL.—A Loan Fund established under this section may accept contributions from private sector entities, except that such entities may not specify the recipient or recipients of any loan issued under this subsection. An eligible entity may agree to reimburse a private sector entity for any contribution made under this subparagraph, except that the amount of such reimbursement may not be greater than the principal amount of the contribution made.

''(B) AVAILABILITY OF INFORMATION.—An eligible entity shall make publicly available the identity of, and amount contributed by, any private sector entity under subparagraph (A) and may issue letters of commendation or make other awards (that have no financial value) to any such entity.

''(h) MATCHING REQUIREMENTS.—

''(1) IN GENERAL.—The National Coordinator may not make a grant under subsection (a) to an eligible entity unless the entity agrees to make available (directly or through donations from public or private entities) non-Federal contributions in cash to the costs of carrying out the activities for which the grant is awarded in an amount equal to not less than $1 for each $5 of Federal funds provided under the grant.

''(2) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—In determining the amount of non-Federal contributions that an eligible entity has provided pursuant to subparagraph (A), the National Coordinator may

not include any amounts provided to the entity by the Federal Government.

''(i) EFFECTIVE DATE.—The Secretary may not make an award under this section prior to January 1, 2010.

''SEC. 3015. DEMONSTRATION PROGRAM TO INTEGRATE INFORMATION TECHNOLOGY INTO CLINICAL EDUCATION.

''(a) IN GENERAL.—The Secretary may award grants under this section to carry out demonstration projects to develop academic curricula integrating certified EHR technology in the clinical education of health professionals. Such awards shall be made on a competitive basis and pursuant to peer review.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

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

''(2) submit to the Secretary a strategic plan for integrating certified EHR technology in the clinical education of health professionals to reduce medical errors and enhance health care quality;

''(3) be—

''(A) a school of medicine, osteopathic medicine, dentistry, or pharmacy, a graduate program in behavioral or mental health, or any other graduate health professions school;

''(B) a graduate school of nursing or physician assistant studies;

''(C) a consortium of two or more schools described in subparagraph (A) or (B); or

''(D) an institution with a graduate medical education program in medicine, osteopathic medicine, dentistry, pharmacy, nursing, or physician assistance studies;

''(4) provide for the collection of data regarding the effectiveness of the demonstration project to be funded under the grant in improving the safety of patients, the efficiency of health care delivery, and in increasing the likelihood that graduates of the grantee will adopt and incorporate certified EHR technology, in the delivery of health care services; and

''(5) provide matching funds in accordance with subsection (d).

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—With respect to a grant under subsection (a), an eligible entity shall—

''(A) use grant funds in collaboration with 2 or more disciplines; and

''(B) use grant funds to integrate certified EHR technology into community-based clinical education.

''(2) LIMITATION.—An eligible entity shall not use amounts received under a grant under subsection (a) to purchase hardware, software, or services.

''(d) FINANCIAL SUPPORT.—The Secretary may not provide more than 50 percent of the costs of any activity for which assistance is provided under subsection (a), except in an instance of national economic conditions which would render the cost-share requirement under this subsection detrimental to the program and upon notification to Congress as to the justification to waive the cost-share requirement.

''(e) EVALUATION.—The Secretary shall take such action as may be necessary to evaluate the projects funded under this section and publish, make available, and disseminate the results of such evaluations on as wide a basis as is practicable.

''(f) REPORTS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce of the House of Representatives a report that—

''(1) describes the specific projects established under this section; and

''(2) contains recommendations for Congress based on the evaluation conducted under subsection (e).

''SEC. 3016. INFORMATION TECHNOLOGY PROFESSIONALS ON HEALTH CARE.

''(a) IN GENERAL.—The Secretary, in consultation with the Director of the National Science Foundation, shall provide assistance to institutions of higher education (or consortia thereof) to establish or expand medical health informatics education programs, including certification, undergraduate, and masters degree programs, for both health care and information technology students to ensure the rapid and effective utilization and development of health information technologies (in the United States health care infrastructure).

''(b) ACTIVITIES.—Activities for which assistance may be provided under subsection (a) may include the following:

''(1) Developing and revising curricula in medical health informatics and related disciplines.

''(2) Recruiting and retaining students to the program involved.

''(3) Acquiring equipment necessary for student instruction in these programs, including the installation of testbed networks for student use.

''(4) Establishing or enhancing bridge programs in the health informatics fields between community colleges and universities.

''(c) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give preference to the following:

''(1) Existing education and training programs.

''(2) Programs designed to be completed in less than six months.

''(d) FINANCIAL SUPPORT.—The Secretary may not provide more than 50 percent of the costs of any activity for which assistance is provided under subsection (a), except in an instance of national economic conditions which would render the cost-share requirement under this subsection detrimental to the program and upon notification to Congress as to the justification to waive the cost-share requirement.

''SEC. 3017. GENERAL GRANT AND LOAN PROVISIONS.

''(a) REPORTS.—The Secretary may require that an entity receiving assistance under this subtitle shall submit to the Secretary, not later than the date that is 1 year after the date of receipt of such assistance, a report that includes—

''(1) an analysis of the effectiveness of the activities for which the entity receives such assistance, as compared to the goals for such activities; and

''(2) an analysis of the impact of the project on health care quality and safety.

''(b) REQUIREMENT TO IMPROVE QUALITY OF CARE AND DECREASE IN COSTS.—The National Coordinator shall annually evaluate the activities conducted under this subtitle and shall, in awarding grants, implement the lessons learned from such evaluation in a manner so that awards made subsequent to each such evaluation are made in a manner that, in the determination of the National Coordinator, will result in the greatest improvement in the quality and efficiency of health care.

''SEC. 3018. AUTHORIZATION FOR APPROPRIATIONS.

''For the purposes of carrying out this subtitle, there is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2013. Amounts so appropriated shall remain available until expended.''.

PART II—MEDICARE PROGRAM

SEC. 4311. INCENTIVES FOR ELIGIBLE PROFESSIONALS.

(a) INCENTIVE PAYMENTS.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended by adding at the end the following new subsection:

''(o) INCENTIVES FOR ADOPTION AND MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—

''(1) INCENTIVE PAYMENTS.—

''(A) IN GENERAL.—Subject to the succeeding subparagraphs of this paragraph, with respect to covered professional services furnished by an eligible professional during a payment year (as defined in subparagraph (E)), if the eligible professional is a meaningful EHR user (as determined under paragraph (2)) for the reporting period with respect to such year, in addition to the amount otherwise paid under this part, there also shall be paid to the eligible professional (or to an employer or facility in the cases described in clause (A) of section 1842(b)(6)), from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 an amount equal to 75 percent of the Secretary's estimate (based on claims submitted not later than 2 months after the end of the payment year) of the allowed charges under this part for all such covered professional services furnished by the eligible professional during such year.

''(B) LIMITATIONS ON AMOUNTS OF INCENTIVE PAYMENTS.—

''(i) IN GENERAL.—In no case shall the amount of the incentive payment provided under this paragraph for an eligible professional for a payment year exceed the applicable amount specified under this subparagraph with respect to such eligible professional and such year.

''(ii) AMOUNT.—Subject to clause (iii), the applicable amount specified in this subparagraph for an eligible professional is as follows:

''(I) For the first payment year for such professional, $15,000.

''(II) For the second payment year for such professional, $12,000.

''(III) For the third payment year for such professional, $8,000.

''(IV) For the fourth payment year for such professional, $4,000.

''(V) For the fifth payment year for such professional, $2,000.

''(VI) For any succeeding payment year for such professional, $0.

''(iii) PHASE DOWN FOR ELIGIBLE PROFESSIONALS FIRST ADOPTING EHR AFTER 2013.—If the first payment year for an eligible professional is after 2013, then the amount specified in this subparagraph for a payment year for such professional is the same as the amount specified in clause (ii) for such payment year for an eligible professional whose first payment year is 2013. If the first payment year for an eligible professional is after 2015 then the applicable amount specified in this subparagraph for such professional for such year and any subsequent year shall be $0.

''(C) NON-APPLICATION TO HOSPITAL-BASED ELIGIBLE PROFESSIONALS.—

''(i) IN GENERAL.—No incentive payment may be made under this paragraph in the case of a hospital-based eligible professional.

''(ii) HOSPITAL-BASED ELIGIBLE PROFESSIONAL.—For purposes of clause (i), the term 'hospital-based eligible professional' means, with respect to covered professional services furnished by an eligible professional during the reporting period for a payment year, an eligible professional, such as a pathologist, anesthesiologist, or emergency physician, who furnishes substantially all of such services in a hospital setting (whether inpatient

or outpatient) and through the use of the facilities and equipment, including computer equipment, of the hospital.

''(D) PAYMENT.—

''(i) FORM OF PAYMENT.—The payment under this paragraph may be in the form of a single consolidated payment or in the form of such periodic installments as the Secretary may specify.

''(ii) COORDINATION OF APPLICATION OF LIMITATION FOR PROFESSIONALS IN DIFFERENT PRACTICES.—In the case of an eligible professional furnishing covered professional services in more than one practice (as specified by the Secretary), the Secretary shall establish rules to coordinate the incentive payments, including the application of the limitation on amounts of such incentive payments under this paragraph, among such practices.

''(iii) COORDINATION WITH MEDICAID.—The Secretary shall seek, to the maximum extent practicable, to avoid duplicative requirements from Federal and State Governments to demonstrate meaningful use of certified EHR technology under this title and title XIX. The Secretary may also adjust the reporting periods under such title and such subsections in order to carry out this clause.

''(E) PAYMENT YEAR DEFINED.—

''(i) IN GENERAL.—For purposes of this subsection, the term 'payment year' means a year beginning with 2011.

''(ii) FIRST, SECOND, ETC. PAYMENT YEAR.—The term 'first payment year' means, with respect to covered professional services furnished by an eligible professional, the first year for which an incentive payment is made for such services under this subsection. The terms 'second payment year', 'third payment year', 'fourth payment year', and 'fifth payment year' mean, with respect to covered professional services furnished by such eligible professional, each successive year immediately following the first payment year for such professional.

''(2) MEANINGFUL EHR USER.—

''(A) IN GENERAL.—For purposes of paragraph (1), an eligible professional shall be treated as a meaningful EHR user for a reporting period for a payment year (or, for purposes of subsection (a)(7), for a reporting period under such subsection for a year) if each of the following requirements is met:

''(i) MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—The eligible professional demonstrates to the satisfaction of the Secretary, in accordance with subparagraph (C)(i), that during such period the professional is using certified EHR technology in a meaningful manner, which shall include the use of electronic prescribing as determined to be appropriate by the Secretary.

''(ii) INFORMATION EXCHANGE.—The eligible professional demonstrates to the satisfaction of the Secretary, in accordance with subparagraph (C)(i), that during such period such certified EHR technology is connected in a manner that provides, in accordance with law and standards applicable to the exchange of information, for the electronic exchange of health information to improve the quality of health care, such as promoting care coordination.

''(iii) REPORTING ON MEASURES USING EHR.—Subject to subparagraph (B)(ii) and using such certified EHR technology, the eligible professional submits information for such period, in a form and manner specified by the Secretary, on such clinical quality measures and such other measures as selected by the Secretary under subparagraph (B)(i).

The Secretary may provide for the use of alternative means for meeting the requirements of clauses (i), (ii), and (iii) in the case of an eligible professional furnishing covered professional services in a group practice (as defined by the Secretary). The Secretary shall seek to improve the use of electronic health records and health care quality over time by requiring more stringent measures of meaningful use selected under this paragraph.

''(B) REPORTING ON MEASURES.—

''(i) SELECTION.—The Secretary shall select measures for purposes of subparagraph (A)(iii) but only consistent with the following:

''(I) The Secretary shall provide preference to clinical quality measures that have been endorsed by the entity with a contract with the Secretary under section 1890(a).

''(II) Prior to any measure being selected under this subparagraph, the Secretary shall publish in the Federal Register such measure and provide for a period of public comment on such measure.

''(ii) LIMITATION.—The Secretary may not require the electronic reporting of information on clinical quality measures under subparagraph (A)(iii) unless the Secretary has the capacity to accept the information electronically, which may be on a pilot basis.

''(iii) COORDINATION OF REPORTING OF INFORMATION.—In selecting such measures, and in establishing the form and manner for reporting measures under subparagraph (A)(iii), the Secretary shall seek to avoid redundant or duplicative reporting otherwise required, including reporting under subsection (k)(2)(C).

''(C) DEMONSTRATION OF MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY AND INFORMATION EXCHANGE.—

''(i) IN GENERAL.—A professional may satisfy the demonstration requirement of clauses (i) and (ii) of subparagraph (A) through means specified by the Secretary, which may include—

''(I) an attestation;

''(II) the submission of claims with appropriate coding (such as a code indicating that a patient encounter was documented using certified EHR technology);

''(III) a survey response;

''(IV) reporting under subparagraph (A)(iii); and

''(V) other means specified by the Secretary.

''(ii) USE OF PART D DATA.—Notwithstanding sections 1860D–15(d)(2)(B) and 1860D–15(f)(2), the Secretary may use data regarding drug claims submitted for purposes of section 1860D–15 that are necessary for purposes of subparagraph (A).

''(3) APPLICATION.—

''(A) PHYSICIAN REPORTING SYSTEM RULES.—Paragraphs (5), (6), and (8) of subsection (k) shall apply for purposes of this subsection in the same manner as they apply for purposes of such subsection.

''(B) COORDINATION WITH OTHER PAYMENTS.—The provisions of this subsection shall not be taken into account in applying the provisions of subsection (m) of this section and of section 1833(m) and any payment under such provisions shall not be taken into account in computing allowable charges under this subsection.

''(C) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the determination of any incentive payment under this subsection and the payment adjustment under subsection (a)(7), including the determination of a meaningful EHR user under paragraph (2), a limitation under paragraph (1)(B), and the exception under subsection (a)(7)(B).

''(D) POSTING ON WEBSITE.—The Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services, in an easily understandable format, a list of the names, business addresses, and business phone numbers of the eligible professionals who are meaningful EHR users and, as determined appropriate by the Secretary, of group practices receiving incentive payments under paragraph (1).

''(4) CERTIFIED EHR TECHNOLOGY DEFINED.—For purposes of this section, the term 'certified EHR technology' means a qualified electronic health record (as defined in 3000(13) of the Public Health Service Act) that is certified pursuant to section 3001(c)(5) of such Act as meeting standards adopted under section 3004 of such Act that are applicable to the type of record involved (as determined by the Secretary, such as an ambulatory electronic health record for office-based physicians or an inpatient hospital electronic health record for hospitals).

''(5) DEFINITIONS.—For purposes of this subsection:

''(A) COVERED PROFESSIONAL SERVICES.—The term 'covered professional services' has the meaning given such term in subsection (k)(3).

''(B) ELIGIBLE PROFESSIONAL.—The term 'eligible professional' means a physician, as defined in section 1861(r).

''(C) REPORTING PERIOD.—The term 'reporting period' means any period (or periods), with respect to a payment year, as specified by the Secretary.''.

(b) INCENTIVE PAYMENT ADJUSTMENT.—Section 1848(a) of the Social Security Act (42 U.S.C. 1395w–4(a)) is amended by adding at the end the following new paragraph:

''(7) INCENTIVES FOR MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—

''(A) ADJUSTMENT.—

''(i) IN GENERAL.—Subject to subparagraphs (B) and (D), with respect to covered professional services furnished by an eligible professional during 2016 or any subsequent payment year, if the eligible professional is not a meaningful EHR user (as determined under subsection (o)(2)) for a reporting period for the year, the fee schedule amount for such services furnished by such professional during the year (including the fee schedule amount for purposes of determining a payment based on such amount) shall be equal to the applicable percent of the fee schedule amount that would otherwise apply to such services under this subsection (determined after application of paragraph (3) but without regard to this paragraph).

''(ii) APPLICABLE PERCENT.—Subject to clause (iii), for purposes of clause (i), the term 'applicable percent' means—

''(I) for 2016, 99 percent;

''(II) for 2017, 98 percent; and

''(III) for 2018 and each subsequent year, 97 percent.

''(iii) AUTHORITY TO DECREASE APPLICABLE PERCENTAGE FOR 2019 AND SUBSEQUENT YEARS.—For 2019 and each subsequent year, if the Secretary finds that the proportion of eligible professionals who are meaningful EHR users (as determined under subsection (o)(2)) is less than 75 percent, the applicable percent shall be decreased by 1 percentage point from the applicable percent in the preceding year, but in no case shall the applicable percent be less than 95 percent.

''(B) SIGNIFICANT HARDSHIP EXCEPTION.—The Secretary may, on a case-by-case basis, exempt an eligible professional from the application of the payment adjustment under subparagraph (A) if the Secretary determines, subject to annual renewal, that compliance with the requirement for being a meaningful EHR user would result in a significant hardship, such as in the case of an eligible professional who practices in a rural area without sufficient Internet access. In no case may an eligible professional be granted an exemption under this subparagraph for more than 5 years.

''(C) APPLICATION OF PHYSICIAN REPORTING SYSTEM RULES.—Paragraphs (5), (6), and (8) of

subsection (k) shall apply for purposes of this paragraph in the same manner as they apply for purposes of such subsection.

''(D) NON-APPLICATION TO HOSPITAL-BASED ELIGIBLE PROFESSIONALS.—No payment adjustment may be made under subparagraph (A) in the case of hospital-based eligible professionals (as defined in subsection (o)(1)(C)(ii)).

''(E) DEFINITIONS.—For purposes of this paragraph:

''(i) COVERED PROFESSIONAL SERVICES.—The term 'covered professional services' has the meaning given such term in subsection (k)(3).

''(ii) ELIGIBLE PROFESSIONAL.—The term 'eligible professional' means a physician, as defined in section 1861(r).

''(iii) REPORTING PERIOD.—The term 'reporting period' means, with respect to a year, a period specified by the Secretary.''.

(c) APPLICATION TO CERTAIN HMO-AFFILIATED ELIGIBLE PROFESSIONALS.—Section 1853 of the Social Security Act (42 U.S.C. 1395w–23) is amended by adding at the end the following new subsection:

''(l) APPLICATION OF ELIGIBLE PROFESSIONAL INCENTIVES FOR CERTAIN MA ORGANIZATIONS FOR ADOPTION AND MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—

''(1) IN GENERAL.—Subject to paragraphs (3) and (4), in the case of a qualifying MA organization, the provisions of sections 1848(o) and 1848(a)(7) shall apply with respect to eligible professionals described in paragraph (2) of the organization who the organization attests under paragraph (6) to be meaningful EHR users in a similar manner as they apply to eligible professionals under such sections. Incentive payments under paragraph (3) shall be made to and payment adjustments under paragraph (4) shall apply to such qualifying organizations.

''(2) ELIGIBLE PROFESSIONAL DESCRIBED.—With respect to a qualifying MA organization, an eligible professional described in this paragraph is an eligible professional (as defined for purposes of section 1848(o)) who—

''(A)(i) is employed by the organization; or

''(ii)(I) is employed by, or is a partner of, an entity that through contract with the organization furnishes at least 80 percent of the entity's patient care services to enrollees of such organization; and

''(II) furnishes at least 80 percent of the professional services of the eligible professional to enrollees of the organization; and

''(B) furnishes, on average, at least 20 hours per week of patient care services.

''(3) ELIGIBLE PROFESSIONAL INCENTIVE PAYMENTS.—

''(A) IN GENERAL.—In applying section 1848(o) under paragraph (1), instead of the additional payment amount under section 1848(o)(1)(A) and subject to subparagraph (B), the Secretary may substitute an amount determined by the Secretary to the extent feasible and practical to be similar to the estimated amount in the aggregate that would be payable if payment for services furnished by such professionals was payable under part B instead of this part.

''(B) AVOIDING DUPLICATION OF PAYMENTS.—

''(i) IN GENERAL.—If an eligible professional described in paragraph (2) is eligible for the maximum incentive payment under section 1848(o)(1)(A) for the same payment period, the payment incentive shall be made only under such section and not under this subsection.

''(ii) METHODS.—In the case of an eligible professional described in paragraph (2) who is eligible for an incentive payment under section 1848(o)(1)(A) but is not described in clause (i) for the same payment period, the Secretary shall develop a process—

''(I) to ensure that duplicate payments are not made with respect to an eligible professional both under this subsection and under section 1848(o)(1)(A); and

''(II) to collect data from Medicare Advantage organizations to ensure against such duplicate payments.

''(C) FIXED SCHEDULE FOR APPLICATION OF LIMITATION ON INCENTIVE PAYMENTS FOR ALL ELIGIBLE PROFESSIONALS.—In applying section 1848(o)(1)(B)(ii) under subparagraph (A), in accordance with rules specified by the Secretary, a qualifying MA organization shall specify a year (not earlier than 2011) that shall be treated as the first payment year for all eligible professionals with respect to such organization.

''(4) PAYMENT ADJUSTMENT.—

''(A) IN GENERAL.—In applying section 1848(a)(7) under paragraph (1), instead of the payment adjustment being an applicable percent of the fee schedule amount for a year under such section, subject to subparagraph (D), the payment adjustment under paragraph (1) shall be equal to the percent specified in subparagraph (B) for such year of the payment amount otherwise provided under this section for such year.

''(B) SPECIFIED PERCENT.—The percent specified under this subparagraph for a year is 100 percent minus a number of percentage points equal to the product of—

''(i) the number of percentage points by which the applicable percent (under section 1848(a)(7)(A)(ii)) for the year is less than 100 percent; and

''(ii) the Medicare physician expenditure proportion specified in subparagraph (C) for the year.

''(C) MEDICARE PHYSICIAN EXPENDITURE PROPORTION.—The Medicare physician expenditure proportion under this subparagraph for a year is the Secretary's estimate of the proportion, of the expenditures under parts A and B that are not attributable to this part, that are attributable to expenditures for physicians' services.

''(D) APPLICATION OF PAYMENT ADJUSTMENT.—In the case that a qualifying MA organization attests that not all eligible professionals are meaningful EHR users with respect to a year, the Secretary shall apply the payment adjustment under this paragraph based on the proportion of such eligible professionals that are not meaningful EHR users for such year.

''(5) QUALIFYING MA ORGANIZATION DEFINED.—In this subsection and subsection (m), the term 'qualifying MA organization' means a Medicare Advantage organization that is organized as a health maintenance organization (as defined in section 2791(b)(3) of the Public Health Service Act).

''(6) MEANINGFUL EHR USER ATTESTATION.—For purposes of this subsection and subsection (m), a qualifying MA organization shall submit an attestation, in a form and manner specified by the Secretary which may include the submission of such attestation as part of submission of the initial bid under section 1854(a)(1)(A)(iv), identifying—

''(A) whether each eligible professional described in paragraph (2), with respect to such organization is a meaningful EHR user (as defined in section 1848(o)(2)) for a year specified by the Secretary; and

''(B) whether each eligible hospital described in subsection (m)(1), with respect to such organization, is a meaningful EHR user (as defined in section 1886(n)(3)) for an applicable period specified by the Secretary.''.

(d) CONFORMING AMENDMENTS.—Section 1853 of the Social Security Act (42 U.S.C. 1395w–23) is amended—

(1) in subsection (a)(1)(A), by striking ''and (i)'' and inserting ''(i), and (l)'';

(2) in subsection (c)—

(A) in paragraph (1)(D)(i), by striking ''section 1886(h)'' and inserting ''sections 1848(o) and 1886(h)''; and

(B) in paragraph (6)(A), by inserting after ''under part B,'' the following: ''excluding expenditures attributable to subsections (a)(7) and (o) of section 1848,''; and

(3) in subsection (f), by inserting ''and for payments under subsection (l)'' after ''with the organization''.

(e) CONFORMING AMENDMENTS TO E-PRESCRIBING.—

(1) Section 1848(a)(5)(A) of the Social Security Act (42 U.S.C. 1395w–4(a)(5)(A)) is amended—

(A) in clause (i), by striking ''or any subsequent year'' and inserting '', 2013, 2014, or 2015''; and

(B) in clause (ii), by striking ''and each subsequent year'' and inserting ''and 2015''.

(2) Section 1848(m)(2) of such Act (42 U.S.C. 1395w–4(m)(2)) is amended—

(A) in subparagraph (A), by striking ''For 2009'' and inserting ''Subject to subparagraph (D), for 2009''; and

(B) by adding at the end the following new subparagraph:

''(D) LIMITATION WITH RESPECT TO EHR INCENTIVE PAYMENTS.—The provisions of this paragraph shall not apply to an eligible professional (or, in the case of a group practice under paragraph (3)(C), to the group practice) if, for the reporting period the eligible professional (or group practice) receives an incentive payment under subsection (o)(1)(A) with respect to a certified EHR technology (as defined in subsection (o)(4)) that has the capability of electronic prescribing.''.

SEC. 4312. INCENTIVES FOR HOSPITALS.

(a) INCENTIVE PAYMENT.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end the following new subsection:

''(n) INCENTIVES FOR ADOPTION AND MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—

''(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, with respect to inpatient hospital services furnished by an eligible hospital during a payment year (as defined in paragraph (2)(G)), if the eligible hospital is a meaningful EHR user (as determined under paragraph (3)) for the reporting period with respect to such year, in addition to the amount otherwise paid under this section, there also shall be paid to the eligible hospital, from the Federal Hospital Insurance Trust Fund established under section 1817, an amount equal to the applicable amount specified in paragraph (2)(A) for the hospital for such payment year.

''(2) PAYMENT AMOUNT.—

''(A) IN GENERAL.—Subject to the succeeding subparagraphs of this paragraph, the applicable amount specified in this subparagraph for an eligible hospital for a payment year is equal to the product of the following:

''(i) INITIAL AMOUNT.—The sum of—

''(I) the base amount specified in subparagraph (B); plus

''(II) the discharge related amount specified in subparagraph (C) for a 12-month period selected by the Secretary with respect to such payment year.

''(ii) MEDICARE SHARE.—The Medicare share as specified in subparagraph (D) for the hospital for a period selected by the Secretary with respect to such payment year.

''(iii) TRANSITION FACTOR.—The transition factor specified in subparagraph (E) for the hospital for the payment year.

''(B) BASE AMOUNT.—The base amount specified in this subparagraph is $2,000,000.

''(C) DISCHARGE RELATED AMOUNT.—The discharge related amount specified in this subparagraph for a 12-month period selected by the Secretary shall be determined as the sum of the amount, based upon total discharges (regardless of any source of payment) for the period, for each discharge up to the 23,000th discharge as follows:

''(i) For the 1,150th through the 23,000th discharge, $200.

''(ii) For any discharge greater than the 23,000th, $0.

''(D) MEDICARE SHARE.—The Medicare share specified under this subparagraph for a hospital for a period selected by the Secretary for a payment year is equal to the fraction—

''(i) the numerator of which is the sum (for such period and with respect to the hospital) of—

''(I) the number of inpatient-bed-days (as established by the Secretary) which are attributable to individuals with respect to whom payment may be made under part A; and

''(II) the number of inpatient-bed-days (as so established) which are attributable to individuals who are enrolled with a Medicare Advantage organization under part C; and

''(ii) the denominator of which is the product of—

''(I) the total number of inpatient-bed-days with respect to the hospital during such period; and

''(II) the total amount of the hospital's charges during such period, not including any charges that are attributable to charity care (as such term is used for purposes of hospital cost reporting under this title), divided by the total amount of the hospital's charges during such period.

Insofar as the Secretary determines that data are not available on charity care necessary to calculate the portion of the formula specified in clause (ii)(II), the Secretary shall use data on uncompensated care and may adjust such data so as to be an appropriate proxy for charity care including a downward adjustment to eliminate bad debt data from uncompensated care data. In the absence of the data necessary, with respect to a hospital, for the Secretary to compute the amount described in clause (ii)(II), the amount under such clause shall be deemed to be 1. In the absence of data, with respect to a hospital, necessary to compute the amount described in clause (i)(II), the amount under such clause shall be deemed to be 0.

''(E) TRANSITION FACTOR SPECIFIED.—

''(i) IN GENERAL.—Subject to clause (ii), the transition factor specified in this subparagraph for an eligible hospital for a payment year is as follows:

''(I) For the first payment year for such hospital, 1.

''(II) For the second payment year for such hospital, ¾.

''(III) For the third payment year for such hospital, ½.

''(IV) For the fourth payment year for such hospital, ¼.

''(V) For any succeeding payment year for such hospital, 0.

''(ii) PHASE DOWN FOR ELIGIBLE HOSPITALS FIRST ADOPTING EHR AFTER 2013.—If the first payment year for an eligible hospital is after 2013, then the transition factor specified in this subparagraph for a payment year for such hospital is the same as the amount specified in clause (i) for such payment year for an eligible hospital for which the first payment year is 2013. If the first payment year for an eligible hospital is after 2015 then the transition factor specified in this subparagraph for such hospital and for such year and any subsequent year shall be 0.

''(F) FORM OF PAYMENT.—The payment under this subsection for a payment year may be in the form of a single consolidated payment or in the form of such periodic installments as the Secretary may specify.

''(G) PAYMENT YEAR DEFINED.—

''(i) IN GENERAL.—For purposes of this subsection, the term 'payment year' means a fiscal year beginning with fiscal year 2011.

''(ii) FIRST, SECOND, ETC. PAYMENT YEAR.—The term 'first payment year' means, with respect to inpatient hospital services furnished by an eligible hospital, the first fiscal year for which an incentive payment is made for such services under this subsection. The terms 'second payment year', 'third payment year', and 'fourth payment year' mean, with respect to an eligible hospital, each successive year immediately following the first payment year for that hospital.

''(3) MEANINGFUL EHR USER.—

''(A) IN GENERAL.—For purposes of paragraph (1), an eligible hospital shall be treated as a meaningful EHR user for a reporting period for a payment year (or, for purposes of subsection (b)(3)(B)(ix), for a reporting period under such subsection for a fiscal year) if each of the following requirements are met:

''(i) MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—The eligible hospital demonstrates to the satisfaction of the Secretary, in accordance with subparagraph (C)(i), that during such period the hospital is using certified EHR technology in a meaningful manner.

''(ii) INFORMATION EXCHANGE.—The eligible hospital demonstrates to the satisfaction of the Secretary, in accordance with subparagraph (C)(i), that during such period such certified EHR technology is connected in a manner that provides, in accordance with law and standards applicable to the exchange of information, for the electronic exchange of health information to improve the quality of health care, such as promoting care coordination.

''(iii) REPORTING ON MEASURES USING EHR.—Subject to subparagraph (B)(ii) and using such certified EHR technology, the eligible hospital submits information for such period, in a form and manner specified by the Secretary, on such clinical quality measures and such other measures as selected by the Secretary under subparagraph (B)(i).

The Secretary shall seek to improve the use of electronic health records and health care quality over time by requiring more stringent measures of meaningful use selected under this paragraph.

''(B) REPORTING ON MEASURES.—

''(i) SELECTION.—The Secretary shall select measures for purposes of subparagraph (A)(iii) but only consistent with the following:

''(I) The Secretary shall provide preference to clinical quality measures that have been selected for purposes of applying subsection (b)(3)(B)(viii) or that have been endorsed by the entity with a contract with the Secretary under section 1890(a).

''(II) Prior to any measure (other than a clinical quality measure that has been selected for purposes of applying subsection (b)(3)(B)(viii)) being selected under this subparagraph, the Secretary shall publish in the Federal Register such measure and provide for a period of public comment on such measure.

''(ii) LIMITATIONS.—The Secretary may not require the electronic reporting of information on clinical quality measures under subparagraph (A)(iii) unless the Secretary has the capacity to accept the information electronically, which may be on a pilot basis.

''(iii) COORDINATION OF REPORTING OF INFORMATION.—In selecting such measures, and in establishing the form and manner for reporting measures under subparagraph (A)(iii), the Secretary shall seek to avoid redundant or duplicative reporting with reporting otherwise required, including reporting under subsection (b)(3)(B)(viii).

''(C) DEMONSTRATION OF MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY AND INFORMATION EXCHANGE.—

''(i) IN GENERAL.—A hospital may satisfy the demonstration requirement of clauses (i) and (ii) of subparagraph (A) through means specified by the Secretary, which may include—

''(I) an attestation;

''(II) the submission of claims with appropriate coding (such as a code indicating that inpatient care was documented using certified EHR technology);

''(III) a survey response;

''(IV) reporting under subparagraph (A)(iii); and

''(V) other means specified by the Secretary.

''(ii) USE OF PART D DATA.—Notwithstanding sections 1860D–15(d)(2)(B) and 1860D–15(f)(2), the Secretary may use data regarding drug claims submitted for purposes of section 1860D–15 that are necessary for purposes of subparagraph (A).

''(4) APPLICATION.—

''(A) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the determination of any incentive payment under this subsection and the payment adjustment under subsection (b)(3)(B)(ix), including the determination of a meaningful EHR user under paragraph (3), determination of measures applicable to services furnished by eligible hospitals under this subsection, and the exception under subsection (b)(3)(B)(ix)(II).

''(B) POSTING ON WEBSITE.—The Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services, in an easily understandable format, a list of the names of the eligible hospitals that are meaningful EHR users under this subsection or subsection (b)(3)(B)(ix) and other relevant data as determined appropriate by the Secretary. The Secretary shall ensure that a hospital has the opportunity to review the other relevant data that are to be made public with respect to the hospital prior to such data being made public.

''(5) CERTIFIED EHR TECHNOLOGY DEFINED.—The term 'certified EHR technology' has the meaning given such term in section 1848(o)(4).

''(6) DEFINITIONS.—For purposes of this subsection:

''(A) ELIGIBLE HOSPITAL.—The term 'eligible hospital' means a subsection (d) hospital.

''(B) REPORTING PERIOD.—The term 'reporting period' means any period (or periods), with respect to a payment year, as specified by the Secretary.''.

(b) INCENTIVE MARKET BASKET ADJUSTMENT.—Section 1886(b)(3)(B) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)) is amended—

(1) in clause (viii)(I), by inserting ''(or, beginning with fiscal year 2016, by one-quarter)'' after ''2.0 percentage points''; and

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

''(ix)(I) For purposes of clause (i) for fiscal year 2016 and each subsequent fiscal year, in the case of an eligible hospital (as defined in subsection (n)(6)(A)) that is not a meaningful EHR user (as defined in subsection (n)(3)) for the reporting period for such fiscal year, three-quarters of the applicable percentage increase otherwise applicable under clause (i) for such fiscal year shall be reduced by 33⅓ percent for fiscal year 2016, 66⅔ percent for fiscal year 2017, and 100 percent for fiscal year 2018 and each subsequent fiscal year. Such reduction shall apply only with respect to the fiscal year involved and the Secretary shall not take into account such reduction in computing the applicable percentage increase under clause (i) for a subsequent fiscal year.

''(II) The Secretary may, on a case-by-case basis, exempt a subsection (d) hospital from

the application of subclause (I) with respect to a fiscal year if the Secretary determines, subject to annual renewal, that requiring such hospital to be a meaningful EHR user during such fiscal year would result in a significant hardship, such as in the case of a hospital in a rural area without sufficient Internet access. In no case may a hospital be granted an exemption under this subclause for more than 5 years.

''(III) For fiscal year 2016 and each subsequent fiscal year, a State in which hospitals are paid for services under section 1814(b)(3) shall adjust the payments to each subsection (d) hospital in the State that is not a meaningful EHR user (as defined in subsection (n)(3)) in a manner that is designed to result in an aggregate reduction in payments to hospitals in the State that is equivalent to the aggregate reduction that would have occurred if payments had been reduced to each subsection (d) hospital in the State in a manner comparable to the reduction under the previous provisions of this clause. The State shall report to the Secretary the methodology it will use to make the payment adjustment under the previous sentence.

''(IV) For purposes of this clause, the term 'reporting period' means, with respect to a fiscal year, any period (or periods), with respect to the fiscal year, as specified by the Secretary.''.

(c) APPLICATION TO CERTAIN HMO-AFFILIATED ELIGIBLE HOSPITALS.—Section 1853 of the Social Security Act (42 U.S.C. 1395w–23), as amended by section 4311(c), is further amended by adding at the end the following new subsection:

''(m) APPLICATION OF ELIGIBLE HOSPITAL INCENTIVES FOR CERTAIN MA ORGANIZATIONS FOR ADOPTION AND MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—

''(1) APPLICATION.—Subject to paragraphs (3) and (4), in the case of a qualifying MA organization, the provisions of sections 1886(n) and 1886(b)(3)(B)(ix) shall apply with respect to eligible hospitals described in paragraph (2) of the organization which the organization attests under subsection (l)(6) to be meaningful EHR users in a similar manner as they apply to eligible hospitals under such sections. Incentive payments under paragraph (3) shall be made to and payment adjustments under paragraph (4) shall apply to such qualifying organizations.

''(2) ELIGIBLE HOSPITAL DESCRIBED.—With respect to a qualifying MA organization, an eligible hospital described in this paragraph is an eligible hospital that is under common corporate governance with such organization and serves individuals enrolled under an MA plan offered by such organization.

''(3) ELIGIBLE HOSPITAL INCENTIVE PAYMENTS.—

''(A) IN GENERAL.—In applying section 1886(n)(2) under paragraph (1), instead of the additional payment amount under section 1886(n)(2), there shall be substituted an amount determined by the Secretary to be similar to the estimated amount in the aggregate that would be payable if payment for services furnished by such hospitals was payable under part A instead of this part. In implementing the previous sentence, the Secretary—

''(i) shall, insofar as data to determine the discharge related amount under section 1886(n)(2)(C) for an eligible hospital are not available to the Secretary, use such alternative data and methodology to estimate such discharge related amount as the Secretary determines appropriate; and

''(ii) shall, insofar as data to determine the medicare share described in section 1886(n)(2)(D) for an eligible hospital are not available to the Secretary, use such alternative data and methodology to estimate such share, which data and methodology may include use of the inpatient bed days (or discharges) with respect to an eligible hospital during the appropriate period which are attributable to both individuals for whom payment may be made under part A or individuals enrolled in an MA plan under a Medicare Advantage organization under this part as a proportion of the total number of patient-bed-days (or discharges) with respect to such hospital during such period.

''(B) AVOIDING DUPLICATION OF PAYMENTS.—

''(i) IN GENERAL.—In the case of a hospital that for a payment year is an eligible hospital described in paragraph (2), is an eligible hospital under section 1886(n), and for which at least one-third of their discharges (or bed-days) of Medicare patients for the year are covered under part A, payment for the payment year shall be made only under section 1886(n) and not under this subsection.

''(ii) METHODS.—In the case of a hospital that is an eligible hospital described in paragraph (2) and also is eligible for an incentive payment under section 1886(n) but is not described in clause (i) for the same payment period, the Secretary shall develop a process—

''(I) to ensure that duplicate payments are not made with respect to an eligible hospital both under this subsection and under section 1886(n); and

''(II) to collect data from Medicare Advantage organizations to ensure against such duplicate payments.

''(4) PAYMENT ADJUSTMENT.—

''(A) Subject to paragraph (3), in the case of a qualifying MA organization (as defined in section 1853(l)(5)), if, according to the attestation of the organization submitted under subsection (l)(6) for an applicable period, one or more eligible hospitals (as defined in section 1886(n)(6)(A)) that are under common corporate governance with such organization and that serve individuals enrolled under a plan offered by such organization are not meaningful EHR users (as defined in section 1886(n)(3)) with respect to a period, the payment amount payable under this section for such organization for such period shall be the percent specified in subparagraph (B) for such period of the payment amount otherwise provided under this section for such period.

''(B) SPECIFIED PERCENT.—The percent specified under this subparagraph for a year is 100 percent minus a number of percentage points equal to the product of—

''(i) the number of the percentage point reduction effected under section 1886(b)(3)(B)(ix)(I) for the period; and

''(ii) the Medicare hospital expenditure proportion specified in subparagraph (C) for the year.

''(C) MEDICARE HOSPITAL EXPENDITURE PROPORTION.—The Medicare hospital expenditure proportion under this subparagraph for a year is the Secretary's estimate of the proportion, of the expenditures under parts A and B that are not attributable to this part, that are attributable to expenditures for inpatient hospital services.

''(D) APPLICATION OF PAYMENT ADJUSTMENT.—In the case that a qualifying MA organization attests that not all eligible hospitals are meaningful EHR users with respect to an applicable period, the Secretary shall apply the payment adjustment under this paragraph based on a methodology specified by the Secretary, taking into account the proportion of such eligible hospitals, or discharges from such hospitals, that are not meaningful EHR users for such period.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 1814(b) of the Social Security Act (42 U.S.C. 1395f(b)) is amended—

(A) in paragraph (3), in the matter preceding subparagraph (A), by inserting '', subject to section 1886(d)(3)(B)(ix)(III),'' after ''then''; and

(B) by adding at the end the following: ''For purposes of applying paragraph (3), there shall be taken into account incentive payments, and payment adjustments under subsection (b)(3)(B)(ix) or (n) of section 1886.''.

(2) Section 1851(i)(1) of the Social Security Act (42 U.S.C. 1395w–21(i)(1)) is amended by striking ''and 1886(h)(3)(D)'' and inserting ''1886(h)(3)(D), and 1853(m)''.

(3) Section 1853 of the Social Security Act (42 U.S.C. 1395w–23), as amended by section 4311(d)(1), is amended—

(A) in subsection (c)—

(i) in paragraph (1)(D)(i), by striking ''1848(o)'' and inserting '', 1848(o), and 1886(n)''; and

(ii) in paragraph (6)(A), by inserting ''and subsections (b)(3)(B)(ix) and (n) of section 1886'' after ''section 1848''; and

(B) in subsection (f), by inserting ''and subsection (m)'' after ''under subsection (l)''.

SEC. 4313. TREATMENT OF PAYMENTS AND SAVINGS; IMPLEMENTATION FUNDING.

(a) PREMIUM HOLD HARMLESS.—

(1) IN GENERAL.—Section 1839(a)(1) of the Social Security Act (42 U.S.C. 1395r(a)(1)) is amended by adding at the end the following: ''In applying this paragraph there shall not be taken into account additional payments under section 1848(o) and section 1853(l)(3) and the Government contribution under section 1844(a)(3).''.

(2) PAYMENT.—Section 1844(a) of such Act (42 U.S.C. 1395w(a)) is amended—

(A) in paragraph (2), by striking the period at the end and inserting ''; plus''; and

(B) by adding at the end the following new paragraph:

''(3) a Government contribution equal to the amount of payment incentives payable under sections 1848(o) and 1853(l)(3).''.

(b) MEDICARE IMPROVEMENT FUND.—Section 1898 of the Social Security Act (42 U.S.C. 1395iii), as added by section 7002(a) of the Supplemental Appropriations Act, 2008 (Public Law 110–252) and as amended by section 188(a)(2) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275; 122 Stat. 2589) and by section 6 of the QI Program Supplemental Funding Act of 2008, is amended—

(1) in subsection (a)—

(A) by inserting ''medicare'' before ''fee-for-service''; and

(B) by inserting before the period at the end the following: ''including, but not limited to, an increase in the conversion factor under section 1848(d) to address, in whole or in part, any projected shortfall in the conversion factor for 2014 relative to the conversion factor for 2008 and adjustments to payments for items and services furnished by providers of services and suppliers under such original medicare fee-for-service program''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''during fiscal year 2014,'' and all that follows and inserting the following: ''during—

''(A) fiscal year 2014, $22,290,000,000; and

''(B) fiscal year 2020 and each subsequent fiscal year, the Secretary's estimate, as of July 1 of the fiscal year, of the aggregate reduction in expenditures under this title during the preceding fiscal year directly resulting from the reduction in payment amounts under sections 1848(a)(7), 1853(l)(4), 1853(m)(4), and 1886(b)(3)(B)(ix).''; and

(B) by adding at the end the following new paragraph:

''(4) NO EFFECT ON PAYMENTS IN SUBSEQUENT YEARS.—In the case that expenditures from the Fund are applied to, or otherwise affect, a payment rate for an item or service under this title for a year, the payment rate for

such item or service shall be computed for a subsequent year as if such application or effect had never occurred.''.

(c) IMPLEMENTATION FUNDING.—In addition to funds otherwise available, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services for the Center for Medicare & Medicaid Services Program Management Account, $60,000,000 for each of fiscal years 2009 through 2015 and $30,000,000 for each succeeding fiscal year through fiscal year 2019, which shall be available for purposes of carrying out the provisions of (and amendments made by) this part. Amounts appropriated under this subsection for a fiscal year shall be available until expended.

SEC. 4314. STUDY ON APPLICATION OF EHR PAYMENT INCENTIVES FOR PROVIDERS NOT RECEIVING OTHER INCENTIVE PAYMENTS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study to determine the extent to which and manner in which payment incentives (such as under title XVIII or XIX of the Social Security Act) and other funding for purposes of implementing and using certified EHR technology (as defined in section 3000 of the Public Health Service Act) should be made available to health care providers who are receiving minimal or no payment incentives or other funding under this Act, under title XVIII or XIX of the Social Security Act, or otherwise, for such purposes.

(2) DETAILS OF STUDY.—Such study shall include an examination of—

(A) the adoption rates of certified EHR technology by such health care providers;

(B) the clinical utility of such technology by such health care providers;

(C) whether the services furnished by such health care providers are appropriate for or would benefit from the use of such technology;

(D) the extent to which such health care providers work in settings that might otherwise receive an incentive payment or other funding under this Act, title XVIII or XIX of the Social Security Act, or otherwise;

(E) the potential costs and the potential benefits of making payment incentives and other funding available to such health care providers; and

(F) any other issues the Secretary deems to be appropriate.

(b) REPORT.—Not later than June 30, 2010, the Secretary shall submit to Congress a report on the findings and conclusions of the study conducted under subsection (a).

PART III—MEDICAID FUNDING

SEC. 4321. MEDICAID PROVIDER HIT ADOPTION AND OPERATION PAYMENTS; IMPLEMENTATION FUNDING.

(a) IN GENERAL.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(3)—

(A) by striking ''and'' at the end of subparagraph (D);

(B) by striking ''plus'' at the end of subparagraph (E) and inserting ''and''; and

(C) by adding at the end the following new subparagraph:

''(F)(i) 100 percent of so much of the sums expended during such quarter as are attributable to payments for certified EHR technology (and support services including maintenance and training that is for, or is necessary for the adoption and operation of, such technology) by Medicaid providers described in subsection (t)(1); and

''(ii) 90 percent of so much of the sums expended during such quarter as are attributable to payments for reasonable administrative expenses related to the administration of payments described in clause (i) if the State meets the condition described in subsection (t)(9); plus''; and

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

''(t)(1)(A) For purposes of subsection (a)(3)(F), the payments for certified EHR technology (and support services including maintenance that is for, or is necessary for the operation of, such technology) by Medicaid providers described in this paragraph are payments made by the State in accordance with this subsection of the applicable percent (as specified in subparagraph (B)) of the net allowable costs of Medicaid providers (as defined in paragraph (2)) for such technology (and support services).

''(B) For purposes of subparagraph (A), the applicable percent is—

''(i) in the case of a Medicaid provider described in paragraph (2)(A), 85 percent; and

''(ii) in the case of a Medicaid provider described in paragraph (2)(B), 100 percent.

''(2) In this subsection and subsection (a)(3)(F), the term 'Medicaid provider' means—

''(A) an eligible professional (as defined in paragraph (3)(B)) who is not hospital-based and has at least 30 percent of the professional's patient volume (as estimated in accordance with standards established by the Secretary) attributable to individuals who are receiving medical assistance under this title; and

''(B)(i) a children's hospital, (ii) an acute-care hospital that is not described in clause (i) and that has at least 10 percent of the hospital's patient volume (as estimated in accordance with standards established by the Secretary) attributable to individuals who are receiving medical assistance under this title, or (iii) a Federally-qualified health center or rural health clinic that has at least 30 percent of the center's or clinic's patient volume (as estimated in accordance with standards established by the Secretary) attributable to individuals who are receiving medical assistance under this title.

An eligible professional shall not qualify as a Medicaid provider under this subsection unless the eligible professional has waived, in a manner specified by the Secretary, any right to payment under section 1848(o) with respect to the adoption or support of certified EHR technology by the professional. In applying clauses (ii) and (iii) of subparagraph (B), the standards established by the Secretary for patient volume shall include individuals enrolled in a Medicaid managed care plan (under section 1903(m) or section 1932).

''(3) In this subsection and subsection (a)(3)(F):

''(A) The term 'certified EHR technology' means a qualified electronic health record (as defined in 3000(13) of the Public Health Service Act) that is certified pursuant to section 3001(c)(5) of such Act as meeting standards adopted under section 3004 of such Act that are applicable to the type of record involved (as determined by the Secretary, such as an ambulatory electronic health record for office-based physicians or an inpatient hospital electronic health record for hospitals).

''(B) The term 'eligible professional' means a physician as defined in paragraphs (1) and (2) of section 1861(r), and includes a certified nurse mid-wife and a nurse practitioner.

''(C) The term 'hospital-based' means, with respect to an eligible professional, a professional (such as a pathologist, anesthesiologist, or emergency physician) who furnishes substantially all of the individual's professional services in a hospital setting (whether inpatient or outpatient) and through the use of the facilities and equipment, including computer equipment, of the hospital.

''(4)(A) The term 'allowable costs' means, with respect to certified EHR technology of a Medicaid provider, costs of such technology (and support services including maintenance and training that is for, or is necessary for the adoption and operation of, such technology) as determined by the Secretary to be reasonable.

''(B) The term 'net allowable costs' means allowable costs reduced by any payment that is made to the Medicaid provider involved from any other source that is directly attributable to payment for certified EHR technology or services described in subparagraph (A).

''(C) In no case shall—

''(i) the aggregate allowable costs under this subsection (covering one or more years) with respect to a Medicaid provider described in paragraph (2)(A) for purchase and initial implementation of certified EHR technology (and services described in subparagraph (A)) exceed $25,000 or include costs over a period of longer than 5 years;

''(ii) for costs not described in clause (i) relating to the operation, maintenance, or use of certified EHR technology, the annual allowable costs under this subsection with respect to such a Medicaid provider for costs not described in clause (i) for any year exceed $10,000;

''(iii) payment described in paragraph (1) for costs described in clause (ii) be made with respect to such a Medicaid provider over a period of more than 5 years;

''(iv) the aggregate allowable costs under this subsection with respect to such a Medicaid provider for all costs exceed $75,000; or

''(v) the allowable costs, whether for purchase and initial implementation, maintenance, or otherwise, for a Medicaid provider described in paragraph (2)(B)(iii) exceed such aggregate or annual limitation as the Secretary shall establish, based on an amount determined by the Secretary as being adequate to adopt and maintain certified EHR technology, consistent with paragraph (6).

''(5) Payments described in paragraph (1) are not in accordance with this subsection unless the following requirements are met:

''(A) The State provides assurances satisfactory to the Secretary that amounts received under subsection (a)(3)(F) with respect to costs of a Medicaid provider are paid directly to such provider without any deduction or rebate.

''(B) Such Medicaid provider is responsible for payment of the costs described in such paragraph that are not provided under this title.

''(C) With respect to payments to such Medicaid provider for costs other than costs related to the initial adoption of certified EHR technology, the Medicaid provider demonstrates meaningful use of certified EHR technology through a means that is approved by the State and acceptable to the Secretary, and that may be based upon the methodologies applied under section 1848(o) or 1886(n).

''(D) To the extent specified by the Secretary, the certified EHR technology is compatible with State or Federal administrative management systems.

''(6)(A) In no case shall the payments described in paragraph (1), with respect to a hospital, exceed in the aggregate the product of—

''(i) the overall hospital EHR amount for the hospital computed under subparagraph (B); and

''(ii) the Medicaid share for such hospital computed under subparagraph (C).

''(B) For purposes of this paragraph, the overall hospital EHR amount, with respect to a hospital, is the sum of the applicable amounts specified in section 1886(n)(2)(A) for such hospital for the first 4 payment years

(as estimated by the Secretary) determined as if the Medicare share specified in clause (ii) of such section were 1. The Secretary shall publish in the Federal Register the overall hospital EHR amount for each hospital eligible for payments under this subsection. In computing amounts under paragraph 1886(n)(2)(C) for payment years after the first payment year, the Secretary shall assume that in subsequent payment years discharges increase at the average annual rate of growth of the most recent 3 years for which discharge data are available per year.

''(C) The Medicaid share computed under this subparagraph, for a hospital for a period specified by the Secretary, shall be calculated in the same manner as the Medicare share under section 1886(n)(2)(D) for such a hospital and period, except that there shall be substituted for the numerator under clause (i) of such section the amount that is equal to the number of inpatient-bed-days (as established by the Secretary) which are attributable to individuals who are receiving medical assistance under this title and who are not described in section 1886(n)(2)(D)(i). In computing inpatient-bed-days under the previous sentence, the Secretary shall take into account inpatient-bed-days attributable to inpatient-bed-days that are paid for individuals enrolled in a Medicaid managed care plan (under section 1903(m) or section 1932).

''(7) With respect to health care providers other than hospitals, the Secretary shall ensure coordination of the different programs for payment of such health care providers for adoption or use of health information technology (including certified EHR technology), as well as payments for such health care providers provided under this title or title XVIII, to assure no duplication of funding.

''(8) In carrying out paragraph (5)(C), the State and Secretary shall seek, to the maximum extent practicable, to avoid duplicative requirements from Federal and State Governments to demonstrate meaningful use of certified EHR technology under this title and title XVIII. In doing so, the Secretary may deem satisfaction of requirements for such meaningful use for a payment year under title XVIII to be sufficient to qualify as meaningful use under this subsection. The Secretary may also specify the reporting periods under this subsection in order to carry out this paragraph.

''(9) In order to be provided Federal financial participation under subsection (a)(3)(F)(ii), a State must demonstrate to the satisfaction of the Secretary, that the State—

''(A) is using the funds provided for the purposes of administering payments under this subsection, including tracking of meaningful use by Medicaid providers;

''(B) is conducting adequate oversight of the program under this subsection, including routine tracking of meaningful use attestations and reporting mechanisms; and

''(C) is pursuing initiatives to encourage the adoption of certified EHR technology to promote health care quality and the exchange of health care information under this title, subject to applicable laws and regulations governing such exchange.

''(10) The Secretary shall periodically submit reports to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate on status, progress, and oversight of payments under paragraph (1).''.

(b) IMPLEMENTATION FUNDING.—In addition to funds otherwise available, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services for the Center for Medicare & Medicaid Services Program Management Account, $40,000,000 for each of fiscal years 2009 through 2015 and $20,000,000 for each succeeding fiscal year through fiscal year 2019, which shall be available for purposes of carrying out the provisions of (and the amendments made by) this part. Amounts appropriated under this subsection for a fiscal year shall be available until expended.

SEC. 4322. MEDICAID NURSING FACILITY GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a grant program to enhance the meaningful use of certified electronic health records in nursing facilities. In establishing such program, the Secretary shall use payment incentives for meaningful use of certified EHR technology, similar to those specified in sections 4311, 4312, and 4321, as appropriate. For the purpose of such incentives, the Secretary shall define meaningful use in a manner so as to be consistent with such sections to the extent practicable. The Secretary shall award funds to not more than 10 States to carry out activities under this section.

(b) ACTIVITIES.—The Secretary shall require a State participating in the grant program to—

(1) provide payment incentives to nursing facilities contingent on the demonstration of meaningful use of certified electronic health records;

(2) require participating nursing facilities to engage in programs to improve the quality and coordination of care through the use of certified EHR technology, including for persons who are repeatedly admitted to acute care hospitals from the nursing facility and persons who receive services across multiple medical and social services providers (including facility and community-based providers); and

(3) provide for training of appropriate personnel in the use of certified electronic health records.

(c) TARGETING.—The Secretary shall require a State participating in the grant program to target nursing facilities with a significant percentage (but not less than the average in the State) of the facility's patient volume (as estimated in accordance with standards established by the Secretary) attributable to individuals who are receiving medical assistance under title XIX of the Social Security Act.

(d) PRIORITY.—In making grants under this section, the Secretary shall give priority to States with a high proportion of total national nursing facility days paid under title XIX of the Social Security Act.

(e) LIMITATIONS ON USE OF FUNDS.—A State may not make payments to a nursing facility in excess of 90 percent of the costs of such nursing facility for the adoption and operation of certified EHR technology.

(f) APPLICATION.—No grant may be made to a State under this section unless the State submits an application to the Secretary in a form and manner specified by the Secretary.

(g) REPORT.—Not later than the end of the 3-year period beginning on the date that grants under this section are first awarded, the Secretary shall submit a report to Congress on the activities under this grant program and the effect of this program on quality and coordination of care under title XIX of the Social Security Act.

(h) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there is appropriated to the Secretary of Health and Human Services to carry out this section $600,000,000, to remain available until expended.

Subtitle D—Privacy

SEC. 4400. DEFINITIONS.

In this subtitle, except as specified otherwise:

(1) BREACH.—The term ''breach'' means the unauthorized acquisition, access, use, or disclosure of protected health information which compromises the security, privacy, or integrity of protected health information maintained by or on behalf of a person. Such term does not include any unintentional acquisition, access, use, or disclosure of such information by an employee or agent of the covered entity or business associate involved if such acquisition, access, use, or disclosure, respectively, was made in good faith and within the course and scope of the employment or other contractual relationship of such employee or agent, respectively, with the covered entity or business associate and if such information is not further acquired, accessed, used, or disclosed by such employee or agent.

(2) BUSINESS ASSOCIATE.—The term ''business associate'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(3) COVERED ENTITY.—The term ''covered entity'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(4) DISCLOSE.—The terms ''disclose'' and ''disclosure'' have the meaning given the term ''disclosure'' in section 160.103 of title 45, Code of Federal Regulations.

(5) ELECTRONIC HEALTH RECORD.—The term ''electronic health record'' means an electronic record of health-related information on an individual that is created, gathered, managed, and consulted by authorized health care clinicians and staff.

(6) HEALTH CARE OPERATIONS.—The term ''health care operation'' has the meaning given such term in section 164.501 of title 45, Code of Federal Regulations.

(7) HEALTH CARE PROVIDER.—The term ''health care provider'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(8) HEALTH PLAN.—The term ''health plan'' has the meaning given such term in section 1171(5) of the Social Security Act.

(9) NATIONAL COORDINATOR.—The term ''National Coordinator'' means the head of the Office of the National Coordinator for Health Information Technology established under section 3001(a) of the Public Health Service Act, as added by section 4101.

(10) PAYMENT.—The term ''payment'' has the meaning given such term in section 164.501 of title 45, Code of Federal Regulations.

(11) PERSONAL HEALTH RECORD.—The term ''personal health record'' means an electronic record of individually identifiable health information on an individual that can be drawn from multiple sources and that is managed, shared, and controlled by or for the individual.

(12) PROTECTED HEALTH INFORMATION.—The term ''protected health information'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

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

(14) SECURITY.—The term ''security'' has the meaning given such term in section 164.304 of title 45, Code of Federal Regulations.

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

(16) TREATMENT.—The term ''treatment'' has the meaning given such term in section 164.501 of title 45, Code of Federal Regulations.

(17) USE.—The term ''use'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(18) VENDOR OF PERSONAL HEALTH RECORDS.—The term ''vendor of personal

health records'' means an entity, other than a covered entity (as defined in paragraph (3)), that offers or maintains a personal health record.

PART I—IMPROVED PRIVACY PROVISIONS AND SECURITY PROVISIONS

SEC. 4401. APPLICATION OF SECURITY PROVISIONS AND PENALTIES TO BUSINESS ASSOCIATES OF COVERED ENTITIES; ANNUAL GUIDANCE ON SECURITY PROVISIONS.

(a) APPLICATION OF SECURITY PROVISIONS.—Sections 164.308, 164.310, 164.312, and 164.316 of title 45, Code of Federal Regulations, shall apply to a business associate of a covered entity in the same manner that such sections apply to the covered entity. The additional requirements of this title that relate to security and that are made applicable with respect to covered entities shall also be applicable to such a business associate and shall be incorporated into the business associate agreement between the business associate and the covered entity.

(b) APPLICATION OF CIVIL AND CRIMINAL PENALTIES.—In the case of a business associate that violates any security provision specified in subsection (a), sections 1176 and 1177 of the Social Security Act (42 U.S.C. 1320d–5, 1320d–6) shall apply to the business associate with respect to such violation in the same manner such sections apply to a covered entity that violates such security provision.

(c) ANNUAL GUIDANCE.—For the first year beginning after the date of the enactment of this Act and annually thereafter, the Secretary of Health and Human Services shall, in consultation with industry stakeholders, annually issue guidance on the most effective and appropriate technical safeguards for use in carrying out the sections referred to in subsection (a) and the security standards in subpart C of part 164 of title 45, Code of Federal Regulations, including the use of standards developed under section 3002(b)(2)(B)(vi) of the Public Health Service Act, as added by section 4101, as such provisions are in effect as of the date before the enactment of this Act.

SEC. 4402. NOTIFICATION IN THE CASE OF BREACH.

(a) IN GENERAL.—A covered entity that accesses, maintains, retains, modifies, records, stores, destroys, or otherwise holds, uses, or discloses unsecured protected health information (as defined in subsection (h)(1)) shall, in the case of a breach of such information that is discovered by the covered entity, notify each individual whose unsecured protected health information has been, or is reasonably believed by the covered entity to have been, accessed, acquired, or disclosed as a result of such breach.

(b) NOTIFICATION OF COVERED ENTITY BY BUSINESS ASSOCIATE.—A business associate of a covered entity that accesses, maintains, retains, modifies, records, stores, destroys, or otherwise holds, uses, or discloses unsecured protected health information shall, following the discovery of a breach of such information, notify the covered entity of such breach. Such notice shall include the identification of each individual whose unsecured protected health information has been, or is reasonably believed by the business associate to have been, accessed, acquired, or disclosed during such breach.

(c) BREACHES TREATED AS DISCOVERED.—For purposes of this section, a breach shall be treated as discovered by a covered entity or by a business associate as of the first day on which such breach is known to such entity or associate, respectively, (including any person, other than the individual committing the breach, that is an employee, officer, or other agent of such entity or associate, respectively) or should reasonably have been known to such entity or associate (or person) to have occurred.

(d) TIMELINESS OF NOTIFICATION.—

(1) IN GENERAL.—Subject to subsection (g), all notifications required under this section shall be made without unreasonable delay and in no case later than 60 calendar days after the discovery of a breach by the covered entity involved (or business associate involved in the case of a notification required under subsection (b)).

(2) BURDEN OF PROOF.—The covered entity involved (or business associate involved in the case of a notification required under subsection (b)), shall have the burden of demonstrating that all notifications were made as required under this part, including evidence demonstrating the necessity of any delay.

(e) METHODS OF NOTICE.—

(1) INDIVIDUAL NOTICE.—Notice required under this section to be provided to an individual, with respect to a breach, shall be provided promptly and in the following form:

(A) Written notification by first-class mail to the individual (or the next of kin of the individual if the individual is deceased) at the last known address of the individual or the next of kin, respectively, or, if specified as a preference by the individual, by electronic mail. The notification may be provided in one or more mailings as information is available.

(B) In the case in which there is insufficient, or out-of-date contact information (including a phone number, email address, or any other form of appropriate communication) that precludes direct written (or, if specified by the individual under subparagraph (A), electronic) notification to the individual, a substitute form of notice shall be provided, including, in the case that there are 10 or more individuals for which there is insufficient or out-of-date contact information, a conspicuous posting for a period determined by the Secretary on the home page of the Web site of the covered entity involved or notice in major print or broadcast media, including major media in geographic areas where the individuals affected by the breach likely reside. Such a notice in media or web posting will include a toll-free phone number where an individual can learn whether or not the individual's unsecured protected health information is possibly included in the breach.

(C) In any case deemed by the covered entity involved to require urgency because of possible imminent misuse of unsecured protected health information, the covered entity, in addition to notice provided under subparagraph (A), may provide information to individuals by telephone or other means, as appropriate.

(2) MEDIA NOTICE.—Notice shall be provided to prominent media outlets serving a State or jurisdiction, following the discovery of a breach described in subsection (a), if the unsecured protected health information of more than 500 residents of such State or jurisdiction is, or is reasonably believed to have been, accessed, acquired, or disclosed during such breach.

(3) NOTICE TO SECRETARY.—Notice shall be provided to the Secretary by covered entities of unsecured protected health information that has been acquired or disclosed in a breach. If the breach was with respect to 500 or more individuals than such notice must be provided immediately. If the breach was with respect to less than 500 individuals, the covered entity involved may maintain a log of any such breach occurring and annually submit such a log to the Secretary documenting such breaches occurring during the year involved.

(4) POSTING ON HHS PUBLIC WEBSITE.—The Secretary shall make available to the public on the Internet website of the Department of Health and Human Services a list that identifies each covered entity involved in a breach described in subsection (a) in which the unsecured protected health information of more than 500 individuals is acquired or disclosed.

(f) CONTENT OF NOTIFICATION.—Regardless of the method by which notice is provided to individuals under this section, notice of a breach shall include, to the extent possible, the following:

(1) A brief description of what happened, including the date of the breach and the date of the discovery of the breach, if known.

(2) A description of the types of unsecured protected health information that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code).

(3) The steps individuals should take to protect themselves from potential harm resulting from the breach.

(4) A brief description of what the covered entity involved is doing to investigate the breach, to mitigate losses, and to protect against any further breaches.

(5) Contact procedures for individuals to ask questions or learn additional information, which shall include a toll-free telephone number, an e-mail address, Web site, or postal address.

(g) DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT PURPOSES.—If a law enforcement official determines that a notification, notice, or posting required under this section would impede a criminal investigation or cause damage to national security, such notification, notice, or posting shall be delayed in the same manner as provided under section 164.528(a)(2) of title 45, Code of Federal Regulations, in the case of a disclosure covered under such section.

(h) UNSECURED PROTECTED HEALTH INFORMATION.—

(1) DEFINITION.—

(A) IN GENERAL.—Subject to subparagraph (B), for purposes of this section, the term ''unsecured protected health information'' means protected health information that is not secured through the use of a technology or methodology specified by the Secretary in the guidance issued under paragraph (2).

(B) EXCEPTION IN CASE TIMELY GUIDANCE NOT ISSUED.—In the case that the Secretary does not issue guidance under paragraph (2) by the date specified in such paragraph, for purposes of this section, the term ''unsecured protected health information'' shall mean protected health information that is not secured by a technology standard that renders protected health information unusable, unreadable, or indecipherable to unauthorized individuals and is developed or endorsed by a standards developing organization that is accredited by the American National Standards Institute.

(2) GUIDANCE.—For purposes of paragraph (1) and section 407(f)(3), not later than the date that is 60 days after the date of the enactment of this Act, the Secretary shall, after consultation with stakeholders, issue (and annually update) guidance specifying the technologies and methodologies that render protected health information unusable, unreadable, or indecipherable to unauthorized individuals, including use of standards developed under section 3002(b)(2)(B)(vi) of the Public Health Service Act, as added by section 4101.

(i) REPORT TO CONGRESS ON BREACHES.—

(1) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act and annually thereafter, the Secretary shall

prepare and submit to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report containing the information described in paragraph (2) regarding breaches for which notice was provided to the Secretary under subsection (e)(3).

(2) INFORMATION.—The information described in this paragraph regarding breaches specified in paragraph (1) shall include—

(A) the number and nature of such breaches; and

(B) actions taken in response to such breaches.

(j) REGULATIONS; EFFECTIVE DATE.—To carry out this section, the Secretary of Health and Human Services shall promulgate interim final regulations by not later than the date that is 180 days after the date of the enactment of this title. The provisions of this section shall apply to breaches that are discovered on or after the date that is 30 days after the date of publication of such interim final regulations.

SEC. 4403. EDUCATION ON HEALTH INFORMATION PRIVACY.

(a) REGIONAL OFFICE PRIVACY ADVISORS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall designate an individual in each regional office of the Department of Health and Human Services to offer guidance and education to covered entities, business associates, and individuals on their rights and responsibilities related to Federal privacy and security requirements for protected health information.

(b) EDUCATION INITIATIVE ON USES OF HEALTH INFORMATION.—Not later than 12 months after the date of the enactment of this Act, the Office for Civil Rights within the Department of Health and Human Services shall develop and maintain a multi-faceted national education initiative to enhance public transparency regarding the uses of protected health information, including programs to educate individuals about the potential uses of their protected health information, the effects of such uses, and the rights of individuals with respect to such uses. Such programs shall be conducted in a variety of languages and present information in a clear and understandable manner.

SEC. 4404. APPLICATION OF PRIVACY PROVISIONS AND PENALTIES TO BUSINESS ASSOCIATES OF COVERED ENTITIES.

(a) APPLICATION OF CONTRACT REQUIREMENTS.—In the case of a business associate of a covered entity that obtains or creates protected health information pursuant to a written contract (or other written arrangement) described in section 164.502(e)(2) of title 45, Code of Federal Regulations, with such covered entity, the business associate may use and disclose such protected health information only if such use or disclosure, respectively, is in compliance with each applicable requirement of section 164.504(e) of such title. The additional requirements of this subtitle that relate to privacy and that are made applicable with respect to covered entities shall also be applicable to such a business associate and shall be incorporated into the business associate agreement between the business associate and the covered entity.

(b) APPLICATION OF KNOWLEDGE ELEMENTS ASSOCIATED WITH CONTRACTS.—Section 164.504(e)(1)(ii) of title 45, Code of Federal Regulations, shall apply to a business associate described in subsection (a), with respect to compliance with such subsection, in the same manner that such section applies to a covered entity, with respect to compliance with the standards in sections 164.502(e) and 164.504(e) of such title, except that in applying such section 164.504(e)(1)(ii) each reference to the business associate, with respect to a contract, shall be treated as a reference to the covered entity involved in such contract.

(c) APPLICATION OF CIVIL AND CRIMINAL PENALTIES.—In the case of a business associate that violates any provision of subsection (a) or (b), the provisions of sections 1176 and 1177 of the Social Security Act (42 U.S.C. 1320d–5, 1320d–6) shall apply to the business associate with respect to such violation in the same manner as such provisions apply to a person who violates a provision of part C of title XI of such Act.

SEC. 4405. RESTRICTIONS ON CERTAIN DISCLOSURES AND SALES OF HEALTH INFORMATION; ACCOUNTING OF CERTAIN PROTECTED HEALTH INFORMATION DISCLOSURES; ACCESS TO CERTAIN INFORMATION IN ELECTRONIC FORMAT.

(a) REQUESTED RESTRICTIONS ON CERTAIN DISCLOSURES OF HEALTH INFORMATION.—In the case that an individual requests under paragraph (a)(1)(i)(A) of section 164.522 of title 45, Code of Federal Regulations, that a covered entity restrict the disclosure of the protected health information of the individual, notwithstanding paragraph (a)(1)(ii) of such section, the covered entity must comply with the requested restriction if—

(1) except as otherwise required by law, the disclosure is to a health plan for purposes of carrying out payment or health care operations (and is not for purposes of carrying out treatment); and

(2) the protected health information pertains solely to a health care item or service for which the health care provider involved has been paid out of pocket in full.

(b) DISCLOSURES REQUIRED TO BE LIMITED TO THE LIMITED DATA SET OR THE MINIMUM NECESSARY.—

(1) IN GENERAL.—

(A) IN GENERAL.—Subject to subparagraph (B), a covered entity shall be treated as being in compliance with section 164.502(b)(1) of title 45, Code of Federal Regulations, with respect to the use, disclosure, or request of protected health information described in such section, only if the covered entity limits such protected health information, to the extent practicable, to the limited data set (as defined in section 164.514(e)(2) of such title) or, if needed by such entity, to the minimum necessary to accomplish the intended purpose of such use, disclosure, or request, respectively.

(B) GUIDANCE.—Not later than 18 months after the date of the enactment of this section, the Secretary shall issue guidance on what constitutes ''minimum necessary'' for purposes of subpart E of part 164 of title 45, Code of Federal Regulation. In issuing such guidance the Secretary shall take into consideration the guidance under section 4424(c).

(C) SUNSET.—Subparagraph (A) shall not apply on and after the effective date on which the Secretary issues the guidance under subparagraph (B).

(2) DETERMINATION OF MINIMUM NECESSARY.—For purposes of paragraph (1), in the case of the disclosure of protected health information, the covered entity or business associate disclosing such information shall determine what constitutes the minimum necessary to accomplish the intended purpose of such disclosure.

(3) APPLICATION OF EXCEPTIONS.—The exceptions described in section 164.502(b)(2) of title 45, Code of Federal Regulations, shall apply to the requirement under paragraph (1) as of the effective date described in section 4423 in the same manner that such exceptions apply to section 164.502(b)(1) of such title before such date.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the use, disclosure, or request of protected health information that has been de-identified.

(c) ACCOUNTING OF CERTAIN PROTECTED HEALTH INFORMATION DISCLOSURES REQUIRED IF COVERED ENTITY USES ELECTRONIC HEALTH RECORD.—

(1) IN GENERAL.—In applying section 164.528 of title 45, Code of Federal Regulations, in the case that a covered entity uses or maintains an electronic health record with respect to protected health information—

(A) the exception under paragraph (a)(1)(i) of such section shall not apply to disclosures through an electronic health record made by such entity of such information; and

(B) an individual shall have a right to receive an accounting of disclosures described in such paragraph of such information made by such covered entity during only the three years prior to the date on which the accounting is requested.

(2) REGULATIONS.—The Secretary shall promulgate regulations on what information shall be collected about each disclosure referred to in paragraph (1)(A) not later than 18 months after the date on which the Secretary adopts standards on accounting for disclosure described in the section 3002(b)(2)(B)(iv) of the Public Health Service Act, as added by section 4101. Such regulations shall only require such information to be collected through an electronic health record in a manner that takes into account the interests of individuals in learning the circumstances under which their protected health information is being disclosed and takes into account the administrative burden of accounting for such disclosures.

(3) CONSTRUCTION.—Nothing in this subsection shall be construed as requiring a covered entity to account for disclosures of protected health information that are not made by such covered entity or by a business associate acting on behalf of the covered entity.

(4) EFFECTIVE DATE.—

(A) CURRENT USERS OF ELECTRONIC RECORDS.—In the case of a covered entity insofar as it acquired an electronic health record as of January 1, 2009, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such a record on and after January 1, 2014.

(B) OTHERS.—In the case of a covered entity insofar as it acquires an electronic health record after January 1, 2009, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such record on and after the later of the following:

(i) January 1, 2011; or

(ii) the date that it acquires an electronic health record.

(d) REVIEW OF HEALTH CARE OPERATIONS.—Not later than 18 months after the date of the enactment of this title, the Secretary shall promulgate regulations to eliminate from the definition of health care operations under section 164.501 of title 45, Code of Federal Regulations, those activities that can reasonably and efficiently be conducted through the use of information that is de-identified (in accordance with the requirements of section 164.514(b) of such title) or that should require a valid authorization for use or disclosure. In promulgating such regulations, the Secretary may choose to narrow or clarify activities that the Secretary chooses to retain in the definition of health care operations and the Secretary shall take into account the report under section 424(d). In such regulations the Secretary shall specify the date on which such regulations shall apply to disclosures made by a covered entity, but in no case would such date be sooner than the date that is 24 months after the date of the enactment of this section.

(e) PROHIBITION ON SALE OF ELECTRONIC HEALTH RECORDS OR PROTECTED HEALTH INFORMATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a covered entity or business associate shall not directly or indirectly receive remuneration in exchange for any protected health information of an individual unless the covered entity obtained from the individual, in accordance with section 164.508 of title 45, Code of Federal Regulations, a valid authorization that includes, in accordance with such section, a specification of whether the protected health information can be further exchanged for remuneration by the entity receiving protected health information of that individual.

(2) EXCEPTIONS.—Paragraph (1) shall not apply in the following cases:

(A) The purpose of the exchange is for research or public health activities (as described in sections 164.501, 164.512(i), and 164.512(b) of title 45, Code of Federal Regulations) and the price charged reflects the costs of preparation and transmittal of the data for such purpose.

(B) The purpose of the exchange is for the treatment of the individual and the price charges reflects not more than the costs of preparation and transmittal of the data for such purpose.

(C) The purpose of the exchange is the health care operation specifically described in subparagraph (iv) of paragraph (6) of the definition of health care operations in section 164.501 of title 45, Code of Federal Regulations.

(D) The purpose of the exchange is for remuneration that is provided by a covered entity to a business associate for activities involving the exchange of protected health information that the business associate undertakes on behalf of and at the specific request of the covered entity pursuant to a business associate agreement.

(E) The purpose of the exchange is to provide an individual with a copy of the individual's protected health information pursuant to section 164.524 of title 45, Code of Federal Regulations.

(F) The purpose of the exchange is otherwise determined by the Secretary in regulations to be similarly necessary and appropriate as the exceptions provided in subparagraphs (A) through (E).

(3) REGULATIONS.—The Secretary shall promulgate regulations to carry out paragraph (this subsection, including exceptions described in paragraph (2), not later than 18 months after the date of the enactment of this title.

(4) EFFECTIVE DATE.—Paragraph (1) shall apply to exchanges occurring on or after the date that is 6 months after the date of the promulgation of final regulations implementing this subsection.

(f) ACCESS TO CERTAIN INFORMATION IN ELECTRONIC FORMAT.—In applying section 164.524 of title 45, Code of Federal Regulations, in the case that a covered entity uses or maintains an electronic health record with respect to protected health information of an individual—

(1) the individual shall have a right to obtain from such covered entity a copy of such information in an electronic format; and

(2) notwithstanding paragraph (c)(4) of such section, any fee that the covered entity may impose for providing such individual with a copy of such information (or a summary or explanation of such information) if such copy (or summary or explanation) is in an electronic form shall not be greater than the entity's labor costs in responding to the request for the copy (or summary or explanation).

(g) CLARIFICATION.—Nothing in this subtitle shall constitute a waiver of any privilege otherwise applicable to an individual with respect to the protected health information of such individual.

SEC. 4406. CONDITIONS ON CERTAIN CONTACTS AS PART OF HEALTH CARE OPERATIONS.

(a) MARKETING.—

(1) IN GENERAL.—A communication by a covered entity or business associate that is about a product or service and that encourages recipients of the communication to purchase or use the product or service shall not be considered a health care operation for purposes of subpart E of part 164 of title 45, Code of Federal Regulations, unless the communication is made as described in subparagraph (i), (ii), or (iii) of paragraph (1) of the definition of marketing in section 164.501 of such title.

(2) PAYMENT FOR CERTAIN COMMUNICATIONS.—A covered entity or business associate may not receive direct or indirect payment in exchange for making any communication described in subparagraph (i), (ii), or (iii) of paragraph (1) of the definition of marketing in section 164.501 of title 45, Code of Federal Regulations, except—

(A) a business associate of a covered entity may receive payment from the covered entity for making any such communication on behalf of the covered entity that is consistent with the written contract (or other written arrangement) described in section 164.502(e)(2) of such title between such business associate and covered entity; or

(B) a covered entity may receive payment in exchange for making any such communication if the entity obtains from the recipient of the communication, in accordance with section 164.508 of title 45, Code of Federal Regulations, a valid authorization (as described in paragraph (b) of such section) with respect to such communication.

(b) FUNDRAISING.—Fundraising for the benefit of a covered entity shall not be considered a health care operation for purposes of section 164.501 of title 45, Code of Federal Regulations.

(c) EFFECTIVE DATE.—This section shall apply to contracting occurring on or after the effective date specified under section 4423.

SEC. 4407. TEMPORARY BREACH NOTIFICATION REQUIREMENT FOR VENDORS OF PERSONAL HEALTH RECORDS AND OTHER NON-HIPAA COVERED ENTITIES.

(a) IN GENERAL.—In accordance with subsection (c), each vendor of personal health records, following the discovery of a breach of security of unsecured PHR identifiable health information that is in a personal health record maintained or offered by such vendor, and each entity described in clause (ii) or (iii) of section 4424(b)(1)(A), following the discovery of a breach of security of such information that is obtained through a product or service provided by such entity, shall—

(1) notify each individual who is a citizen or resident of the United States whose unsecured PHR identifiable health information was acquired by an unauthorized person as a result of such a breach of security; and

(2) notify the Federal Trade Commission.

(b) NOTIFICATION BY THIRD PARTY SERVICE PROVIDERS.—A third party service provider that provides services to a vendor of personal health records or to an entity described in clause (ii) or (iii) of section 4424(b)(1)(A) in connection with the offering or maintenance of a personal health record or a related product or service and that accesses, maintains, retains, modifies, records, stores, destroys, or otherwise holds, uses, or discloses unsecured PHR identifiable health information in such a record as a result of such services shall, following the discovery of a breach of security of such information, notify such vendor or entity, respectively, of such breach. Such notice shall include the identification of each individual whose unsecured PHR identifiable health information has been, or is reasonably believed to have been, accessed, acquired, or disclosed during such breach.

(c) APPLICATION OF REQUIREMENTS FOR TIMELINESS, METHOD, AND CONTENT OF NOTIFICATIONS.—Subsections (c), (d), (e), and (f) of section 402 shall apply to a notification required under subsection (a) and a vendor of personal health records, an entity described in subsection (a) and a third party service provider described in subsection (b), with respect to a breach of security under subsection (a) of unsecured PHR identifiable health information in such records maintained or offered by such vendor, in a manner specified by the Federal Trade Commission.

(d) NOTIFICATION OF THE SECRETARY.—Upon receipt of a notification of a breach of security under subsection (a)(2), the Federal Trade Commission shall notify the Secretary of such breach.

(e) ENFORCEMENT.—A violation of subsection (a) or (b) shall be treated as an unfair and deceptive act or practice in violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57*a*(a)(1)(B)) regarding unfair or deceptive acts or practices.

(f) DEFINITIONS.—For purposes of this section:

(1) BREACH OF SECURITY.—The term ''breach of security'' means, with respect to unsecured PHR identifiable health information of an individual in a personal health record, acquisition of such information without the authorization of the individual.

(2) PHR IDENTIFIABLE HEALTH INFORMATION.—The term ''PHR identifiable health information'' means individually identifiable health information, as defined in section 1171(6) of the Social Security Act (42 U.S.C. 1320d(6)), and includes, with respect to an individual, information—

(A) that is provided by or on behalf of the individual; and

(B) that identifies the individual or with respect to which there is a reasonable basis to believe that the information can be used to identify the individual.

(3) UNSECURED PHR IDENTIFIABLE HEALTH INFORMATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the term ''unsecured PHR identifiable health information'' means PHR identifiable health information that is not protected through the use of a technology or methodology specified by the Secretary in the guidance issued under section 4402(h)(2).

(B) EXCEPTION IN CASE TIMELY GUIDANCE NOT ISSUED.—In the case that the Secretary does not issue guidance under section 4402(h)(2) by the date specified in such section, for purposes of this section, the term ''unsecured PHR identifiable health information'' shall mean PHR identifiable health information that is not secured by a technology standard that renders protected health information unusable, unreadable, or indecipherable to unauthorized individuals and that is developed or endorsed by a standards developing organization that is accredited by the American National Standards Institute.

(g) REGULATIONS; EFFECTIVE DATE; SUNSET.—

(1) REGULATIONS; EFFECTIVE DATE.—To carry out this section, the Secretary of Health and Human Services shall promulgate interim final regulations by not later than the date that is 180 days after the date of the enactment of this section. The provisions of this section shall apply to breaches of security that are discovered on or after the date

that is 30 days after the date of publication of such interim final regulations.

(2) SUNSET.—The provisions of this section shall not apply to breaches of security occurring on or after the earlier of the following the dates:

(A) The date on which a standard relating to requirements for entities that are not covered entities that includes requirements relating to breach notification has been promulgated by the Secretary.

(B) The date on which a standard relating to requirements for entities that are not covered entities that includes requirements relating to breach notification has been promulgated by the Federal Trade Commission and has taken effect.

SEC. 4408. BUSINESS ASSOCIATE CONTRACTS REQUIRED FOR CERTAIN ENTITIES.

Each organization, with respect to a covered entity, that provides data transmission of protected health information to such entity (or its business associate) and that requires access on a routine basis to such protected health information, such as a Health Information Exchange Organization, Regional Health Information Organization, E-prescribing Gateway, or each vendor that contracts with a covered entity to allow that covered entity to offer a personal health record to patients as part of its electronic health record, is required to enter into a written contract (or other written arrangement) described in section 164.502(e)(2) of title 45, Code of Federal Regulations and a written contract (or other arrangement) described in section 164.308(b) of such title, with such entity and shall be treated as a business associate of the covered entity for purposes of the provisions of this subtitle and subparts C and E of part 164 of title 45, Code of Federal Regulations, as such provisions are in effect as of the date of enactment of this title.

SEC. 4409. CLARIFICATION OF APPLICATION OF WRONGFUL DISCLOSURES CRIMINAL PENALTIES.

Section 1177(a) of the Social Security Act (42 U.S.C. 1320d–6(a)) is amended by adding at the end the following new sentence: ''For purposes of the previous sentence, a person (including an employee or other individual) shall be considered to have obtained or disclosed individually identifiable health information in violation of this part if the information is maintained by a covered entity (as defined in the HIPAA privacy regulation described in section 1180(b)(3)) and the individual obtained or disclosed such information without authorization.''.

SEC. 4410. IMPROVED ENFORCEMENT.

(a) IN GENERAL.—Section 1176 of the Social Security Act (42 U.S.C. 1320d–5) is amended—

(1) in subsection (b)(1), by striking ''the act constitutes an offense punishable under section 1177'' and inserting ''a penalty has been imposed under section 1177 with respect to such act''; and

(2) by adding at the end the following new subsection:

''(c) NONCOMPLIANCE DUE TO WILLFUL NEGLECT.—

''(1) IN GENERAL.—A violation of a provision of this part due to willful neglect is a violation for which the Secretary is required to impose a penalty under subsection (a)(1).

''(2) REQUIRED INVESTIGATION.—For purposes of paragraph (1), the Secretary shall formally investigate any complaint of a violation of a provision of this part if a preliminary investigation of the facts of the complaint indicate such a possible violation due to willful neglect.''.

(b) EFFECTIVE DATE; REGULATIONS.—

(1) The amendments made by subsection (a) shall apply to penalties imposed on or after the date that is 24 months after the date of the enactment of this title.

(2) Not later than 18 months after the date of the enactment of this title, the Secretary of Health and Human Services shall promulgate regulations to implement such amendments.

(c) DISTRIBUTION OF CERTAIN CIVIL MONETARY PENALTIES COLLECTED.—

(1) IN GENERAL.—Subject to the regulation promulgated pursuant to paragraph (3), any civil monetary penalty or monetary settlement collected with respect to an offense punishable under this subtitle or section 1176 of the Social Security Act (42 U.S.C. 1320d–5) insofar as such section relates to privacy or security shall be transferred to the Office of Civil Rights of the Department of Health and Human Services to be used for purposes of enforcing the provisions of this subtitle and subparts C and E of part 164 of title 45, Code of Federal Regulations, as such provisions are in effect as of the date of enactment of this Act.

(2) GAO REPORT.—Not later than 18 months after the date of the enactment of this title, the Comptroller General shall submit to the Secretary a report including recommendations for a methodology under which an individual who is harmed by an act that constitutes an offense referred to in paragraph (1) may receive a percentage of any civil monetary penalty or monetary settlement collected with respect to such offense.

(3) ESTABLISHMENT OF METHODOLOGY TO DISTRIBUTE PERCENTAGE OF CMPS COLLECTED TO HARMED INDIVIDUALS.—Not later than 3 years after the date of the enactment of this title, the Secretary shall establish by regulation and based on the recommendations submitted under paragraph (2), a methodology under which an individual who is harmed by an act that constitutes an offense referred to in paragraph (1) may receive a percentage of any civil monetary penalty or monetary settlement collected with respect to such offense.

(4) APPLICATION OF METHODOLOGY.—The methodology under paragraph (3) shall be applied with respect to civil monetary penalties or monetary settlements imposed on or after the effective date of the regulation.

(d) TIERED INCREASE IN AMOUNT OF CIVIL MONETARY PENALTIES.—

(1) IN GENERAL.—Section 1176(a)(1) of the Social Security Act (42 U.S.C. 1320d–5(a)(1)) is amended by striking ''who violates a provision of this part a penalty of not more than'' and all that follows and inserting the following: ''who violates a provision of this part—

''(A) in the case of a violation of such provision in which it is established that the person did not know (and by exercising reasonable diligence would not have known) that such person violated such provision, a penalty for each such violation of an amount that is at least the amount described in paragraph (3)(A) but not to exceed the amount described in paragraph (3)(D);

''(B) in the case of a violation of such provision in which it is established that the violation was due to reasonable cause and not to willful neglect, a penalty for each such violation of an amount that is at least the amount described in paragraph (3)(B) but not to exceed the amount described in paragraph (3)(D); and

''(C) in the case of a violation of such provision in which it is established that the violation was due to willful neglect—

''(i) if the violation is corrected as described in subsection (b)(3)(A), a penalty in an amount that is at least the amount described in paragraph (3)(C) but not to exceed the amount described in paragraph (3)(D); and

''(ii) if the violation is not corrected as described in such subsection, a penalty in an amount that is at least the amount described in paragraph (3)(D).

In determining the amount of a penalty under this section for a violation, the Secretary shall base such determination on the nature and extent of the violation and the nature and extent of the harm resulting from such violation.''.

(2) TIERS OF PENALTIES DESCRIBED.—Section 1176(a) of such Act (42 U.S.C. 1320d–5(a)) is further amended by adding at the end the following new paragraph:

''(3) TIERS OF PENALTIES DESCRIBED.—For purposes of paragraph (1), with respect to a violation by a person of a provision of this part—

''(A) the amount described in this subparagraph is $100 for each such violation, except that the total amount imposed on the person for all such violations of an identical requirement or prohibition during a calendar year may not exceed $25,000;

''(B) the amount described in this subparagraph is $1,000 for each such violation, except that the total amount imposed on the person for all such violations of an identical requirement or prohibition during a calendar year may not exceed $100,000;

''(C) the amount described in this subparagraph is $10,000 for each such violation, except that the total amount imposed on the person for all such violations of an identical requirement or prohibition during a calendar year may not exceed $250,000; and

''(D) the amount described in this subparagraph is $50,000 for each such violation, except that the total amount imposed on the person for all such violations of an identical requirement or prohibition during a calendar year may not exceed $1,500,000.''.

(3) CONFORMING AMENDMENTS.—Section 1176(b) of such Act (42 U.S.C. 1320d–5(b)) is amended—

(A) by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(B) in paragraph (2), as so redesignated—

(i) in subparagraph (A), by striking ''in subparagraph (B), a penalty may not be imposed under subsection (a) if'' and all that follows through ''the failure to comply is corrected'' and inserting ''in subparagraph (B) or subsection (a)(1)(C), a penalty may not be imposed under subsection (a) if the failure to comply is corrected''; and

(ii) in subparagraph (B), by striking ''(A)(ii)'' and inserting ''(A)'' each place it appears.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to violations occurring after the date of the enactment of this title.

(e) ENFORCEMENT THROUGH STATE ATTORNEYS GENERAL.—

(1) IN GENERAL.—Section 1176 of the Social Security Act (42 U.S.C. 1320d–5) is amended by adding at the end the following new subsection:

''(c) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—

''(1) CIVIL ACTION.—Except as provided in subsection (b), in any case in which the attorney general of a State has reason to believe that an interest of one or more of the residents of that State has been or is threatened or adversely affected by any person who violates a provision of this part, the attorney general of the State, as parens patriae, may bring a civil action on behalf of such residents of the State in a district court of the United States of appropriate jurisdiction—

''(A) to enjoin further such violation by the defendant; or

''(B) to obtain damages on behalf of such residents of the State, in an amount equal to the amount determined under paragraph (2).

''(2) STATUTORY DAMAGES.—

''(A) IN GENERAL.—For purposes of paragraph (1)(B), the amount determined under this paragraph is the amount calculated by multiplying the number of violations by up to $100. For purposes of the preceding sentence, in the case of a continuing violation, the number of violations shall be determined consistent with the HIPAA privacy regulations (as defined in section 1180(b)(3)) for violations of subsection (a).

''(B) LIMITATION.—The total amount of damages imposed on the person for all violations of an identical requirement or prohibition during a calendar year may not exceed $25,000.

''(C) REDUCTION OF DAMAGES.—In assessing damages under subparagraph (A), the court may consider the factors the Secretary may consider in determining the amount of a civil money penalty under subsection (a) under the HIPAA privacy regulations.

''(3) ATTORNEY FEES.—In the case of any successful action under paragraph (1), the court, in its discretion, may award the costs of the action and reasonable attorney fees to the State.

''(4) NOTICE TO SECRETARY.—The State shall serve prior written notice of any action under paragraph (1) upon the Secretary and provide the Secretary with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Secretary shall have the right—

''(A) to intervene in the action;

''(B) upon so intervening, to be heard on all matters arising therein; and

''(C) to file petitions for appeal.

''(5) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this section shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State.

''(6) VENUE; SERVICE OF PROCESS.—

''(A) VENUE.—Any action brought under paragraph (1) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

''(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

''(i) is an inhabitant; or

''(ii) maintains a physical place of business.

''(7) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Secretary has instituted an action against a person under subsection (a) with respect to a specific violation of this part, no State attorney general may bring an action under this subsection against the person with respect to such violation during the pendency of that action.

''(8) APPLICATION OF CMP STATUTE OF LIMITATION.—A civil action may not be instituted with respect to a violation of this part unless an action to impose a civil money penalty may be instituted under subsection (a) with respect to such violation consistent with the second sentence of section 1128A(c)(1).''.

(2) CONFORMING AMENDMENTS.—Subsection (b) of such section, as amended by subsection (d)(3), is amended—

(A) in paragraph (1), by striking ''A penalty may not be imposed under subsection (a)'' and inserting ''No penalty may be imposed under subsection (a) and no damages obtained under subsection (c)'';

(B) in paragraph (2)(A)—

(i) in the matter before clause (i), by striking ''a penalty may not be imposed under subsection (a)'' and inserting ''no penalty may be imposed under subsection (a) and no damages obtained under subsection (c)''; and

(ii) in clause (ii), by inserting ''or damages'' after ''the penalty'';

(C) in paragraph (2)(B)(i), by striking ''The period'' and inserting ''With respect to the imposition of a penalty by the Secretary under subsection (a), the period''; and

(D) in paragraph (3), by inserting ''and any damages under subsection (c)'' after ''any penalty under subsection (a)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to violations occurring after the date of the enactment of this Act.

(f) ALLOWING CONTINUED USE OF CORRECTIVE ACTION.—Such section is further amended by adding at the end the following new subsection:

''(d) ALLOWING CONTINUED USE OF CORRECTIVE ACTION.—Nothing in this section shall be construed as preventing the Office of Civil Rights of the Department of Health and Human Services from continuing, in its discretion, to use corrective action without a penalty in cases where the person did not know (and by exercising reasonable diligence would not have known) of the violation involved.''.

SEC. 4411. AUDITS.

The Secretary shall provide for periodic audits to ensure that covered entities and business associates that are subject to the requirements of this subtitle and subparts C and E of part 164 of title 45, Code of Federal Regulations, as such provisions are in effect as of the date of enactment of this Act, comply with such requirements.

SEC. 4412. SPECIAL RULE FOR INFORMATION TO REDUCE MEDICATION ERRORS AND IMPROVE PATIENT SAFETY.

Nothing under this subtitle shall prevent a pharmacist from communicating with patients in order to reduce medication errors and improve patient safety provided there is no remuneration other than for the treatment of the individual and payment for such treatment of the individual as defined in 45 CFR 164.501. The Secretary may by regulation authorize a pharmacy to receive remuneration that does not exceed their reasonable out-of-pocket costs for such communications if the Secretary determines that allowing this remuneration improves patient care and protects protected health information.

PART II—RELATIONSHIP TO OTHER LAWS; REGULATORY REFERENCES; EFFECTIVE DATE; REPORTS

SEC. 4421. RELATIONSHIP TO OTHER LAWS.

(a) APPLICATION OF HIPAA STATE PREEMPTION.—Section 1178 of the Social Security Act (42 U.S.C. 1320d–7) shall apply to a provision or requirement under this subtitle in the same manner that such section applies to a provision or requirement under part C of title XI of such Act or a standard or implementation specification adopted or established under sections 1172 through 1174 of such Act.

(b) HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT.—The standards governing the privacy and security of individually identifiable health information promulgated by the Secretary under sections 262(a) and 264 of the Health Insurance Portability and Accountability Act of 1996 shall remain in effect to the extent that they are consistent with this subtitle. The Secretary shall by rule amend such Federal regulations as required to make such regulations consistent with this subtitle.

SEC. 4422. REGULATORY REFERENCES.

Each reference in this subtitle to a provision of the Code of Federal Regulations refers to such provision as in effect on the date of the enactment of this title (or to the most recent update of such provision).

SEC. 4423. EFFECTIVE DATE.

Except as otherwise specifically provided, the provisions of part I shall take effect on the date that is 12 months after the date of the enactment of this title.

SEC. 4424. STUDIES, REPORTS, GUIDANCE.

(a) REPORT ON COMPLIANCE.—

(1) IN GENERAL.—For the first year beginning after the date of the enactment of this Act and annually thereafter, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report concerning complaints of alleged violations of law, including the provisions of this subtitle as well as the provisions of subparts C and E of part 164 of title 45, Code of Federal Regulations, (as such provisions are in effect as of the date of enactment of this Act) relating to privacy and security of health information that are received by the Secretary during the year for which the report is being prepared. Each such report shall include, with respect to such complaints received during the year—

(A) the number of such complaints;

(B) the number of such complaints resolved informally, a summary of the types of such complaints so resolved, and the number of covered entities that received technical assistance from the Secretary during such year in order to achieve compliance with such provisions and the types of such technical assistance provided;

(C) the number of such complaints that have resulted in the imposition of civil monetary penalties or have been resolved through monetary settlements, including the nature of the complaints involved and the amount paid in each penalty or settlement;

(D) the number of compliance reviews conducted and the outcome of each such review;

(E) the number of subpoenas or inquiries issued;

(F) the Secretary's plan for improving compliance with and enforcement of such provisions for the following year; and

(G) the number of audits performed and a summary of audit findings pursuant to section 4411.

(2) AVAILABILITY TO PUBLIC.—Each report under paragraph (1) shall be made available to the public on the Internet website of the Department of Health and Human Services.

(b) STUDY AND REPORT ON APPLICATION OF PRIVACY AND SECURITY REQUIREMENTS TO NON-HIPAA COVERED ENTITIES.—

(1) STUDY.—Not later than one year after the date of the enactment of this title, the Secretary, in consultation with the Federal Trade Commission, shall conduct a study, and submit a report under paragraph (2), on privacy and security requirements for entities that are not covered entities or business associates as of the date of the enactment of this title, including—

(A) requirements relating to security, privacy, and notification in the case of a breach of security or privacy (including the applicability of an exemption to notification in the case of individually identifiable health information that has been rendered unusable, unreadable, or indecipherable through technologies or methodologies recognized by appropriate professional organization or standard setting bodies to provide effective security for the information) that should be applied to—

(i) vendors of personal health records;

(ii) entities that offer products or services through the website of a vendor of personal health records;

(iii) entities that are not covered entities and that offer products or services through the websites of covered entities that offer individuals personal health records;

(iv) entities that are not covered entities and that access information in a personal health record or send information to a personal health record; and

(v) third party service providers used by a vendor or entity described in clause (i), (ii), (iii), or (iv) to assist in providing personal health record products or services;

(B) a determination of which Federal government agency is best equipped to enforce such requirements recommended to be applied to such vendors, entities, and service providers under subparagraph (A); and

(C) a timeframe for implementing regulations based on such findings.

(2) REPORT.—The Secretary shall submit to the Committee on Finance, the Committee on Health, Education, Labor, and Pensions, and the Committee on Commerce of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report on the findings of the study under paragraph (1) and shall include in such report recommendations on the privacy and security requirements described in such paragraph.

(c) GUIDANCE ON IMPLEMENTATION SPECIFICATION TO DE-IDENTIFY PROTECTED HEALTH INFORMATION.—Not later than 12 months after the date of the enactment of this title, the Secretary shall, in consultation with stakeholders, issue guidance on how best to implement the requirements for the de-identification of protected health information under section 164.514(b) of title 45, Code of Federal Regulations.

(d) GAO REPORT ON TREATMENT DISCLOSURES.—Not later than one year after the date of the enactment of this title, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report on the best practices related to the disclosure among health care providers of protected health information of an individual for purposes of treatment of such individual. Such report shall include an examination of the best practices implemented by States and by other entities, such as health information exchanges and regional health information organizations, an examination of the extent to which such best practices are successful with respect to the quality of the resulting health care provided to the individual and with respect to the ability of the health care provider to manage such best practices, and an examination of the use of electronic informed consent for disclosing protected health information for treatment, payment, and health care operations.

Subtitle E—Miscellaneous Medicare Provisions

SEC. 4501. MORATORIA ON CERTAIN MEDICARE REGULATIONS.

(a) DELAY IN PHASE OUT OF MEDICARE HOSPICE BUDGET NEUTRALITY ADJUSTMENT FACTOR DURING FISCAL YEAR 2009.—Notwithstanding any other provision of law, including the final rule published on August 8, 2008, 73 Federal Register 46464 et seq., relating to Medicare Program; Hospice Wage Index for Fiscal Year 2009, the Secretary of Health and Human Services shall not phase out or eliminate the budget neutrality adjustment factor in the Medicare hospice wage index before October 1, 2009, and the Secretary shall recompute and apply the final Medicare hospice wage index for fiscal year 2009 as if there had been no reduction in the budget neutrality adjustment factor.

(b) NON-APPLICATION OF PHASED-OUT INDIRECT MEDICAL EDUCATION (IME) ADJUSTMENT FACTOR FOR FISCAL YEAR 2009.—

(1) IN GENERAL.—Section 412.322 of title 42, Code of Federal Regulations, shall be applied without regard to paragraph (c) of such section, and the Secretary of Health and Human Services shall recompute payments for discharges occurring on or after October 1, 2008, as if such paragraph had never been in effect.

(2) NO EFFECT ON SUBSEQUENT YEARS.—Nothing in paragraph (1) shall be construed as having any effect on the application of paragraph (d) of section 412.322 of title 42, Code of Federal Regulations.

(c) FUNDING FOR IMPLEMENTATION.—In addition to funds otherwise available, for purposes of implementing the provisions of subsections (a) and (b), including costs incurred in reprocessing claims in carrying out such provisions, the Secretary of Health and Human Services shall provide for the transfer from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) to the Centers for Medicare & Medicaid Services Program Management Account of $2,000,000 for fiscal year 2009.

SEC. 4502. LONG-TERM CARE HOSPITAL TECHNICAL CORRECTIONS.

(a) PAYMENT.—Subsection (c) of section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—

(1) in paragraph (1)—

(A) by amending the heading to read as follows: ''DELAY IN APPLICATION OF 25 PERCENT PATIENT THRESHOLD PAYMENT ADJUSTMENT'';

(B) by striking ''the date of the enactment of this Act'' and inserting ''July 1, 2007,''; and

(C) in subparagraph (A), by inserting ''or to a long-term care hospital, or satellite facility, that as of December 29, 2007, was co-located with an entity that is a provider-based, off-campus location of a subsection (d) hospital which did not provide services payable under section 1886(d) of the Social Security Act at the off-campus location'' after ''free-standing long-term care hospitals''; and

(2) in paragraph (2)—

(A) in subparagraph (B)(ii), by inserting ''or that is described in section 412.22(h)(3)(i) of such title'' before the period; and

(B) in subparagraph (C), by striking ''the date of the enactment of this Act'' and inserting ''October 1, 2007 (or July 1, 2007, in the case of a satellite facility described in section 412.22(h)(3)(i) of title 42, Code of Federal Regulations)''.

(b) MORATORIUM.—Subsection (d)(3)(A) of such section is amended by striking ''if the hospital or facility'' and inserting ''if the hospital or facility obtained a certificate of need for an increase in beds that is in a State for which such certificate of need is required and that was issued on or after April 1, 2005, and before December 29, 2007, or if the hospital or facility''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective and apply as if included in the enactment of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173).

TITLE V—MEDICAID PROVISIONS

SEC. 5000. TABLE OF CONTENTS OF TITLE.

The table of contents of this title is as follows:

Sec. 5000. Table of contents of title.
Sec. 5001. Temporary increase of Medicaid FMAP.
Sec. 5002. Moratoria on certain regulations.
Sec. 5003. Transitional Medicaid assistance (TMA).
Sec. 5004. Protections for Indians under Medicaid and CHIP.
Sec. 5005. Consultation on Medicaid and CHIP.
Sec. 5006. Temporary increase in DSH allotments during recession.

SEC. 5001. TEMPORARY INCREASE OF MEDICAID FMAP.

(a) PERMITTING MAINTENANCE OF FMAP.—Subject to subsections (e), (f), and (g), if the FMAP determined without regard to this section for a State for—

(1) fiscal year 2009 is less than the FMAP as so determined for fiscal year 2008, the FMAP for the State for fiscal year 2008 shall be substituted for the State's FMAP for fiscal year 2009, before the application of this section;

(2) fiscal year 2010 is less than the FMAP as so determined for fiscal year 2008 or fiscal year 2009 (after the application of paragraph (1)), the greater of such FMAP for the State for fiscal year 2008 or fiscal year 2009 shall be substituted for the State's FMAP for fiscal year 2010, before the application of this section; and

(3) fiscal year 2011 is less than the FMAP as so determined for fiscal year 2008, fiscal year 2009 (after the application of paragraph (1)), or fiscal year 2010 (after the application of paragraph (2)), the greatest of such FMAP for the State for fiscal year 2008, fiscal year 2009, or fiscal year 2010 shall be substituted for the State's FMAP for fiscal year 2011, before the application of this section, but only for the first calendar quarter in fiscal year 2011.

(b) GENERAL 4.9 PERCENTAGE POINT INCREASE.—

(1) IN GENERAL.—Subject to subsections (e), (f), and (g) and paragraph (2), for each State for calendar quarters during the recession adjustment period (as defined in subsection (h)(2)), the FMAP (after the application of subsection (a)) shall be increased (without regard to any limitation otherwise specified in section 1905(b) of the Social Security Act) by 4.9 percentage points.

(2) SPECIAL ELECTION FOR TERRITORIES.—In the case of a State that is not one of the 50 States or the District of Columbia, paragraph (1) shall only apply if the State makes a one-time election, in a form and manner specified by the Secretary and for the entire recession adjustment period, to apply the increase in FMAP under paragraph (1) and a 10 percent increase under subsection (d) instead of applying a 20 percent increase under subsection (d).

(c) ADDITIONAL ADJUSTMENT TO REFLECT INCREASE IN UNEMPLOYMENT.—

(1) IN GENERAL.—Subject to subsections (e), (f), and (g), in the case of a State that is a high unemployment State (as defined in paragraph (2)) for a calendar quarter during the recession adjustment period, the FMAP (taking into account the application of subsections (a) and (b)) for such quarter shall be further increased by the high unemployment percentage point adjustment specified in paragraph (3) for the State for the quarter.

(2) HIGH UNEMPLOYMENT STATE.—

(A) IN GENERAL.—In this subsection, subject to subparagraph (B), the term ''high unemployment State'' means, with respect to a calendar quarter in the recession adjustment period, a State that is 1 of the 50 States or the District of Columbia and for which the State unemployment increase percentage (as computed under paragraph (5)) for the quarter is not less than 1.5 percentage points.

(B) MAINTENANCE OF STATUS.—If a State is a high unemployment State for a calendar quarter, it shall remain a high unemployment State for each subsequent calendar quarter ending before July 1, 2010.

(3) HIGH UNEMPLOYMENT PERCENTAGE POINT ADJUSTMENT.—

(A) IN GENERAL.—The high unemployment percentage point adjustment specified in this paragraph for a high unemployment State for a quarter is equal to the product of—

(i) the SMAP for such State and quarter (determined after the application of subsection (a) and before the application of subsection (b)); and

(ii) subject to subparagraph (B), the State unemployment reduction factor specified in paragraph (4) for the State and quarter.

(B) MAINTENANCE OF ADJUSTMENT LEVEL FOR CERTAIN QUARTERS.—In no case shall the State unemployment reduction factor applied under subparagraph (A)(ii) for a State for a quarter (beginning on or after January 1, 2009, and ending before July 1, 2010) be less than the State unemployment reduction factor applied to the State for the previous quarter (taking into account the application of this subparagraph).

(4) STATE UNEMPLOYMENT REDUCTION FACTOR.—In the case of a high unemployment State for which the State unemployment increase percentage (as computed under paragraph (5)) with respect to a calendar quarter is—

(A) not less than 1.5, but is less than 2.5, percentage points, the State unemployment reduction factor for the State and quarter is 6 percent;

(B) not less than 2.5, but is less than 3.5, percentage points, the State unemployment reduction factor for the State and quarter is 12 percent; or

(C) not less than 3.5 percentage points, the State unemployment reduction factor for the State and quarter is 14 percent.

(5) COMPUTATION OF STATE UNEMPLOYMENT INCREASE PERCENTAGE.—

(A) IN GENERAL.—In this subsection, the ''State unemployment increase percentage'' for a State for a calendar quarter is equal to the number of percentage points (if any) by which—

(i) the average monthly unemployment rate for the State for months in the most recent previous 3-consecutive-month period for which data are available, subject to subparagraph (C); exceeds

(ii) the lowest average monthly unemployment rate for the State for any 3-consecutive-month period preceding the period described in clause (i) and beginning on or after January 1, 2006.

(B) AVERAGE MONTHLY UNEMPLOYMENT RATE DEFINED.—In this paragraph, the term ''average monthly unemployment rate'' means the average of the monthly number unemployed, divided by the average of the monthly civilian labor force, seasonally adjusted, as determined based on the most recent monthly publications of the Bureau of Labor Statistics of the Department of Labor.

(C) SPECIAL RULE.—With respect to—

(i) the first 2 calendar quarters of the recession adjustment period, the most recent previous 3-consecutive-month period described in subparagraph (A)(i) shall be the 3-consecutive-month period beginning with October 2008; and

(ii) the last 2 calendar quarters of the recession adjustment period, the most recent previous 3-consecutive-month period described in such subparagraph shall be the 3-consecutive-month period beginning with December 2009.

(d) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Subject to subsections (f) and (g) , with respect to entire fiscal years occurring during the recession adjustment period and with respect to fiscal years only a portion of which occurs during such period (and in proportion to the portion of the fiscal year that occurs during such period), the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by 20 percent (or, in the case of an election under subsection (b)(2), 10 percent).

(e) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this section shall apply for purposes of title XIX of the Social Security Act and—

(1) the increases applied under subsections (a), (b), and (c) shall not apply with respect—

(A) to payments under parts A, B, and D of title IV or title XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.);

(B) to payments under title XIX of such Act that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b)); and

(C) to payments for disproportionate share hospital (DSH) payment adjustments under section 1923 of such Act (42 U.S.C. 1396r–4); and

(2) the increase provided under subsection (c) shall not apply with respect to payments under part E of title IV of such Act.

(f) STATE INELIGIBILITY AND LIMITATION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), a State is not eligible for an increase in its FMAP under subsection (a), (b), or (c), or an increase in a cap amount under subsection (d), if eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008.

(2) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—Subject to paragraph (3), a State that has restricted eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after July 1, 2008, is no longer ineligible under paragraph (1) beginning with the first calendar quarter in which the State has reinstated eligibility standards, methodologies, or procedures that are no more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008.

(3) SPECIAL RULES.—A State shall not be ineligible under paragraph (1)—

(A) for the calendar quarters before July 1, 2009, on the basis of a restriction that was applied after July 1, 2008, and before the date of the enactment of this Act, if the State, prior to July 1, 2009, reinstated eligibility standards, methodologies, or procedures that are no more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008; or

(B) on the basis of a restriction that was effective under State law as of July 1, 2008, and would have been in effect as of such date, but for a delay (of not longer than 1 calendar quarter) in the approval of a request for a new waiver under section 1115 of such Act with respect to such restriction.

(4) STATE'S APPLICATION TOWARD RAINY DAY FUND.—A State is not eligible for an increase in its FMAP under subsection (b) or (c), or an increase in a cap amount under subsection (d), if any amounts attributable (directly or indirectly) to such increase are deposited or credited into any reserve or rainy day fund of the State.

(5) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or (2) shall be construed as affecting a State's flexibility with respect to benefits offered under the State Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)).

(6) NO WAIVER AUTHORITY.—The Secretary may not waive the application of this subsection or subsection (g) under section 1115 of the Social Security Act or otherwise.

(g) REQUIREMENT FOR CERTAIN STATES.—In the case of a State that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures under the State Medicaid plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the State is not eligible for an increase in its FMAP under subsection (a), (b), or (c), or an increase in a cap amount under subsection (d), if it requires that such political subdivisions pay a greater percentage of the non-Federal share of such expenditures for quarters during the recession adjustment period, than the percentage that would have been required by the State under such plan on September 30, 2008, prior to application of this section.

(h) DEFINITIONS.—In this section, except as otherwise provided:

(1) FMAP.—The term ''FMAP'' means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), as determined without regard to this section except as otherwise specified.

(2) RECESSION ADJUSTMENT PERIOD.—The term ''recession adjustment period'' means the period beginning on October 1, 2008, and ending on December 31, 2010.

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

(4) SMAP.—The term ''SMAP'' means, for a State, 100 percent minus the Federal medical assistance percentage.

(5) STATE.—The term ''State'' has the meaning given such term in section 1101(a)(1) of the Social Security Act (42 U.S.C. 1301(a)(1)) for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(i) SUNSET.—This section shall not apply to items and services furnished after the end of the recession adjustment period.

SEC. 5002. MORATORIA ON CERTAIN REGULATIONS.

(a) EXTENSION OF MORATORIA ON CERTAIN MEDICAID REGULATIONS.—The following sections are each amended by striking ''April 1, 2009'' and inserting ''July 1, 2009'':

(1) Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), as amended by section 7001(a)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252).

(2) Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), as amended by section 7001(a)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252).

(3) Section 7001(a)(3)(A) of the Supplemental Appropriations Act, 2008 (Public Law 110–252).

(b) ADDITIONAL MEDICAID MORATORIUM.—Notwithstanding any other provision of law, with respect to expenditures for services furnished during the period beginning on December 8, 2008 and ending on June 30, 2009, the Secretary of Health and Human Services shall not take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to implement the final regulation relating to clarification of the definition of outpatient hospital facility services under the Medicaid program published on November 7, 2008 (73 Federal Register 66187).

SEC. 5003. TRANSITIONAL MEDICAID ASSISTANCE (TMA).

(a) 18-MONTH EXTENSION.—

(1) IN GENERAL.—Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C.

1396a(e)(1)(B), 1396r–6(f)) are each amended by striking ''September 30, 2003'' and inserting ''December 31, 2010''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on July 1, 2009.

(b) STATE OPTION OF INITIAL 12-MONTH ELIGIBILITY.—Section 1925 of the Social Security Act (42 U.S.C. 1396r–6) is amended—

(1) in subsection (a)(1), by inserting ''but subject to paragraph (5)'' after ''Notwithstanding any other provision of this title'';

(2) by adding at the end of subsection (a) the following:

''(5) OPTION OF 12-MONTH INITIAL ELIGIBILITY PERIOD.—A State may elect to treat any reference in this subsection to a 6-month period (or 6 months) as a reference to a 12-month period (or 12 months). In the case of such an election, subsection (b) shall not apply.''; and

(3) in subsection (b)(1), by inserting ''but subject to subsection (a)(5)'' after ''Notwithstanding any other provision of this title''.

(c) REMOVAL OF REQUIREMENT FOR PREVIOUS RECEIPT OF MEDICAL ASSISTANCE.—Section 1925(a)(1) of such Act (42 U.S.C. 1396r–6(a)(1)), as amended by subsection (b)(1), is further amended—

(1) by inserting ''subparagraph (B) and'' before ''paragraph (5)'';

(2) by redesignating the matter after ''REQUIREMENT.—'' as a subparagraph (A) with the heading ''IN GENERAL.—'' and with the same indentation as subparagraph (B) (as added by paragraph (3)); and

(3) by adding at the end the following:

''(B) STATE OPTION TO WAIVE REQUIREMENT FOR 3 MONTHS BEFORE RECEIPT OF MEDICAL ASSISTANCE.—A State may, at its option, elect also to apply subparagraph (A) in the case of a family that was receiving such aid for fewer than three months or that had applied for and was eligible for such aid for fewer than 3 months during the 6 immediately preceding months described in such subparagraph.''.

(d) CMS REPORT ON ENROLLMENT AND PARTICIPATION RATES UNDER TMA.—Section 1925 of such Act (42 U.S.C. 1396r–6), as amended by this section, is further amended by adding at the end the following new subsection:

''(g) COLLECTION AND REPORTING OF PARTICIPATION INFORMATION.—

''(1) COLLECTION OF INFORMATION FROM STATES.—Each State shall collect and submit to the Secretary (and make publicly available), in a format specified by the Secretary, information on average monthly enrollment and average monthly participation rates for adults and children under this section and of the number and percentage of children who become ineligible for medical assistance under this section whose medical assistance is continued under another eligibility category or who are enrolled under the State's child health plan under title XXI. Such information shall be submitted at the same time and frequency in which other enrollment information under this title is submitted to the Secretary.

''(2) ANNUAL REPORTS TO CONGRESS.—Using the information submitted under paragraph (1), the Secretary shall submit to Congress annual reports concerning enrollment and participation rates described in such paragraph.''.

(e) EFFECTIVE DATE.—The amendments made by subsections (b) through (d) shall take effect on July 1, 2009.

(A) in subclause (XIX), by striking ''or'' at the end;

(B) in subclause (XX), by adding ''or'' at the end; and

(C) by adding at the end the following new subclause:

''(XXI) who are described in subsection (ee) (relating to individuals who meet certain income standards);''.

(2) GROUP DESCRIBED.—Section 1902 of such Act (42 U.S.C. 1396a), as amended by section 3003(a) of the Health Insurance Assistance for the Unemployed Act of 2009, is amended by adding at the end the following new subsection:

''(ee)(1) Individuals described in this subsection are individuals—

''(A) whose income does not exceed an income eligibility level established by the State that does not exceed the highest income eligibility level established under the State plan under this title (or under its State child health plan under title XXI) for pregnant women; and

''(B) who are not pregnant.

''(2) At the option of a State, individuals described in this subsection may include individuals who, had individuals applied on or before January 1, 2007, would have been made eligible pursuant to the standards and processes imposed by that State for benefits described in clause (XV) of the matter following subparagraph (G) of section subsection (a)(10) pursuant to a waiver granted under section 1115.

''(3) At the option of a State, for purposes of subsection (a)(17)(B), in determining eligibility for services under this subsection, the State may consider only the income of the applicant or recipient.''.

(3) LIMITATION ON BENEFITS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—

(A) by striking ''and (XIV)'' and inserting ''(XIV)''; and

(B) by inserting '', and (XV) the medical assistance made available to an individual described in subsection (ee) shall be limited to family planning services and supplies described in section 1905(a)(4)(C) including medical diagnosis and treatment services that are provided pursuant to a family planning service in a family planning setting'' after ''cervical cancer''.

(4) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), as amended by section 3003(c)(2) of the Health Insurance Assistance for the Unemployed Act of 2009, is amended in the matter preceding paragraph (1)—

(A) in clause (xiii), by striking ''or'' at the end;

(B) in clause (xiv), by adding ''or'' at the end; and

(C) by inserting after clause (xiii) the following:

''(xv) individuals described in section 1902(ee),''.

(b) PRESUMPTIVE ELIGIBILITY.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920B the following:

''PRESUMPTIVE ELIGIBILITY FOR FAMILY PLANNING SERVICES

''SEC. 1920C. (a) STATE OPTION.—State plan approved under section 1902 may provide for making medical assistance available to an individual described in section 1902(ee) (relating to individuals who meet certain income eligibility standard) during a presumptive eligibility period. In the case of an individual described in section 1902(ee), such medical assistance shall be limited to family planning services and supplies described in 1905(a)(4)(C) and, at the State's option, medical diagnosis and treatment services that are provided in conjunction with a family planning service in a family planning setting.

''(b) DEFINITIONS.—For purposes of this section:

''(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—

''(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(ee); and

''(B) ends with (and includes) the earlier of—

''(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or

''(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

''(2) QUALIFIED ENTITY.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'qualified entity' means any entity that—

''(i) is eligible for payments under a State plan approved under this title; and

''(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

''(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities in order to prevent fraud and abuse.

''(c) ADMINISTRATION.—

''(1) IN GENERAL.—The State agency shall provide qualified entities with—

''(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and

''(B) information on how to assist such individuals in completing and filing such forms.

''(2) NOTIFICATION REQUIREMENTS.—A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall—

''(A) notify the State agency of the determination within 5 working days after the date on which determination is made; and

''(B) inform such individual at the time the determination is made that an application for medical assistance is required to be made by not later than the last day of the month following the month during which the determination is made.

''(3) APPLICATION FOR MEDICAL ASSISTANCE.—In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance by not later than the last day of the month following the month during which the determination is made.

''(d) PAYMENT.—Notwithstanding any other provision of law, medical assistance that—

''(1) is furnished to an individual described in subsection (a)—

''(A) during a presumptive eligibility period;

''(B) by a entity that is eligible for payments under the State plan; and

''(2) is included in the care and services covered by the State plan,

shall be treated as medical assistance provided by such plan for purposes of clause (4) of the first sentence of section 1905(b).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end the following: ''and provide for making medical assistance available to individuals described in subsection (a) of section 1920C during a presumptive eligibility period in accordance with such section''.

(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

(i) by striking ''or for'' and inserting ''for''; and

(ii) by inserting before the period the following: '', or for medical assistance provided to an individual described in subsection (a) of section 1920C during a presumptive eligibility period under such section''.

(c) CLARIFICATION OF COVERAGE OF FAMILY PLANNING SERVICES AND SUPPLIES.—Section 1937(b) of the Social Security Act (42 U.S.C. 1396u–7(b)) is amended by adding at the end the following:

''(5) COVERAGE OF FAMILY PLANNING SERVICES AND SUPPLIES.—Notwithstanding the previous provisions of this section, a State may not provide for medical assistance through enrollment of an individual with benchmark coverage or benchmark-equivalent coverage under this section unless such coverage includes for any individual described in section 1905(a)(4)(C), medical assistance for family planning services and supplies in accordance with such section.''.

SEC. 5004. PROTECTIONS FOR INDIANS UNDER MEDICAID AND CHIP.

(a) PREMIUMS AND COST SHARING PROTECTION UNDER MEDICAID.—

(1) IN GENERAL.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''and (i)'' and inserting '', (i), and (j)''; and

(B) by adding at the end the following new subsection:

''(j) NO PREMIUMS OR COST SHARING FOR INDIANS FURNISHED ITEMS OR SERVICES DIRECTLY BY INDIAN HEALTH PROGRAMS OR THROUGH REFERRAL UNDER CONTRACT HEALTH SERVICES.—

''(1) NO COST SHARING FOR ITEMS OR SERVICES FURNISHED TO INDIANS THROUGH INDIAN HEALTH PROGRAMS.—

''(A) IN GENERAL.—No enrollment fee, premium, or similar charge, and no deduction, copayment, cost sharing, or similar charge shall be imposed against an Indian who is furnished an item or service directly by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization or through referral under contract health services for which payment may be made under this title.

''(B) NO REDUCTION IN AMOUNT OF PAYMENT TO INDIAN HEALTH PROVIDERS.—Payment due under this title to the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization, or a health care provider through referral under contract health services for the furnishing of an item or service to an Indian who is eligible for assistance under such title, may not be reduced by the amount of any enrollment fee, premium, or similar charge, or any deduction, copayment, cost sharing, or similar charge that would be due from the Indian but for the operation of subparagraph (A).

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as restricting the application of any other limitations on the imposition of premiums or cost sharing that may apply to an individual receiving medical assistance under this title who is an Indian.''.

(2) CONFORMING AMENDMENT.—Section 1916A(b)(3) of such Act (42 U.S.C. 1396o–1(b)(3)) is amended—

(A) in subparagraph (A), by adding at the end the following new clause:

''(vi) An Indian who is furnished an item or service directly by the Indian Health Service, an Indian Tribe, Tribal Organization or Urban Indian Organization or through referral under contract health services.''; and

(B) in subparagraph (B), by adding at the end the following new clause:

''(ix) Items and services furnished to an Indian directly by the Indian Health Service, an Indian Tribe, Tribal Organization or Urban Indian Organization or through referral under contract health services.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2009.

(b) TREATMENT OF CERTAIN PROPERTY FROM RESOURCES FOR MEDICAID AND CHIP ELIGIBILITY.—

(1) MEDICAID.—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 3003(a) of the Health Insurance Assistance for the Unemployed Act of 2009, is amended by adding at the end the following new subsection:

''(ee) Notwithstanding any other requirement of this title or any other provision of Federal or State law, a State shall disregard the following property from resources for purposes of determining the eligibility of an individual who is an Indian for medical assistance under this title:

''(1) Property, including real property and improvements, that is held in trust, subject to Federal restrictions, or otherwise under the supervision of the Secretary of the Interior, located on a reservation, including any federally recognized Indian Tribe's reservation, pueblo, or colony, including former reservations in Oklahoma, Alaska Native regions established by the Alaska Native Claims Settlement Act, and Indian allotments on or near a reservation as designated and approved by the Bureau of Indian Affairs of the Department of the Interior.

''(2) For any federally recognized Tribe not described in paragraph (1), property located within the most recent boundaries of a prior Federal reservation.

''(3) Ownership interests in rents, leases, royalties, or usage rights related to natural resources (including extraction of natural resources or harvesting of timber, other plants and plant products, animals, fish, and shellfish) resulting from the exercise of federally protected rights.

''(4) Ownership interests in or usage rights to items not covered by paragraphs (1) through (3) that have unique religious, spiritual, traditional, or cultural significance or rights that support subsistence or a traditional lifestyle according to applicable tribal law or custom.''.

(2) APPLICATION TO CHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following new subparagraph:

''(E) Section 1902(ff) (relating to disregard of certain property for purposes of making eligibility determinations).''.

(c) CONTINUATION OF CURRENT LAW PROTECTIONS OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.—Section 1917(b)(3) of the Social Security Act (42 U.S.C. 1396p(b)(3)) is amended—

(1) by inserting ''(A)'' after ''(3)''; and

(2) by adding at the end the following new subparagraph:

''(B) The standards specified by the Secretary under subparagraph (A) shall require that the procedures established by the State agency under subparagraph (A) exempt income, resources, and property that are exempt from the application of this subsection as of April 1, 2003, under manual instructions issued to carry out this subsection (as in effect on such date) because of the Federal responsibility for Indian Tribes and Alaska Native Villages. Nothing in this subparagraph shall be construed as preventing the Secretary from providing additional estate recovery exemptions under this title for Indians.''.

SEC. 5005. CONSULTATION ON MEDICAID AND CHIP.

(a) IN GENERAL.—Section 1139 of the Social Security Act (42 U.S.C. 1320b–9) is amended to read as follows:

''CONSULTATION WITH TRIBAL TECHNICAL ADVISORY GROUP (TTAG)

''SEC. 1139. The Secretary shall maintain within the Centers for Medicaid & Medicare Services (CMS) a Tribal Technical Advisory Group, which was first established in accordance with requirements of the charter dated September 30, 2003, and the Secretary shall include in such Group a representative of the Urban Indian Organizations and the Service. The representative of the Urban Indian Organization shall be deemed to be an elected officer of a tribal government for purposes of applying section 204(b) of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534(b)).''.

(b) SOLICITATION OF ADVICE UNDER MEDICAID AND CHIP.—

(1) MEDICAID STATE PLAN AMENDMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (70), by striking ''and'' at the end;

(B) in paragraph (71), by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (71), the following new paragraph:

''(72) in the case of any State in which 1 or more Indian Health Programs or Urban Indian Organizations furnishes health care services, provide for a process under which the State seeks advice on a regular, ongoing basis from designees of such Indian Health Programs and Urban Indian Organizations on matters relating to the application of this title that are likely to have a direct effect on such Indian Health Programs and Urban Indian Organizations and that—

''(A) shall include solicitation of advice prior to submission of any plan amendments, waiver requests, and proposals for demonstration projects likely to have a direct effect on Indians, Indian Health Programs, or Urban Indian Organizations; and

''(B) may include appointment of an advisory committee and of a designee of such Indian Health Programs and Urban Indian Organizations to the medical care advisory committee advising the State on its State plan under this title.''.

(2) APPLICATION TO CHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by section 5004(b), is amended by adding at the end the following new subparagraph:

''(F) Section 1902(a)(72) (relating to requiring certain States to seek advice from designees of Indian Health Programs and Urban Indian Organizations).''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as superseding existing advisory committees, working groups, guidance, or other advisory procedures established by the Secretary of Health and Human Services or by any State with respect to the provision of health care to Indians.

SEC. 5006. TEMPORARY INCREASE IN DSH ALLOTMENTS DURING RECESSION.

Section 1923(f)(3) of the Social Security Act (42 U.S.C. 1396r–4(f)(3)) is amended—

(1) in subparagraph (A), by striking ''paragraph (6)'' and inserting ''paragraph (6) and subparagraph (E)''; and

(2) by adding at the end the following new subparagraph:

''(E) TEMPORARY INCREASE IN ALLOTMENTS DURING RECESSION.—

''(i) IN GENERAL.—Subject to clause (ii), the DSH allotment for any State—

''(I) for fiscal year 2009 is equal to 102.5 percent of the DSH allotment that would be determined under this paragraph for the State for fiscal year 2009 without application of

this subparagraph, notwithstanding subparagraph (B);

''(II) for fiscal year 2010 is equal to 102.5 percent of the the DSH allotment for the State for fiscal year 2009, as determined under subclause (I); and

''(III) for each succeeding fiscal year is equal to the DSH allotment for the State under this paragraph determined without applying subclauses (I) and (II).

''(ii) APPLICATION.—Clause (i) shall not apply to a State for a year in the case that the DSH allotment for such State for such year under this paragraph determined without applying clause (i) would grow higher than the DSH allotment specified under clause (i) for the State for such year.''.

TITLE VI—BROADBAND COMMUNICATIONS

SEC. 6001. INVENTORY OF BROADBAND SERVICE CAPABILITY AND AVAILABILITY.

(a) ESTABLISHMENT.—To provide a comprehensive nationwide inventory of existing broadband service capability and availability, the National Telecommunications and Information Administration (''NTIA'') shall develop and maintain a broadband inventory map of the United States that identifies and depicts the geographic extent to which broadband service capability is deployed and available from a commercial provider or public provider throughout each State.

(b) PUBLIC AVAILABILITY AND INTERACTIVITY.—Not later than 2 years after the date of enactment of this Act, the NTIA shall make the broadband inventory map developed and maintained pursuant to this section accessible by the public on a World Wide Web site of the NTIA in a form that is interactive and searchable.

SEC. 6002. WIRELESS AND BROADBAND DEPLOYMENT GRANT PROGRAMS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The National Telecommunications and Information Administration (''NTIA'') is authorized to carry out a program to award grants to eligible entities for the non-recurring costs associated with the deployment of broadband infrastructure in rural, suburban, and urban areas, in accordance with the requirements of this section.

(2) PROGRAM WEBSITE.—The NTIA shall develop and maintain a website to make publicly available information about the program described in paragraph (1), including—

(A) each prioritization report submitted by a State under subsection (b);

(B) a list of eligible entities that have applied for a grant under this section, and the area or areas the entity proposes to serve; and

(C) the status of each such application, whether approved, denied, or pending.

(b) STATE PRIORITIES.—

(1) PRIORITIES REPORT SUBMISSION.—Not later than 75 days after the date of enactment of this section, each State intending to participate in the program under this section shall submit to the NTIA a report indicating the geographic areas of the State which—

(A) for the purposes of determining the need for Wireless Deployment Grants under subsection (c), the State considers to have the greatest priority for—

(i) wireless voice service in unserved areas; and

(ii) advanced wireless broadband service in underserved areas; and

(B) for the purposes of determining the need for Broadband Deployment Grants under subsection (d), the State considers to have the greatest priority for—

(i) basic broadband service in unserved areas; and

(ii) advanced broadband service in underserved areas.

(2) LIMITATION.—The unserved and underserved areas identified by a State in the report required by this subsection shall not represent, in the aggregate, more than 20 percent of the population of such State.

(c) WIRELESS DEPLOYMENT GRANTS.—

(1) AUTHORIZED ACTIVITY.—The NTIA shall award Wireless Deployment Grants in accordance with this subsection from amounts authorized for Wireless Deployment Grants by this subtitle to eligible entities to deploy necessary infrastructure for the provision of wireless voice service or advanced wireless broadband service to end users in designated areas.

(2) GRANT DISTRIBUTION.—The NTIA shall seek to distribute grants, to the extent possible, so that 25 percent of the grants awarded under this subsection shall be awarded to eligible entities for providing wireless voice service to unserved areas and 75 percent of grants awarded under this subsection shall be awarded to eligible entities for providing advanced wireless broadband service to underserved areas.

(d) BROADBAND DEPLOYMENT GRANTS.—

(1) AUTHORIZED ACTIVITY.—The NTIA shall award Broadband Deployment Grants in accordance with this subsection from amounts authorized for Broadband Deployment Grants by this subtitle to eligible entities to deploy necessary infrastructure for the provision of basic broadband service or advanced broadband service to end users in designated areas.

(2) GRANT DISTRIBUTION.—The NTIA shall seek to distribute grants, to the extent possible, so that 25 percent of the grants awarded under this subsection shall be awarded to eligible entities for providing basic broadband service to unserved areas and 75 percent of grants awarded under this subsection shall be awarded to eligible entities for providing advanced broadband service to underserved areas.

(e) GRANT REQUIREMENTS.—The NTIA shall—

(1) adopt rules to protect against unjust enrichment; and

(2) ensure that grant recipients—

(A) meet buildout requirements;

(B) maximize use of the supported infrastructure by the public;

(C) operate basic and advanced broadband service networks on an open access basis;

(D) operate advanced wireless broadband service on a wireless open access basis; and

(E) adhere to the principles contained in the Federal Communications Commission's broadband policy statement (FCC 05–151, adopted August 5, 2005).

(f) APPLICATIONS.—

(1) SUBMISSION.—To be considered for a grant awarded under subsection (c) or (d), an eligible entity shall submit to the NTIA an application at such time, in such manner, and containing such information and assurances as the NTIA may require. Such an application shall include—

(A) a cost-study estimate for serving the particular geographic area to be served by the entity;

(B) a proposed build-out schedule to residential households and small businesses in the area;

(C) for applicants for Wireless Deployment Grants under subsection (c), a build-out schedule for geographic coverage of such areas; and

(D) any other requirements the NTIA deems necessary.

(2) SELECTION.—

(A) NOTIFICATION.—The NTIA shall notify each eligible entity that has submitted a complete application whether the entity has been approved or denied for a grant under this section in a timely fashion.

(B) GRANT DISTRIBUTION CONSIDERATIONS.—In awarding grants under this section, the NTIA shall, to the extent practical—

(i) award not less than one grant in each State;

(ii) give substantial weight to whether an application is from an eligible entity to deploy infrastructure in an area that is an area—

(I) identified by a State in a report submitted under subsection (b); or

(II) in which the NTIA determines there will be a significant amount of public safety or emergency response use of the infrastructure;

(iii) consider whether an application from an eligible entity to deploy infrastructure in an area—

(I) will, if approved, increase the affordability of, or subscribership to, service to the greatest population of underserved users in the area;

(II) will, if approved, enhance service for health care delivery, education, or children to the greatest population of underserved users in the area;

(III) contains concrete plans for enhancing computer ownership or computer literacy in the area;

(IV) is from a recipient of more than 20 percent matching grants from State, local, or private entities for service in the area and the extent of such commitment;

(V) will, if approved, result in unjust enrichment because the eligible entity has applied for, or intends to apply for, support for the non-recurring costs through another Federal program for service in the area; and

(VI) will, if approved, significantly improve interoperable broadband communications systems available for use by public safety and emergency response; and

(iv) consider whether the eligible entity is a socially and economically disadvantaged small business concern, as defined under section 8(a) of the Small Business Act (15 U.S.C. 637).

(g) COORDINATION AND CONSULTATION.—The NTIA shall coordinate with the Federal Communications Commission and shall consult with other appropriate Federal agencies in implementing this section.

(h) REPORT REQUIRED.—The NTIA shall submit an annual report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate for 5 years assessing the impact of the grants funded under this section on the basis of the objectives and criteria described in subsection (f)(2)(B)(iii).

(i) RULEMAKING AUTHORITY.—The NTIA shall have the authority to prescribe such rules as necessary to carry out the purposes of this section.

(j) DEFINITIONS.—For the purpose of this section—

(1) the term ''advanced broadband service'' means a service delivering data to the end user transmitted at a speed of at least 45 megabits per second downstream and at least 15 megabits per second upstream;

(2) the term ''advanced wireless broadband service'' means a wireless service delivering to the end user data transmitted at a speed of at least 3 megabits per second downstream and at least 1 megabit per second upstream over an end-to-end internet protocol wireless network;

(3) the term ''basic broadband service'' means a service delivering data to the end user transmitted at a speed of at least 5 megabits per second downstream and at least 1 megabit per second upstream;

(4) the term ''eligible entity'' means—

(A) a provider of wireless voice service, advanced wireless broadband service, basic broadband service, or advanced broadband

service, including a satellite carrier that provides any such service;

(B) a State or unit of local government, or agency or instrumentality thereof, that is or intends to be a provider of any such service; and

(C) any other entity, including construction companies, tower companies, backhaul companies, or other service providers, that the NTIA authorizes by rule to participate in the programs under this section, if such other entity is required to provide access to the supported infrastructure on a neutral, reasonable basis to maximize use;

(5) the term ''interoperable broadband communications systems'' means communications systems which enable public safety agencies to share information among local, State, Federal, and tribal public safety agencies in the same area using voice or data signals via advanced wireless broadband service;

(6) the term ''open access'' shall be defined by the Federal Communications Commission not later than 45 days after the date of enactment of this section;

(7) the term ''State'' includes the District of Columbia and the territories and possessions;

(8) the term ''underserved area'' shall be defined by the Federal Communications Commission not later than 45 days after the date of enactment of this section;

(9) the term ''unserved area'' shall be defined by the Federal Communications Commission not later than 45 days after the date of enactment of this section;

(10) the term ''wireless open access'' shall be defined by the Federal Communications Commission not later than 45 days after the date of enactment of this section; and

(11) the term ''wireless voice service'' means the provision of two-way, real-time, voice communications using a mobile service.

(k) REVIEW OF DEFINITIONS.—Not later than 3 months after the date the NTIA makes a broadband inventory map of the United States accessible to the public pursuant to section 6001(b), the Federal Communications Commission shall review the definitions of ''underserved area'' and ''unserved area'', as defined by the Commission within 45 days after the date of enactment of this Act (as required by paragraphs (8) and (9) of subsection (j)), and shall revise such definitions based on the data used by the NTIA to develop and maintain such map.

SEC. 6003. NATIONAL BROADBAND PLAN.

(a) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this section, the Federal Communications Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report containing a national broadband plan.

(b) CONTENTS OF PLAN.—The national broadband plan required by this section shall seek to ensure that all people of the United States have access to broadband capability and shall establish benchmarks for meeting that goal. The plan shall also include—

(1) an analysis of the most effective and efficient mechanisms for ensuring broadband access by all people of the United States;

(2) a detailed strategy for achieving affordability of such service and maximum utilization of broadband infrastructure and service by the public; and

(3) a plan for use of broadband infrastructure and services in advancing consumer welfare, civic participation, public safety and homeland security, community development, health care delivery, energy independence and efficiency, education, worker training, private sector investment, entrepreneurial activity, job creation and economic growth, and other national purposes.

TITLE VII—ENERGY

SEC. 7001. TECHNICAL CORRECTIONS TO THE ENERGY INDEPENDENCE AND SECURITY ACT OF 2007.

(a) Section 543(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17153(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by striking paragraph (1) and inserting the following:

''(1) 34 percent to eligible units of local government–alternative 1, in accordance with subsection (b);

''(2) 34 percent to eligible units of local government–alternative 2, in accordance with subsection (b);''.

(b) Section 543(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17153(b)) is amended by striking ''subsection (a)(1)'' and inserting ''subsection (a)(1) or (2)''.

(c) Section 548(a)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17158(a)(1)) is amending by striking ''; provided'' and all that follows through ''541(3)(B)''.

SEC. 7002. AMENDMENTS TO TITLE XIII OF THE ENERGY INDEPENDENCE AND SECURITY ACT OF 2007.

Title XIII of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381 and following) is amended as follows:

(1) By amending subparagraph (A) of section 1304(b)(3) to read as follows:

''(A) IN GENERAL.—In carrying out the initiative, the Secretary shall provide financial support to smart grid demonstration projects in urban, suburban, and rural areas, including areas where electric system assets are controlled by tax-exempt entities and areas where electric system assets are controlled by investor-owned utilities.''.

(2) By amending subparagraph (C) of section 1304(b)(3) to read as follows:

''(C) FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—The Secretary shall provide to an electric utility described in subparagraph (B) or to other parties financial assistance for use in paying an amount equal to not more than 50 percent of the cost of qualifying advanced grid technology investments made by the electric utility or other party to carry out a demonstration project.''.

(3) By inserting after section 1304(b)(3)(D) the following new subparagraphs:

''(E) AVAILABILITY OF DATA.—The Secretary shall establish and maintain a smart grid information clearinghouse in a timely manner which will make data from smart grid demonstration projects and other sources available to the public. As a condition of receiving financial assistance under this subsection, a utility or other participant in a smart grid demonstration project shall provide such information as the Secretary may require to become available through the smart grid information clearinghouse in the form and within the timeframes as directed by the Secretary. The Secretary shall assure that business proprietary information and individual customer information is not included in the information made available through the clearinghouse.

''(F) OPEN INTERNET-BASED PROTOCOLS AND STANDARDS.—The Secretary shall require as a condition of receiving funding under this subsection that demonstration projects utilize open Internet-based protocols and standards if available.''.

(4) By amending paragraph (2) of section 1304(c) to read as follows:

''(2) to carry out subsection (b), such sums as may be necessary.''.

(5) By amending subsection (a) of section 1306 by striking ''reimbursement of one-fifth (20 percent)'' and inserting ''grants of up to one-half (50 percent)''.

(6) By striking the last sentence of subsection (b)(9) of section 1306.

(7) By striking ''are eligible for'' in subsection (c)(1) of section 1306 and inserting ''utilize''.

(8) By amending subsection (e) of section 1306 to read as follows:

''(e) PROCEDURES AND RULES.—The Secretary shall—

''(1) establish within 60 days after the enactment of the American Recovery and Reinvestment Act of 2009 procedures by which applicants can obtain grants of not more than one-half of their documented costs;

''(2) require as a condition of receiving a grant under this section that grant recipients utilize open Internet-based protocols and standards if available;

''(3) establish procedures to ensure that there is no duplication or multiple payment or recovery for the same investment or costs, that the grant goes to the party making the actual expenditures for qualifying smart grid investments, and that the grants made have significant effect in encouraging and facilitating the development of a smart grid;

''(4) maintain public records of grants made, recipients, and qualifying smart grid investments which have received grants;

''(5) establish procedures to provide advance payment of moneys up to the full amount of the grant award; and

''(6) have and exercise the discretion to deny grants for investments that do not qualify in the reasonable judgment of the Secretary.''.

SEC. 7003. RENEWABLE ENERGY AND ELECTRIC POWER TRANSMISSION LOAN GUARANTEE PROGRAM.

(a) AMENDMENT.—Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by adding the following at the end:

''SEC. 1705. TEMPORARY PROGRAM FOR RAPID DEPLOYMENT OF RENEWABLE ENERGY AND ELECTRIC POWER TRANSMISSION PROJECTS.

''(a) IN GENERAL.—Notwithstanding section 1703, the Secretary may make guarantees under this section only for commercial technology projects under subsection (b) that will commence construction not later than September 30, 2011.

''(b) CATEGORIES.—Projects from only the following categories shall be eligible for support under this section:

''(1) Renewable energy systems, including incremental hydropower, that generate electricity.

''(2) Electric power transmission systems, including upgrading and reconductoring projects.

''(3) Leading edge biofuel projects that will use technologies performing at the pilot or demonstration scale that the Secretary determines are likely to become commercial technologies and will produce transportation fuels that substantially reduce life-cycle greenhouse gas emissions compared to other transportation fuels.

''(c) FACTORS RELATING TO ELECTRIC POWER TRANSMISSION SYSTEMS.—In determining to make guarantees to projects described in subsection (b)(2), the Secretary shall consider the following factors:

''(1) The viability of the project without guarantees.

''(2) The availability of other Federal and State incentives.

''(3) The importance of the project in meeting reliability needs.

''(4) The effect of the project in meeting a State or region's environment (including climate change) and energy goals.

''(d) WAGE RATE REQUIREMENTS.—The Secretary shall require that each recipient of support under this section provide reasonable assurance that all laborers and mechanics employed in the performance of the project for which the assistance is provided, including those employed by contractors or subcontractors, will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the 'Davis-Bacon Act').

''(e) LIMITATION.—Funding under this section for projects described in subsection (b)(3) shall not exceed $500,000,000.

''(f) SUNSET.—The authority to enter into guarantees under this section shall expire on September 30, 2011.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents for the Energy Policy Act of 2005 is amended by inserting after the item relating to section 1704 the following new item:

''Sec. 1705. Temporary program for rapid deployment of renewable energy and electric power transmission projects.''.

SEC. 7004. WEATHERIZATION ASSISTANCE PROGRAM AMENDMENTS.

(a) INCOME LEVEL.—Section 412(7) of the Energy Conservation and Production Act (42 U.S.C. 6862(7)) is amended by striking ''150 percent'' both places it appears and inserting ''200 percent''.

(b) ASSISTANCE LEVEL PER DWELLING UNIT.— Section 415(c)(1) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)(1)) is amended by striking ''$2,500'' and inserting ''$5,000''.

(c) EFFECTIVE USE OF FUNDS.—In providing funds made available by this Act for the Weatherization Assistance Program, the Secretary may encourage States to give priority to using such funds for the most cost-effective efficiency activities, which may include insulation of attics, if, in the Secretary's view, such use of funds would increase the effectiveness of the program.

SEC. 7005. RENEWABLE ELECTRICITY TRANSMISSION STUDY.

In completing the 2009 National Electric Transmission Congestion Study, the Secretary of Energy shall include—

(1) an analysis of the significant potential sources of renewable energy that are constrained in accessing appropriate market areas by lack of adequate transmission capacity;

(2) an analysis of the reasons for failure to develop the adequate transmission capacity;

(3) recommendations for achieving adequate transmission capacity;

(4) an analysis of the extent to which legal challenges filed at the State and Federal level are delaying the construction of transmission necessary to access renewable energy; and

(5) an explanation of assumptions and projections made in the Study, including—

(A) assumptions and projections relating to energy efficiency improvements in each load center;

(B) assumptions and projections regarding the location and type of projected new generation capacity; and

(C) assumptions and projections regarding projected deployment of distributed generation infrastructure.

SEC. 7006. ADDITIONAL STATE ENERGY GRANTS.

(a) IN GENERAL.—Amounts appropriated in paragraph (6) under the heading ''Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy'' in title V of division A of this Act shall be available to the Secretary of Energy for making additional grants under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.). The Secretary shall make grants under this section in excess of the base allocation established for a State under regulations issued pursuant to the authorization provided in section 365(f) of such Act only if the governor of the recipient State notifies the Secretary of Energy that the governor will seek, to the extent of his or her authority, to ensure that each of the following will occur:

(1) The applicable State regulatory authority will implement the following regulatory policies for each electric and gas utility with respect to which the State regulatory authority has ratemaking authority:

(A) Policies that ensure that a utility's recovery of prudent fixed costs of service is timely and independent of its retail sales, without in the process shifting prudent costs from variable to fixed charges. This cost shifting constraint shall not apply to rate designs adopted prior to the date of enactment of this Act.

(B) Cost recovery for prudent investments by utilities in energy efficiency.

(C) An earnings opportunity for utilities associated with cost-effective energy efficiency savings.

(2) The State, or the applicable units of local government that have authority to adopt building codes, will implement the following:

(A) A building energy code (or codes) for residential buildings that meets or exceeds the most recently published International Energy Conservation Code, or achieves equivalent or greater energy savings.

(B) A building energy code (or codes) for commercial buildings throughout the State that meets or exceeds the ANSI/ASHRAE/IESNA Standard 90.1–2007, or achieves equivalent or greater energy savings.

(C) A plan for the jurisdiction achieving compliance with the building energy code or codes described in subparagraphs (A) and (B) within 8 years of the date of enactment of this Act in at least 90 percent of new and renovated residential and commercial building space. Such plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(3) The State will to the extent practicable prioritize the grants toward funding energy efficiency and renewable energy programs, including—

(A) the expansion of existing energy efficiency programs approved by the State or the appropriate regulatory authority, including energy efficiency retrofits of buildings and industrial facilities, that are funded—

(i) by the State; or

(ii) through rates under the oversight of the applicable regulatory authority, to the extent applicable;

(B) the expansion of existing programs, approved by the State or the appropriate regulatory authority, to support renewable energy projects and deployment activities, including programs operated by entities which have the authority and capability to manage and distribute grants, loans, performance incentives, and other forms of financial assistance; and

(C) cooperation and joint activities between States to advance more efficient and effective use of this funding to support the priorities described in this paragraph.

(b) STATE MATCH.—The State cost share requirement under the item relating to ''DEPARTMENT OF ENERGY; energy conservation'' in title II of the Department of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6323a; 98 Stat. 1861) shall not apply to assistance provided under this section.

(c) EQUIPMENT AND MATERIALS FOR ENERGY EFFICIENCY MEASURES.—No limitation on the percentage of funding that may be used for the purchase and installation of equipment and materials for energy efficiency measures under grants provided under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) shall apply to assistance provided under this section.

SEC. 7007. INAPPLICABILITY OF LIMITATION.

The limitations in section 399A(f)(2), (3), and (4) of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1(f)(2), (3), and (4)) shall not apply to grants funded with appropriations provided by this Act, except that such grant funds shall be available for not more than an amount equal to 80 percent of the costs of the project for which the grant is provided.

The CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 111–9.

Mr. OBERSTAR. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBERSTAR:

Page 207, line 21, strike ''120 days'' and insert ''90 days''.

Page 209, line 7, strike ''120 days'' and insert ''90 days''.

Page 210, line 9, strike ''180 days'' and insert ''90 days''.

Page 210, lines 20 and 21, strike ''150 days'' and insert ''75 days''.

Page 211, line 25, strike ''180 days'' and insert ''90 days''.

Page 214, line 2, strike ''180 days'' and insert ''90 days''.

Page 215, line 7, strike ''180 days'' and insert ''90 days''.

Page 216, line 8, strike ''120 days'' and insert ''90 days''.

Page 216, line 13, strike ''120 days'' and insert ''90 days''.

The CHAIR. Pursuant to House Resolution 92, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. I yield myself 3 minutes.

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. This amendment will shorten the time that States, cities, transit agencies, and aviation authorities have to obligate 50 percent of the highway transit and aviation funds provided under this Recovery Act to 90 days from the proposed 180 days.

I have had extensive consultations over the past 5 months with State and local officials about creating jobs by June to show that we can deliver economic recovery to this country. Transit agencies and State Departments of Transportation have for years said, Give us the money. We have the jobs. We need to get things going. So here is your opportunity. They have said, We can deliver.

There are 1,400,000 construction workers out of work. And I will say that when Bud Shuster—and he was chairman of the committee at the time in 1998—we moved the T–21 bill and we had 3 million new construction jobs as a result of that legislation. We can do that again. There's 15 percent unemployment in the construction trades across the country.

At a recent hearing, Carole Brown, Chair of the Chicago Transit Authority, testified that they have an unfunded deferred maintenance backlog of $5 billion, $500 million of which can be obligated within 90 days. She said, ''If you write me a check today, I will be spending the check tomorrow.''

Governor Doyle of Wisconsin said, ''There is not going to be any barrier on getting this thing done immediately. I think any Governor would have a pretty hard explanation about why the State next door or the other State is actually using the money while they are losing the money.'' He said further, ''We are looking at what we can put out to bid before the actual grant is in hand.''

California. The Commissioner of California, Will Kempton, on the conference call and again today in our committee hearing on rail issues, said, Not only do we have contractor capacity, we have well over 100,000 building trades craftsmen out of work. We are getting eight to nine bids per contract, and they are coming in at 25 percent below engineering estimates. We're getting a good deal. We can deliver. The contractors are ready, he said. The contractor community is prepared.

Transit options. Transit systems have options to buy 10,000 buses, $5 billion worth. Options for more than 1,000 rail vehicles, valued at $2 billion. They can be exercised in weeks, not months. Weeks. We heard today from the Rail Car Institute that they are down 50 percent in orders. Even of those that were on backlog, they are down 50 percent because of the recession in the rail sector.

We need this stimulus. We can put these to work.

I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I do not intend to oppose the gentleman's amendment.

The CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. LEWIS of California. I yield 2 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. I rise in strong support of the Oberstar amendment. This is a very simple amendment to understand. Chairman OBERSTAR and I have worked, as he said, we have worked together since last fall to create a stimulus package of infrastructure projects that are ready to go and in which we can employ people as soon as possible. That is the objective of Oberstar amendment.

We need to pass this amendment because we are not interested in funding projects or providing a stimulus package and not have the money into our States and our communities to build that infrastructure that will be real and not employ people.

This stimulus package is all about employing people. Whether it's Minneapolis, the great State of Minnesota, which Mr. OBERSTAR represents, or my State, look at the statistics. Look at the newspapers and the people who are losing their jobs. We need to get this money out as soon as possible so people who want to work, have a choice of work, have that opportunity.

This amendment, the Oberstar amendment, puts that money out there and it employs people immediately. No games played in this. This is not a bail-out-to-financial-institution fiasco. This is putting people to work now that are crying out for jobs and stimulating our economy.

I am pleased to rise in support. I have been pleased to join with Mr. OBERSTAR, who's been doing everything possible to get jobs and our infrastructure and our economy moving forward.

Mr. OBERSTAR. I yield myself 10 seconds, and thank the gentleman from Florida for his thoughtful remarks and for the participation and cooperation we have had. In our committee, there are no Republican roads or Democratic bridges; they are all American roads and all American bridges. And we work together.

I yield 1 minute to the distinguished Chair of the Surface Subcommittee, the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. The needs are great. There are many projects on the shelf. We heard from the President's hometown, the head of the Transit Authority, $500 million on the shelf. Bus options. Ready to go. They need the money. Critical repairs. Ready to go. Engineering work done. They just need the money.

Under the original proposal of this bill, they would have only got less than half that. Now we get them closer to the $500 million. We are still not there. This is a good start. And if there's any transit director or any airport director or any Department of Transportation head or Governor across the country who can't find worthwhile investments to put people to work for these projects, given our transportation infrastructure deficits, then they will be looking for a job in the near future because that money will go to another State, another transit district, another airport that can spend it productively and put people to work and meet America's transportation infrastructure needs.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to my colleague from the Appropriations Committee, the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the ranking member. I rise in opposition to the gentleman's amendment. This is an issue that we have dealt with in the full committee markup. I believe Chairman OLVER, wisely, slightly extended the time by States to make these investments in transportation investment. And now we're debating an amendment to make that timeframe even shorter than before.

The CBO, Congressional Budget Office, has scored this amendment and said this amendment will not make a lick of difference as to how quickly these funds will spend out. Instead, we are asking our States to make hurried judgments. Haste sometimes make waste. We should expect our States to make wise decisions, and for that they could use a little more time.

I urge a ''no'' vote.

Mr. OBERSTAR. May I inquire if the gentleman from California has other speakers?

Mr. LEWIS of California. I have no additional speakers. I yield back the balance of my time.

Mr. OBERSTAR. I yield myself such time as I may consume to respond to the gentleman from Iowa, if I may have the gentleman's attention.

I have been on the phone—CBO has not—with the Commissioners of Transportation from the principal States and from the Association of Transportation officials. They have committed to have projects obligated or under contract in 90 days for the first $15 billion of this funding, and the next $15 billion in 180 days.

Our committee is going to hold oversight hearings. Every 30 days we are going to hold the feet to their fire and a blow torch to their bottom side to make sure that they deliver jobs in the timeframe that they have said they can do.

So every State is going to be on call, on notice. This is a dress rehearsal for the next authorization. If we can't deliver jobs in this context, how are they going to do it in the next 6-year authorization bill?

The CBO has very conservatively scored on the basis of previous history, not on the basis of the real world that we live in, that I have insisted on.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MARKEY OF MASSACHUSETTS

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 111–9.

Mr. MARKEY of Massachusetts. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MARKEY of Massachusetts:

Page 637, lines 10 through 15, amend subparagraph (F) to read as follows:

''(F) OPEN PROTOCOLS AND STANDARDS.—The Secretary shall require as a condition of receiving funding under this subsection that demonstration projects utilize Internet-based or other open protocols and standards if available and appropriate.''.

Page 638, lines 12 through 14, amend paragraph (2) to read as follows:

''(2) require as a condition of receiving a grant under this section that grant recipients utilize Internet-based or other open protocols and standards if available and appropriate;

The CHAIR. Pursuant to House Resolution 92, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY of Massachusetts. I offer this technical amendment to clarify language that was adopted by the Energy and Commerce Committee concerning the grant program for smart grids. This language is supported by companies across energy and technology industries, from Duke Energy to General Electric to Google.

The underlying bill directs the Department of Energy to make grants for programs that support new technologies that can help Americans use energy more wisely and more efficiently. One provision in the bill requires the Secretary to ensure that the funds are used to promote innovation in the dynamic smart grid area.

The purpose of this amendment is simply to clarify that any sort of open protocol should be supported. Some industry participants were concerned that the language adopted by the committee would have been restricted to just Internet protocol technology. This amendment makes clear that any open protocol will be eligible for funding in order to not preclude future innovation.

This provision has support from leading companies who see our energy future shaped as much by information technology as by horsepower. This provision has won support from leading electric companies, and I have already made reference earlier to Duke and to General Electric and to Google. But those are representative companies of the wide range of corporate support for this open protocol approach.

I reserve the balance of my time.

Mr. LEWIS of California. I claim the time in opposition. I have no speakers in opposition.

I yield back the balance of my time.

Mr. MARKEY of Massachusetts. Mr. Chairman, I yield back the balance of my time, and I move that the amendment be adopted.

The CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. SHUSTER

The CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 111–9.

Mr. SHUSTER. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. SHUSTER:

Page 230, beginning on line 22, strike ''the date of enactment of this Act'' and insert ''October 1, 2008''.

In section 12001 of division A of the bill—

(1) redesignate subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) insert after subsection (a) the following:

(b) FAILURE TO MAINTAIN EFFORT.—If a Governor is unable to certify that Federal funds will not supplant non-Federal funds pursuant to subsection (a), then the Federal funds apportioned to that State under this Act that will supplant non-Federal funds will be recaptured by the appropriate Federal agency and redistributed to States or agencies that can spend the Federal funds without supplanting non-Federal funds.

The CHAIR. Pursuant to House Resolution 92, the gentleman from Pennsylvania (Mr. SHUSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

□ 1415

Mr. SHUSTER. My amendment is a very simple amendment, a straightforward amendment. And it states that if a governor is unable to certify Federal funds will not supplant non-Federal funds pursuant to the subsection, then the Federal funds apportioned to that State under this act that will supplant non-Federal funds will be recaptured by the appropriate Federal agency and redistributed to States or agencies that can spend the Federal funds without supplanting non-Federal funds.

What this means is that the stimulus moves money out to the States. We want to make certain that there are no games played at the State level with the budgets. For example, if a State budgets $1 billion for highway spending and they are to receive $1 billion from the Federal Government, that they can't move that money around, reduce what they have budgeted for their funding of the highway projects and transportation projects in that State.

I think that is important to put in here to put some teeth in the stimulus bill so that those types of things don't happen, so that we get the full effect, the full impact of the stimulus if it moves forward through the House and the Senate and we have a law that, as I said, will have the full impact of those dollars in the transportation arena in those States that will in fact create jobs. That is the basis of this amendment.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I rise to claim the time though I am not in opposition to the amendment.

The CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. I yield myself 1 minute to commend the gentleman from Pennsylvania for the amendment that he offers, in the spirit of our committee, to make even more firm our intention that the funds from our committee be stimulus, be in place to create additional jobs, not supplant money that States had already planned to use for highway projects, transit projects, aviation projects, but to ensure that the jobs created are additional jobs in this economy. We want them to continue with their program of projects planned for the current fiscal year, but that this recovery money be supplemental to, in addition to, and to clean up the backlog that States have for months and years have complained to us—by ''us'' I mean on our committee—that they need all this additional money.

Mr. LEWIS of California. Will the gentleman yield?

Mr. OBERSTAR. I yield to the distinguished gentleman from California.

Mr. LEWIS of California. I appreciate my friend yielding.

The CHAIR. The time of the gentleman has expired.

Mr. OBERSTAR. I yield myself an additional 1 minute to yield to the gentleman.

Mr. LEWIS of California. I thank the gentleman.

The gentleman and I have worked together for many, many years, and I learned much of his business at his feet in the then-Public Works Committee years ago. And the language in this amendment does stimulate the process and we think will help us try to stimulate the economy; so I appreciate very much the work of my chairman as well as my colleague.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman of the Transportation Committee for his kindness and his leadership.

I don't rise in opposition to Mr. SHUSTER's amendment, but to reaffirm it, because of I think the importance of the amendment, and to thank this body for supporting the amendment previously passed by Mr. OBERSTAR that gives us a framework of shortened time to make sure we do get out jobs. All of the economists suggest that we are job hungry, and certainly Mark Zandi indicates that 4 million jobs will be created.

I specifically want to, as I look at the legislation and the amendment of Mr. SHUSTER who comments on highway maintenance, I think that is vital. I want to reemphasize that transit projects that can be considered new starts would fall appropriately under this economic stimulus, create jobs such as the Metro Solutions project, provide $30 million to Texas on rail, if you will, support. And as the Nadler amendment is coming forward, I support the $3 billion that is going to

come forward to increase the amount of money for transit projects.

But the key element of I think what we are doing today is to create jobs. New starts in transit should be considered part of creating those jobs. Specifically the Metro Solutions project I believe will fall in that category and create the kind of engine and jobs that we want.

Let me finally say that I think it is important that I note no bar under certain funding in this stimulus package that would disallow work on inner city or urban parks. That too creates jobs, along with the work incentive and summer youth training program. I hope all of this together will combine to respond to the President's cry creating 4 million jobs.

So I certainly do not oppose this amendment, and I hope the framework does include broadly a lot of the projects that are going to be put forward helping our States and creating jobs.

Thank you Mr. Chair, for affording me this opportunity to address H.R. 1, the "American Recovery and Reinvestment Act of 2009." I believe H.R. 1 can be supported by every member of the House.

I believe that H.R. 1 can be supported by every member of the House. I am hopeful that my colleagues will be mindful of the words of our President, Barack Obama, and pass this important and much needed legislation without further delay.

Mr. Chair, just yesterday the Associated Press reported that tens of thousands of Americans will be losing their jobs. This news was on top of the 2.6 million jobs lost last year under the old Bush Administration. Some of the biggest names in industry have announced lay offs yesterday, from Sprint Nextel, Caterpillar, Home Depot, to GM, all of these companies have announced thousands of lay offs.

Experts believe that without intervention, unemployment will rise to 8.8 percent, the highest since 1983, and it is reported that the worst business conditions in greater than twenty years will exist.

The American Recovery and Reinvestment Act will result in infusing greater than $850 billion into America's ailing economy. With this economic recovery plan, there will be 4 million more jobs and an unemployment rate that will be two percentage points lower by the end of 2010. This is important because the nation is facing tough economic times. It was estimated that the State of Texas had an unemployment rate of 6.0%. While this rate is below the national average, it is a high rate and is a signal that something must done to help America and the Texas economy recover. H.R. 1 provides such hope to America.

H.R. 1 provides for unprecedented accountability and transparency measures that are built into the legislation to help ensure that tax dollars are spend wisely. $550 billion is strategically targeted to priority investments; $275 billion in targeted tax cuts will also help spur economic recovery. All of these laudable aims are achieved without earmarks. This Act represents the culmination of priorities shared with the new Obama Administration and is sure to help America's economy in the longterm.

AMENDMENTS

While the House Rules Committee met last night, the Committee determined not allow an open rule despite my vociferous arguments to the contrary. Nevertheless, if there was an open rule, I would have offered the following four amendments to H.R. 1.

Amendment #1

First, I would have offered several amendments that specifically addressed the issue of funding for parklands, either rural or urban in the bill. I would have made clear that the funding in the bill in Title VIII does not preclude the use of the funding "for the restoration, creation, or maintenance of local and community parks, including urban and rural parks."

The inclusion of such language would make imminently clear the Congress's intent to work on green spaces and the creation of green jobs in a new America. This is a priority already articulated by the present Obama Administration.

I am pleased that there is no limitation on the use of the funds appropriated under this bill for use in urban parklands in Title VII. My language would have made the obligations express.

Amendment #2

Second, I would have offered an amendment that allowed local parks and recreation facilities to provided with $125 million for construction, improvements, repair or replacement of facilities related to the revitalization of state and local parks and recreation facilities under the Land and Water Conservation Act Stateside Assistance Program, as amended (16 U.S.C. 4601(4)–(11)) except that such funds shall not be subject to the matching requirements in section 4601–89(c) of that Act:

URBAN PARKS

For construction, improvements, repair, or replacement of facilities related to the revitalization of urban parks and recreation facilities, $100 million is made available under the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), except that such funds shall not be subject to the matching requirements in section 2505(a) of the Act: Provided that the amount set aside from this appropriation pursuant to section 1106 of this Act shall not be more than 5 percent instead of the percentage specified in such section and such funds are to remain available until expended. Cities countries meeting this criterion would have to include the required distress factors as part of their applications for funding.

I am pleased that Title VII does not preclude the use of funding for local, community, and urban parks. My language would have made the obligation express. I am also pleased to learn that funding for the local, community, and urban parks can be funded through the community block grants that have been authorized under this bill.

Parks are important to urban meccas like the City of Houston. Too often those living in the inner cities are deprived of grass and parklands, my amendments and the provision for the development of such parks in this bill would lead to the greening of urban cities.

Mr. Chairman, as many Americans are painfully aware, hundreds of state and local parks and recreational facilities are in disrepair in communities across America due to budget cutbacks and the lack of federal funding during the past eight years. In 2001, LWCF received $144 million in federal funds, but by 2006 it had been slashed to a mere $25 million. Unfortunately, funding for Land and Water Conservation Fund Stateside Assistance Program (LWCF) remained at this level for FY07 and FY08. In the state of Texas alone, the unmet need for LWCF is more than $139 million. Similarly, the Urban Park Recreation Recovery program (UPARR) has not been funded since FY 2002 when it received $28.9 million.

Historically, LWCF and UPARR funds have supported tens of thousands of state and local projects with a long track record of supporting afterschool programs, enhancing environmental conservation and education, helping to curb obesity, and contributing to economic vitality. Not funding these programs seriously undermines local educational and athletic programs, the availability of indoor and outdoor recreational activities, and overall quality of life in communities.

Mr. Chairman, communities need the services provided by state and local park and recreation agencies, but these agencies are in desperate need of repair. Hundreds of communities have thousands of capital construction and maintenance projects that are ready to commence pending matching federal funding. These projects such as new roofs for community centers, irrigation systems for sport fields, repairs to bring facilities into ADA compliance, and electrical upgrades to park and recreation facilities would allow communities to preserve, rehabilitate and maintain already existing infrastructure that provides numerous recreational opportunities for citizens. Many of these projects are especially suitable for small or minority businesses and contractors.

State and local park and recreation agencies do more than provide a place for children to play. They are woven into the fabric of each and every community across this nation. Local park and recreation agencies are the largest public provider of after school programs; these agencies work collaboratively with military bases to provide therapeutic recreation services to rehabilitate our soldiers who have been wounded in battle; they improve the quality of life and the functionality of our children who have autism through numerous programs and services and provide so many other essential community services. Additionally, state and local park and recreation agencies serve to protect our environment and promote environmental stewardship. LWCF and UPARR grants have funded projects that contribute to reduced stormwater runoff, enhanced groundwater recharge, pollutant reductions, urban heat island mitigation, and reduced energy demands.

Our nation has a long history of investing in park restoration and construction as a way to create jobs and revitalize the economy. President Franklin Roosevelt created the Citizens Conservation Council (CCC) to build and fix up America's parks as a key component of his strategy to put people back to work during the Great Depression.

Amendment #3

The third amendment that I would have offered would have extended the special rule regarding contracting under this bill to all sections of the bill. The special rule on contracting would provide that for each local agency that received a grant or money under this Act shall ensure, if the agency carries out modernization, renovation, or repair through a contract, the process for any such contract ensures the maximum number of qualified bidders, including local, small, minority, women- and veteran-owned businesses, through full and open competition.

This amendment is important because it ensures that qualified bidders, including local, small, minority, women- and veteran-owned businesses, participate in the process through full and open competition. This would definitely create jobs and help these communities.

Amendment #4

A fourth amendment that I would have offered would have conditioned the release of monies to the Department of Justice to prevent prosecutorial misconduct. Specifically, the language would have prevented the release of money to the Department of Justice unless the State did not fund any antidrug task forces for that fiscal year or the State had in effect State laws that ensured that.

(A) a person is not convicted of a drug offense unless the fact that a drug offense was committed, and the fact that the person that committed that offense, are each supported by separate pieces of evidence other than the eyewitness testimony of a law enforcement officer or an individual acting on behalf of a law enforcement officer; and

(B) a law enforcement officer does not participate in an antidrug task force unless the honesty and integrity of that officer is evaluated and found to be at an appropriately high level.

While I did not formally offer these amendments, I believe that their goals are no less aspirational and that these are indeed good ideas that should be included.

Oberstar amendment
Amendment #1

Mr. Chairman, I support, and I urge my colleagues to support the amendment offered by Chairman OBERSTAR. Chairman OBERSTAR's amendment would amend the aviation, highway, rail, and transit priority consideration and ''use-it-or-lose-it'' provisions to require that 50 percent of the funds be obligated within 90 days. I support this amendment. This amendment would have great import for my District and America.

I have worked tirelessly to rebuild America's infrastructure as well as contributing to America's progress, America, and the creation of American jobs. I worked with Chairman OBEY to ensure that language be included within this legislation. Specifically, I worked to ensure that significant funding be allocated for ready to go transit projects. The New Start Transit Project in Houston, Texas is one such program. Funding for this project is critical for the regional mobility of citizens of the vast communities in and around the 18th Congressional District of Texas.

Cities around the country are struggling with a backlog of transportation projects and have been experiencing difficulty in securing federal, state, and local resources in light of the struggling economy. At the same time, we are facing growing unemployment, particularly in our cities.

Houston has $1.5 billion in transit projects that could be under contract within the 90 days use it or lose it provisions contained in Chairman OBERSTAR's amendment. Not only does Houston need this infrastructure to relieve congestion and provide adequate public transportation, but an investment in Houston's New Start Transit Project means jobs for my constituents through the transportation sector in our communities and around the nation.

I would urge my colleagues to support Chairman OBERSTAR's amendment that any monies appropriated under Title XII be used within 90 days or the use of such funding will be forfeited. This so-called ''Use or Lose It'' amendment addresses the issue of job creation and the necessity that the Nation must act fast. It is believed that with the inclusion of this language entities will act without delay for fear of forfeiting access to much needed funds. These monies are critical for the renovation and improvement of the Nation's transportation and infrastructure and must be expeditiously used to ignite our transportation system across the nation. This infusement of capital into the Nation's transportation and infrastructure will surely create jobs for Americans.

DeFazio/Nadler amendment

Mr. Chairman, I support the amendment offered by Representative DEFAZIO and Representative NADLER. This amendment would increase transit capital funding by $3 billion. This amendment is important to my District because it would provide more funds in the Ne Starts Program. This would be of benefit to the Houston METRO North and Southeast Light Rail Projects. Houston METRO already has environmental clearance and contractors ready to go to complete these projects. Indeed, these projects can be completed within the 90 day ''use or lose'' period.

Houston is undergoing a major capital improvement campaign and is endeavoring to modernize its highways and roads namely spending $70 million over the next several years to convert 83 miles of High Occupancy Vehicle (HOV) lanes to High Occupancy/Toll (HOT) lanes on Interstate 45, US 59, and US 290 in Metropolitan Houston. This project is ready to go and its funding will ensure that the roads and highways remain safe, accountable, and efficient. Because the HOV lanes on I–45, US 59, and US 290 offer a good deal of unused capacity, these roadways would be ideal for conversion to HOT lanes, for the twin purposes of managing Houston's traffic and raising revenue for Houston's transportation projects.

Mr. Chairman, given the exigency of the situation and the Nation's current economic crisis, I would urge this Committee and my colleagues to move this bill quickly to the floor and act without delay. The Nation is at a crossroads and is currently sitting in its nadir, as some pundits would argue, the Nation's economy needs to be infused with capital, critical infrastructure and development, and the American people need to be employed with real jobs. H.R. 1 does this. It creates the development of infrastructure, provides Americans with jobs, and tries to correct the economy. I am hopeful that this bill will help alleviate the economic woes this country faces.

These METRO projects have been planned and discussed for over 20 years, now these projects are ready to go within 90 days. All that these projects need is the capital to begin. If this bill, along with these amendments passed, Houston METRO projects can finally be started fulfilling plans that were twenty years in the making and fulfilling plans that I have labored long to bring to fruition.

EDUCATION

Harris County serves a combined total of 6,649 Head Start children per year. The poverty rate for Harris County's population under age 5 is higher than the national average at 28.7%. H.R. 1—The American Recovery & Reinvestment Act of 2009 will provide $1 Billion for Head Start and $1.1 Billion for Early Head Start—these Head Start monies will allow for new monies that can be used to address the disparity in funding for Harris County Head Start programs.

One key provision in the Recovery Plan is the Making Work Pay Credit, which provides a tax credit of $500 per worker for single workers earning up to $100,000 and married couples earning up to $200,000. Attached is a brief report and state-by-state table from the Center on Budget and Policy Priorities on the number of taxpayers that will benefit from this credit.

Also included in the Recovery Plan are provisions to invest in priorities like education that will jumpstart economic growth, such as $14 billion for School Modernization for K–12 schools to modernize and repair tens of thousands of schools and provide them with 21st century classrooms. In addition, provisions are included to help state and local governments avoid painful budget cuts in priorities like education, with investments such as additional funding for Title I and IDEA (Special Education).

H.R. 1 will provide $206 million for the Houston Independent School District (HISD) in 2009 and will provide nearly $300 million for the HISD in 2010. This is important to the City of Houston, because as the fourth largest city in the United States it deserves a first rate school system. Funding under H.R. 1 will allow HISD to revitalize and improve the quality of education for school age children in Houston.

ENERGY

Because Houston is the energy capitol of the world, it is important that this bill address the question of clean and renewable energy. Certainly, if America is to recover, it must reinvest in its energy. Energy is the life blood of this country.

H.R. 1 contains the following with respect to energy:

Smart Grid/Advanced Battery Technology/Energy Efficiency ($32 billion)

Transforms the nation's electricity systems through the Smart Grid Investment Program to modernize the electricity grid to make it more efficient and reliable. This will jumpstart smart grid demonstration projects in geographically diverse areas, increase federal matching grants for smart grid technology (20% to 50%) including Smart Meters'' that give consumer more choice in their energy consumption at home, and spur research and development. Build new power lines that can transmit clean, renewable energy from sources throughout the nation.

Creates temporary loan guarantees for up to $80 billion for renewable energy power generation and electric transmission projects that begin in the next two years. These would help ease credit constraints for renewable energy investors and spur new private sector investment over the next three years.

Supports U.S. development of advanced vehicle batteries and battery systems through loans and grants so that America can lead the world in transforming the way automobiles are powered. Also includes other initiatives to promote the use of alternative fuel vehicles by federal state and local governments.

Helps state and local governments make investments for innovative best practices to achieve greater energy efficiency and reduce energy usage, including building and home energy conservation programs, energy audits, fuel conservation programs, building retrofits, and ''Smart Growth'' planning and zoning. Also encourages states to adopt updated energy-efficient building codes and regulatory policies to encourage utility-sponsored gains in energy efficiency.

Spurs energy efficiency and renewable energy research, development, demonstration, and deployment activities at universities, companies, and national laboratories to foster energy independence, reduce carbon emissions, and cut utility bills.

Makes key investments in carbon capture and sequestration technology demonstration projects to work toward making coal part of the solution and reducing the amount of carbon dioxide emitted from industrial facilities and fossil fuel power plants.

Tax incentives to spur energy savings and green jobs ($20 billion over 10 years)

Three-year extension of the production tax credit (PTC) for electricity derived from wind (through 2012) and for electricity derived from biomass, geothermal, hydropower, landfill gas, waste-to-energy and marine facilities (through 2013). Also permits businesses that place new renewable energy facilities in service during 2009 and 2010 to claim either a 30 percent investment tax credit (ITC) instead of the production tax credit, or apply for a grant of up to 30 percent of the cost of building a new renewable energy facility from the Energy Department. These provisions will help speed up investment in new facilities and will address current renewable energy credit market concerns.

Promotes energy-efficient investments in homes by extending and expanding tax credits through 2010 for purchases such as new furnaces, energy-efficient windows and doors, or insulation. Increases the credit from 10 percent to 30 percent of the cost of the investment and raises the credit cap from $500 to $1,500, helping American families save money on their energy bills.

Establishes an enhanced R&D tax credit for research expenditures in the fields of fuel cells, battery technology, renewable energy, energy conservation technology, efficient transmission and distribution of electricity, and carbon capture and sequestration, in 2009 and 2010.

Increases incentives to install pumps that dispense alternative fuels including E85, biodiesel, hydrogen, and natural gas.

Repair public housing and make key energy efficiency retrofits to HUD-assisted housing ($7.5 billion)

Establishes a new program to upgrade HUD sponsored low-income housing (elderly, disable and Section 8) to increase energy efficiency, including new insulation, windows, and furnaces.

Invests in energy efficiency upgrades in public housing, including new windows, furnaces, and insulation to improve living conditions for residents and lower the cost of operating these facilities.

Landmark energy savings at home ($6.2 billion)

Landmark provisions to improve the energy efficiency for more than 1 million modest-income homes through weatherization, expanding the number of families (from 150% to 200% of the federal poverty income levels) and the aid level (from $2,500 to $5,000 per household) to keep up with the rising prices of these upgrades;

This will save modest-income families on average $350 per year on their heating and air conditioning bills.

Green Job Training and Energy Efficient Schools

Provides $500 million to train workers for green-collar jobs.

Creates new modernization, renovation, and repair programs for schools and colleges, with a minimum of 25 percent of the funds focused on green building projects.

Energy sustainability and efficiency grants and loans to help school districts, colleges, local governments, and some hospitals become more energy efficient.

SCIENCE AND TECHNOLOGY

H.R. 1 also addresses science and technology.

Investments in scientific research ($10 billion) National Science Foundation

Provides $3 billion overall for the National Science Foundation, putting the NSF budget on track to double over the next seven years, as called for under the America COMPETES Act (PL 110–69).

Includes $2.5 billion for NSF research and research-related activities. Sustained, targeted investment by NSF in basic research in fundamental science and engineering advances discovery and spurs innovation. Such transformational work holds promise for meeting the economic and environmental challenges facing the country, and competing in an increasingly intense global economy.

The $2.5 billion for research is estimated to support an additional 3,000 new NSF research awards and would immediately engage 12,750 senior personnel, post-docs, graduate students, and undergraduates.

Also includes $100 million for improving instruction in science, technology, engineering, and mathematics (STEM).

Also includes $400 million for the construction and development of major research facilities that perform cutting-edge research.

ARPA–E

Provides $400 million for the Advanced Research Project Agency-Energy (ARPA–E) to support high-risk, high-payoff research into energy sources and energy efficiency in collaboration with private industry and universities.

National Institute of Standards and Technology

Provides $500 million overall for the Commerce Department's National Institute of Standards and Technology (NIST), putting its budget also on track to double over the next seven years, as called for under the America COMPETES Act (PL 110–69).

Includes $300 million for competitive construction grants for research science buildings at colleges, universities, and other research organizations.

Includes $100 million to coordinate research efforts at laboratories and national research facilities by setting standards for manufacturing.

Includes $70 million for the Technology Innovation Program (TIP), which is designed to speed the development of high-risk, transformative research targeted to address key societal challenges, and $30 million for the Manufacturing Extension Partnership (MEP), which is targeted at improving the productivity and competitiveness of small manufacturers.

Certain other key investments in scientific research

$2 billion for the National Institutes of Health (NIH), including $1.5 billion for expanding good jobs in biomedical research to study diseases such as Alzheimer's, Parkinson's, cancer, and heart disease, and $500 million to implement the repair and improvement plan developed by NIH for its campuses.

$600 million for the National Aeronautics and Space Administration (NASA), including $400 million to put more scientists to work doing climate change research.

$1.5 billion for NIH to renovate university research facilities and help them compete for biomedical research grants.

Investments in IT network infrastructure ($37 Billion)

More than 100 high-tech CEOs and business leaders have endorsed the bill's nearly $40 billion in investments in IT network infrastructure, including broadband, health IT, and a smarter energy grid and estimate these investments will create more than 949,000 U.S. jobs, more than half of which will be in small businesses. They stated, ''The investments in a smarter energy grid, health care IT . . ., and accelerating broadband deployment . . . will not only stimulate the economy, but will also accelerate longterm growth.''

Broadband and wireless services

Provides $6 billion for extending broadband and wireless services to underserved communities across the country, so that rural and inner-city businesses can compete with any company in the world.

For every dollar invested in broadband, the economy sees a tenfold return on that investment.

The stimulative impact of this investment would be: (1) jobs to procure, produce, deliver, install, and maintain new infrastructure; and (2) jobs in sectors of the economy that rely on e-commerce, including the retail, high-tech, education, health care, and real estate sectors.

Smarter energy grid

Provides $11 billion for improving the grid, including transforming the nation's electricity systems through the Smart Grid Investment

Program to modernize the grid to make it more efficient and reliable. This will jumpstart smart grid demonstration projects in geographically diverse areas; increase federal matching grants for smart grid technology (to 50% from the current 20%) including "Smart Meters" that give consumers more choice in their energy consumption at home; and spur research and development. The funding will also facilitate the building of new power lines that can transmit clean, renewable energy from sources throughout the nation.

Health Information Technology

Provides $20 billion to accelerate adoption of Health Information Technology (HIT) systems by doctors and hospitals, in order to modernize the health care system, save billions of dollars, reduce medical errors, and improve quality.

Also provides significant financial incentives through the Medicare and Medicaid programs to encourage doctors and hospitals to adopt and use HIT.

Promoting the adoption of Health Information Technology systems will create hundreds of thousands of jobs—many of them high-tech jobs.

The nonpartisan CBO estimates that, as a result of this legislation, approximately 90 percent of doctors and 70 percent of hospitals will be using electronic medical records within the next 10 years.

Mr. Chairman, given the exigency of the situation and the Nation's current economic crisis, I would urge this Committee and my colleagues to move this bill quickly to the floor and act without delay. The Nation is at a crossroads and is currently sitting in its nadir, as some pundits would argue, the Nation's economy needs to be infused with capital, critical infrastructure and development, and the American people need to employed with real jobs. H.R. 1 does this. It creates the development of infrastructure, provides Americans with jobs, and tries to correct the economy. I am hopeful that this bill will help alleviate the economic woes this country faces.

As the Obama administration staked its campaign upon the idea of change and won, I believe that America is ready for a change. We are ready to be lifted from the doldrums of economic morass. We are ready for real change that puts America, its economy, its innovation, and entrepreneurial spirit back in its rightful place. I am hopeful and confident that H.R. 1 does just that and places America back in the spotlight as the sunbeam on the world stage. I strongly urge my colleagues to act quickly and support this bill as vigorously as I do.

Mr. OBERSTAR. Mr. Chairman, how much time remains?

The CHAIR. The gentleman from Minnesota has 1 minute.

Mr. OBERSTAR. And on the other side?

The CHAIR. 3½ minutes.

Mr. OBERSTAR. I reserve the balance of my time.

Mr. SHUSTER. If I can respond to the gentlelady from Texas, I don't believe this cuts anything. It just makes certain that the States aren't able to cut what they have in their budgets. Because, at the end of the day, the idea in the stimulus is to have a net increase in total spending from all levels of government. And if this moves forward, we want to make sure that the States don't reduce what they spend on their transportation projects and use the Federal funds to offset their budget.

Ms. JACKSON-LEE of Texas. Will the gentleman yield for a question?

Mr. SHUSTER. I yield to the gentlewoman.

Ms. JACKSON-LEE of Texas. I notice in the summary it says "highway maintenance." But I think I am agreeing with you that what you are suggesting is new maintenance but also new starts. If something is a new start, for example, in rail, that would create new jobs, and that is something that is in the framework of your thought.

Mr. OBERSTAR. Will the gentleman yield for further clarification?

Mr. SHUSTER. I certainly will.

Mr. OBERSTAR. The legislation provides for $1 billion in new starts for transit. And Houston Transit has been moving through the process, and we are working to accelerate the consideration of its project to the Federal Transit Administration; and, Mr. NADLER will soon offer an amendment to increase the funding for transit. So I am quite confident that there will be enough capacity to accommodate the gentlewoman's concern.

Ms. JACKSON-LEE of Texas. If the gentleman will yield, I thank you very much. That is the framework of my message.

The CHAIR. The gentleman from Pennsylvania controls the time.

Mr. SHUSTER. I appreciate the chairman's clarification.

I yield 30 seconds to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentleman, and I rise in support of this amendment.

In the full committee, we offered an amendment to have this applied to all accounts, not just transportation accounts, in the bill, which unfortunately failed. But this is a very, very good start in this portion of the bill. I just wish it extended to the entire $825 billion being spent.

Mr. SHUSTER. Mr. Chairman, how much time do I have left?

The CHAIR. The gentleman from Pennsylvania has 1½ minutes.

Mr. OBERSTAR. We have no further speakers on our side.

I just want to say I concur with the gentleman from Iowa that we required a maintenance of effort in all of those projects in our committee that had matching funds because we wanted to assure that they are a stimulus, and we want to keep the pressure on State and local government people to carry these projects out.

So the gentleman's amendment is needed, it is important, it will assure that we put jobs in place by June, and we ought to support this amendment. I thank the gentleman for offering it.

I yield back the balance of my time.

Mr. SHUSTER. I thank the chairman for not opposing the amendment. And just to close, I think this puts teeth in the legislation that is going to help this bill and improve this bill some. I think it needs a lot more improvement, but this is one step in the right direction.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. NADLER OF NEW YORK

The CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 111–9.

Mr. NADLER of New York. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. NADLER of New York:

Page 213, line 4, after the first dollar amount, insert "(increased by $1,500,000,000)".

Page 213, line 4, after the second dollar amount, insert "(increased by $1,350,000,000)".

Page 213, line 10, after the dollar amount, insert "(increased by $150,000,000)".

Page 216, line 2, after the dollar amount, insert "(increased by $1,500,000,000)".

The CHAIR. Pursuant to House Resolution 92, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER of New York. I yield myself 30 seconds.

Mr. Chairman, this amendment increases transit capital funding by $3 billion to $12 billion. $1.5 billion will go to the Transit Capital Formula Program, which goes to every State, including both urban and rural areas, and $1.5 billion to the New Starts program. The amendment is supported by numerous transportation, labor, and environmental organizations. I have been informed the Transportation Trades Department of the AFL–CIO will be scoring the amendment, and the League of Conservation Voters may be scoring it as well.

This amendment has broad support because people all over the country recognize that investing in transit is one of the smartest things we can do to create jobs here in America, to reduce congestion and dependence on foreign oil, and spur economic growth.

I urge support for the amendment.

I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. LEWIS of California. I yield 1 minute to my colleague from Florida (Mr. MICA).

Mr. MICA. I thank the gentleman.

I am spending all my afternoon supporting some of the amendments from the other side; but let me tell you, the Nadler amendment is one we have to support.

Mr. OBERSTAR as the chairman and I as the ranking Republican, we have been working on an infrastructure proposal since back in September last year to try to get infrastructure going and jobs started in this country, and we are still delayed. And what is most offensive is they took one of the most important parts for rail and transit out of the bill, or actually cut it down, and he is restoring that money. Let me tell you, that is just a little bit of money.

These projects are expensive. Transportation projects in New York, the tunnel across Long Island, $7 billion; the Second Avenue subway tunnel is over $7 billion. Infrastructure projects are expensive, and we are only putting in a small fraction.

Support the Nadler amendment.

The CHAIR. The time of the gentleman has expired.

Mr. LEWIS of California. I yield the gentleman 30 additional seconds.

Mr. MICA. I thank the gentleman.

Again, folks, this is about creating jobs. And every billion dollars we put in jobs, ready-to-go projects, is 28,000 to 35,000 jobs. So it makes a big difference.

Mr. NADLER is going to make a decision on how many people will go to work, and it may be in your communities throughout the United States. So they give you a choice right now of a few jobs; he gives you a choice of many jobs with sound investments.

Support the Nadler amendment.

Mr. NADLER of New York. I thank the gentleman.

At this point, Mr. Chairman, I now yield 1 minute to the distinguished chairman of the Transportation Committee, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentleman for yielding. I need not take the whole minute; the gentleman from Florida spoke well for both sides.

But in our hearing just a week or so ago, we heard very clearly from the major transit agencies in this country. They have options for buses, they have options on rail cars that could be exercised in days. And we heard from the producer companies, the original equipment manufacturers, they can ramp up production up to 35 percent in days, not weeks or months. These initiatives will create jobs.

MARTA, the Atlanta transit agency, said we need 20 new buses, natural gas buses that will clean the air and increase ridership. They will be produced in Minnesota. Muncie, Indiana needs rail cars. The rail cars will be produced in Boise, Idaho. So jobs are being created all over the country, and in Hayward, California, being produced. We need to do this.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume, and it will be very short.

I would love to support the gentleman's amendment. Indeed, if there were an offset within this bill relative to those things that aren't producing jobs, this is an amendment I could get very excited about. In the meantime, it does raise the top line, and everybody should know that. I know that Mr. OBERSTAR loves that, for it helps him out when he is trying to pass the bill down the line when he is short of money. But in the meantime, on this side of the aisle the vast percentage of my Members would prefer that we have an offset before we start raising the line of spending. So I will reluctantly have to oppose the amendment.

I reserve the balance of my time.

Mr. NADLER of New York. Mr. Chairman, I now yield 10 seconds to the distinguished chairman of the Appropriations Committee, the gentleman from Wisconsin.

Mr. OBEY. I urge support for the amendment.

Mr. NADLER of New York. That was less than 10 seconds.

Mr. Chairman, I now yield 45 seconds to the distinguished chairman of the Highway and Transit Subcommittee, the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman.

We have had the greatest 1-year increase in transit ridership in 50 years. Americans are loving their transit systems to death. Yet, there is $160 billion deferred maintenance on these systems. 12,000 buses have passed their useful life; they are patched together, they are limping along, they are maintenance heavy, they are dirty. They need to be replaced. There are 10,000 options for new buses, buses made in America. They can't be executed because our transit systems don't have the money.

If we pass this amendment, thousands of those new fuel efficient, cleaner buses will be purchased, putting Americans to work in the bus manufacturing and all through the supply chain, in addition to helping people get to work in a more fuel efficient and more comfortable way.

I urge support of the amendment.

□ 1430

Mr. NADLER of New York. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. GENE GREEN).

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in strong support of the Nadler amendment and full support for the bill.

With my Texas accent it is hard to say anything in 30 seconds, but with a light rail transit project, the new starts that would come under this amendment, we can put $410 million worth of hiring people to do utility easement work and have light rail in the fourth largest city of the country if this amendment passes. That is why this amendment is important, and I am proud to be here and support it.

Mr. Chair, I rise today in support of Congressman NADLER's amendment to H.R. 1 and the full bill. I ask unanimous consent to place the full statement in the RECORD.

This amendment will increase transit capital funding by $3 billion including $1.5 billion for Capital Assistance Grants, also known as the New Starts program.

It is important that we invest additional capital in the New Starts program simply because these are new projects and they will create new jobs as opposed to just funding existing contracts on existing projects. The latter will not stimulate the economy.

For example, there are two light rail projects in my district that are near the end of the FTA review process and could be under contract with a design-build firm within 90 days.

About $410 million of early work items for the projects are shovel ready because the transit authority has already selected contractors and completed all necessary engineering and design and purchased all necessary rights of way.

These are exactly the kinds of infrastructure projects that make sense for an economic stimulus bill in 2009, creating about 18,000 jobs within 90 to 120 days.

These projects will promote transit ridership which is a far more environmentally friendly way to move people more efficiently.

These projects will also serve economically disadvantaged areas under Community Development Block Grant (CDBG) criteria.

So not only will the projects enhance mobility for transit dependent and lower income persons, but it will rejuvenate the surrounding communities by spurring economic development.

Mr. Chair, Houston METRO has the expertise and experience delivering such projects. They already built and operate one of the most productive light rail lines in the nation.

Therefore, I urge my colleagues to support this amendment to increase New Starts money so that Houston METRO and other transit agencies across the country can start turning dirt, creating jobs, and stimulate this economy.

Mr. NADLER of New York. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman, and I am proud to have worked with him to offer this amendment.

This bill must be a jobs bill, a job-creation bill investing in transit is a certain way to create jobs and do things that are much needed in this country.

The CTA Chairwoman Brown told us last week she could spend $500 million tomorrow to make needed improvements. Likewise, Metra commuter rail and Pace Suburban Bus has ready-to-go projects, has new starts that are ready to go, to put people back to work, get them working, get people moving. So to create more jobs, we need to pass the Nadler amendment.

Mr. NADLER of New York. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. MCMAHON).

Mr. MCMAHON. Mr. Chairman, I strongly urge all of my colleagues to support the amendment that I have jointly sponsored under the leadership of Congressman NADLER, together with

our other colleagues, to increase transit funding in H.R. 1 by $3 billion. Bang for the buck, nothing will help create more jobs than funding transportation infrastructure.

I have to say that my district has some of the longest commute times in the country, and we need this mass transportation infrastructure badly. People travel on average an hour and a half each way to work.

I urge everyone to support this amendment.

My district has some of the longest average commute times in the country—with people travelling well over an hour and a half each way to work. Meanwhile our MTA is seeking to raise our bus and subway fares, cut service and if you can imagine raise the toll to $14, just to go from SI to Brooklyn and back.

Unfortunately my district is far from unique. Americans are demanding more support for mass transit and that is why I encourage all of you to support this important Amendment and to support this bill.

Mr. NADLER of New York. I yield 30 seconds to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Chairman, demand for transit service is on the rise. In 2007, over 10 billion trips were taken on mass transit, a 50-year record. Last year, 2008, we had a 4.4 percent increase; and yet, people around the country are seeing decreases and more pressure is on public transportation and they can't keep up with demand.

With this extra $3 billion in this package, we will put people to work and pursue a green economy and get people around.

Mr. NADLER of New York. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. MAFFEI).

(Mr. MAFFEI asked and was given permission to revise and extend his remarks.)

Mr. MAFFEI. Mr. Chairman, I rise today in strong support of Congressman NADLER's amendment for increased transit funding.

Just today in my hometown paper, the Syracuse Post-Standard, it was reported that the Central New York Regional Transportation Authority, also known as Centro, is facing a $5 million shortfall. To close their deficit, they are considering raising fares, cutting service and eliminating routes. This cannot be an option, not now when the economy is facing a recession.

So I ask Members to vote in favor of this amendment. It will help ensure citizens in my district, such as Ann Parquette, who is mentioned in the article, can get to their jobs.

I include my full statement in strong support of this amendment and the related article from the Syracuse Post-Standard for the RECORD.

I rise today in strong support of Congressman NADLER's amendment for increased Transit Funding in the American Reinvestment and Recovery Act. Just today, in my hometown paper the Syracuse Post Standard, it was reported that Central New York Regional Transportation Authority, also known as Centro, is facing a $5 million shortfall. To close their deficit, they are considering raising fares, cutting service and eliminating routes.

This cannot be an option—not now when ridership is at an all time high and more working families are absolutely dependent on public transportation. Across the county, from the suburbs to the city of Syracuse, more people need Centro to get them to work and the grocery store. Centro rider Ann Parquette, who rides the bus to work, thinks she will have to quit her job and find a new one closer to home if they eliminate her route. Other riders who can currently afford the $1 fare are not sure if they can make ends meet if that is increased by the 25 or 50% Centro is considering.

When we're facing a recession, we cannot allow cuts that will hit our lowest income workers the hardest. I urge my fellow Members to join me in voting for the Nadler amendment for increased Transit Funding.

[From the Post-Standard, Jan. 28, 2009]

CENTRO PLANS FARE HIKE, SERVICE CUTS

(By S.J. Velasquez)

Centro is proposing to raise bus fares and cut some services in an effort to make up a projected $5 million shortfall in the coming budget year, Centro officials said Tuesday.

Centro wants to increase the Syracuse base fare from $1 to at least $1.25 and possibly to $1.50, officials said. Almost all other fares would also be increased under the proposal, they said.

Frank Kobliski, executive director of Centro, said the changes are needed to make up for a loss in state aid and mortgage tax revenues and rising costs that create the projected deficit.

''The economy is such that we simply cannot put operators in seats and be able to come remotely close to keeping fares at a dollar,'' he said. ''Some cuts are necessary and inevitable.''

This would be the first fare increase in 14 years, he said.

Centro also is proposing to cut three routes and reduce service on three others.

The biggest savings would come from eliminating its Suburban East No. 723 route that takes riders from Minoa, Manlius and DeWitt to ShoppingTown Mall where many catch other buses. Centro officials said that would save $435,000.

''I don't know what I would do,'' said Ann Parquette, 51, of Minoa, who rides that bus twice a day to get to and from her job in the cafeteria at Jamesville-DeWitt Middle School.

''I'd probably quit my job and work at the school out in Minoa,'' she said. 'That'd be my best bet.''

Parquette said she could get a ride to work from friends, but would have no means of getting home.

Another person who could be stuck is Joseph Honor, 41, of Syracuse, a cook at Red Robin restaurant in Fayetteville. For the past three months since his car broke down, Honor has relied on the bus line to get to and from work.

''People work out there and they need a bus,'' he said.

In downtown Syracuse, Centro rider Stephanie LaDue said the increase in fares would be hard for her to afford.

''I pay $20 a week easily right now,'' LaDue said. ''That will be almost $30 dollars for a . . . bus. This is going to be a pain.''

LaDue, a single mother with a 5–month-old daughter, said she uses the bus to get to and from computer classes and support group meetings.

Centro, which has a $58 million budget this year, is losing about $1.6 million in mortgage tax revenue and expects to lose about $1.33 million in state aid, officials said. The rest of the deficit—about $2.07 million—is caused by increases in the cost of supplies and other operating costs.

Kobliski said a 25-cent fare increase would bring in an additional $1 million, but that increasing the base fare by 50 cents wouldn't necessarily bring in another $1 million because Centro would lose riders.

The final decision on whether to increase fares by a quarter or 50 cents will depend on how much state aid and federal economic stimulus money Centro gets, officials said.

Service reductions could save another $1 million, Kobliski said.

Centro officials said they would tap reserve funds and defer some capital expenditures to make up the shortfall.

In addition to the fare increases, Centro is proposing closing the bus system an hour earlier on weekdays in Syracuse and Onondaga County, which would mean no service after 12:30 a.m. The weekend service already ends at 12:30 a.m.

Ridership is at an all-time high, so some may wonder why Centro is facing a shortfall. Ridership pays about 21 percent of the operational costs; the state pays 47 percent; the remaining 32 percent comes from federal, local and other sources.

Centro will hold public hearings in February and then will present the proposals to the Centro board of directors. If approved, the fare increase would go into effect May 4.

Centro plans to advertise the fare increase and service reductions on its Web site www.centro.org, in buses and in the public forums.

Mr. NADLER of New York. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to say that I appreciate the support of this amendment on a broad bipartisan basis, from Mr. MICA, the ranking member of the Transportation Committee, from Chairman OBERSTAR, and from the chairman of the Appropriations Committee, Mr. OBEY. I urge everyone to vote for it. This $3 billion will make a tremendous difference to mass transit, to new starts in every State in the Union.

Mr. WU. Mr. Chair, I rise today in support of the Nadler/DeFazio/Lipinski/McMahon/Ellison amendment to the American Recovery and Reinvestment Act that would further emphasize the need for America to invest in transit projects across this country by committing $3 billion more to transit projects.

Except for education, there is almost no better way to stimulate the economy than to invest in transportation projects. Additionally, to move us forward to a clean energy economy, relieve traffic congestion, and provide for safer roadways, public transit is one of the best investments the federal government can make.

An additional $3 billion for federal transit projects, which would be distributed by adding $1.5 billion to the Transit Capital Assistance formula program and providing $1.5 billion for New Starts, brings the total funding for transit projects in this bill to $12 billion. This amendment would provide adequate resources to invest in the estimated 736 shovel-ready transit projects across the country.

These projects would bring jobs and a more efficient transportation system into many American communities.

I urge support of this worthy amendment.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. NEUGEBAUER

The CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 111–9.

Mr. NEUGEBAUER. Mr. Chairman, I have that amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. NEUGEBAUER:

Strike division A (and redesignate remaining provisions accordingly).

The CHAIR. Pursuant to House Resolution 92, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. NEUGEBAUER. Mr. Chairman, I rise in support of an amendment that I have offered that would eliminate the $355 billion worth of discretionary programs that are in this bill. A lot of people would think there are a lot of good things in this bill, a lot of good projects. We have heard a lot of Members talk about that. And there probably are some projects in there that would be good for the communities across our country. But there is just one problem: we don't have $355 billion.

What this amendment does is it says what the American people are saying. They are concerned about the fact that we continued to borrow and spend and borrow and spend. In fact, quite honestly how we got into the situation we are in right now is the fact that individuals and companies and even governments have borrowed and spent more money than they have.

When you ask the American people what do you think is the best way to stimulate the economy, 63 percent of them say you should do it with tax cuts for businesses and individuals.

When you ask them do you think we can spend our way out of this economic situation, 61 percent of Americans say we can't spend our way out of this situation.

I think the fact is that we need to understand what is really at stake here. One of the things is that we are making a decision here in somewhat of a vacuum. We don't even know for some of these projects how much money we are going to spend in 2009 because Congress has not finished its business for the current fiscal year. We also don't know what we are going to spend on a lot of these projects in 2010 because the President of the United States has not brought his budget to this body.

And so we are going to plus up and throw out a lot of money when we already have accounts that have money in them that haven't been spent year to date. So making these decisions in a vacuum is a problem.

The other problem I have with this is we are going to spend about $275,000 on each one of these jobs; $275,000, that is a lot of money to spend for jobs, on top of the fact that we are going to have already a $1.2 trillion deficit this year.

What the American people are observing here is we are throwing a lot of money, TARP money, bailout money, and now we want to spend $825 billion worth of money that we don't have that we are going to charge to our grandsons and our children and future generations, and the American people say stop, wait a minute, what's going on here?

Now there are a lot of projects that maybe our Members think are worthy in here, but think about the fact where we read this week where people lost their jobs in America. All of us are concerned about that. If you are talking about a stimulus package, a lot of the programs that are in this spending won't even be spent until 2010, 2011 and 2012. In fact, the GAO says less than 40 percent of the spending programs in here could actually be spent in the next 18 months.

The other piece of the pie that I think concerns a lot of us is have we fully vetted this? This bill creates several new programs in Congress that haven't even gone through the regular committee process. So we are rushing up to spend a lot of money and create a large deficit for our children without much oversight. I think the American people deserve oversight. If we are going to spend money we don't have, particularly, we owe them the process of looking at how much money we are going to spend on a lot of these projects in the 2009 budget, taking a look at the President's 2010 budget, and then determining if there in fact should be some supplemental appropriations to be put in to stimulate this economy.

But I guarantee you that people back home don't think that planting grass, giving money to the arts, or buying cars for Federal employees are going to do much to help them keep or retain or create jobs in America.

I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I rise to claim the time in opposition.

The CHAIR. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, how much time does the gentleman have remaining, and who has the right to close?

The CHAIR. The gentleman from Texas has 1 minute remaining, and the gentleman from Wisconsin has the right to close as a manager in opposition to the amendment.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am tempted to ask the Chair what year is this? I thought it was—yeah, I didn't think it was 1933—I thought it was 2009, or something close to it. I guess all I would say is, you know, they don't look like Herbert Hoover, but there are an awful lot of people in this Chamber who think like Herbert Hoover, and I think this amendment illustrates that.

If you vote for this amendment, you'll be knocking out all funding for education funding, including every single dollar in this bill to prevent State and local governments from raising taxes in the middle of a recession in order to avoid laying off teachers, in order to avoid laying off speech therapists, school nurses, and the whole shebang.

You would be cutting out all infrastructure. You would be eliminating $30 billion for highway construction. Those jobs go blewy.

You would be eliminating $19 billion for clean water projects, flood control and environmental restoration. Those jobs go blooey.

You would be eliminating all energy funding in this bill, $32 billion to transform the Nation's energy transmission distribution production systems. So those jobs go blooey. And we also lose the chance to modernize this economy.

All science funding, all of the jobs that would be provided in the science area by this bill, those jobs are out the window.

All of the jobs that would be created by giving rural America an opportunity to get wired up with real broadband, just like the rest of the country, that would be out the window, too.

This amendment in my view demonstrates that some people recognize the cost of everything and the value of nothing. It is an amendment that we can ill-afford to pass, and I urge defeat of the amendment.

I reserve the balance of my time.

Mr. NEUGEBAUER. I appreciate the gentleman's comments. But I guess the question I have of the gentleman when he closes, number one, where are we going to get the money?

Number two, does the gentleman know what funding is going to be spent in 2009 and 2010 for these projects? Now he may know because in many of the appropriation bills that have come to this floor, he is the only one who has had much input in that process.

So what we are doing, we are making a decision in a vacuum. To coin the term of the gentleman who just spoke, ''kabooey'' goes to the future of our young, next generation because we have left them with a legacy of huge deficits which we do not have the capacity to pay back. If we keep doing this, compounding this, making decisions on a quick basis and mortgaging their future, we are not doing the job that the American people sent us to do.

So what I am saying is there are a lot of these projects that could be brought in under regular order under the 2009 appropriation bill or that could be brought in in 2010.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the fact is this economy is in mortal danger of absolute collapse. We are trying to avoid that by injecting consumer spending into the economy in hopes that it will reinflate the economy at least to some degree. The fact is that the cost of doing nothing would be astronomical.

Of course this package costs money. How much will it cost us if the credit markets totally freeze up? How much will it cost us if we lose employment opportunities for another 3 to 4 million Americans?

How much will it cost us in added unemployment compensation, in added welfare payments and all of those items if we don't do something to stave off economic disaster?

This amendment is primitive economically. It does not recognize the reality of a modern economy. I urge its defeat.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. NEUGEBAUER. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 6 OFFERED BY MS. WATERS

The CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 111–9.

Ms. WATERS. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Ms. WATERS:
Page 125, line 6, insert ''(including projects funded under section 6002 of division B of this Act)'' after ''sectors''.

□ 1445

The CHAIR. Pursuant to House Resolution 92, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. Mr. Chairman and Members, this is not a complicated amendment. It simply clarifies that funds provided for job training in division A of this bill can be used for programs in division B, in particular, for broadband communications deployment. What are we talking about? We are talking about broadband infrastructure. The broadband package authorizes the National Telecommunications and Information Administration, a part of the Commerce Department, to distribute $2.825 billion for wireless and wireline broadband through a grant program.

This is extremely important. Here we are in 2009. There are many communities throughout this country that are simply underserved. They do not have broadband. We are going to take this opportunity to repair or to build out the broadband infrastructure. We're going to take this opportunity to bring these communities up to date so that there can be more jobs, so that businesses can be supported, and so that families can have access to the kind of technology that will help them pursue jobs and careers and for students to have access to the kind of technology that will help them to communicate with other students and with their teachers, et cetera, et cetera. This is very important.

Now, the job training in this bill is in one section, and of course, broadband infrastructure is described in another section. I simply allow the job training resources to be used on broadband infrastructure. Someone has asked, does this mean that you're taking all of the money in job training for broadband? No. This simply means that we make the opportunity available for this money to be used for broadband infrastructure. Where did I get this idea? I was fortunate enough to witness what could be done in the expansion of broadband opportunities. In part of my district, we ended up with a training class at one of our schools for the laying of fiberoptic. And the young people who took advantage of this opportunity ended up getting trained. They got good jobs. Many of them moved into other communities. They bought homes. These are not simply dead-end jobs. These are careers that can be developed with this kind of training. We know that there is job training and there is job training. There is some of this job training that is kind of classroom oriented. There are some jobs that are so-called trained for that don't really exist.

But this is real. We know that the telecommunications industry must keep up with the expansion. We know that they do some training. We know that they did more training in the past. But to the degree that we can help get this training done, we can create jobs, expand broadband opportunities and truly create these careers.

So, I'm very pleased that approximately $1 billion would go to deployment of wireless service, 25 percent to wireless voice service in underserved areas and 75 percent to advance wireless broadband in underserved areas. Approximately $1.825 billion would go to the deployment of broadband via fiber or other wires, 25 percent to basic broadband in unserved areas, and 75 percent to advance broadband in underserved areas. This is a one-time opportunity to get a lot of young people trained. It is not enough to say that we're going to do job training that may lead to simply some jobs for a short period of time. Some of those jobs may be in construction. But they will only last for as long as the project will last. Some of those jobs that we hope to come on line are not going to come on as quickly as we would like them to. But these opportunities are waiting. These opportunities are waiting, and the telecommunications companies and the contractors who work with them can get this job training up and going immediately. And it's not a long time. In the training that I witnessed for fiber optics, we had people on the job within 3 to 4 months.

The CHAIR. The time of the gentlewoman has expired.

Ms. WATERS. I would ask support for this amendment.

Mr. LEWIS of California. I rise to claim the time in opposition, Mr. Chairman.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. LEWIS of California. And I do so very reluctantly, Mr. Chairman, for the gentlelady from California and I have worked together for many years. I'm not very excited about the job training provisions within this bill. I'm opposing the bill generally. And in the final analysis, I will end up voting against her bill. But I am not going to spend a lot of time convincing people that she is wrong.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. FLAKE

The CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 111–9.

Mr. FLAKE. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. FLAKE:
Page 212, strike lines 9 through 24.

The CHAIR. Pursuant to House Resolution 92, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, every year, we have a debate, it seems, in the appropriations process about whether or not we should continue to subsidize Amtrak. We've been having this debate for 40 years. In 40 years, Amtrak has not turned a profit, and the Federal Government has had to subsidize it. Forty years. Yet here, after appropriating I think it was $1.3 billion in subsidy last year to keep Amtrak running, we're talking about providing another $800 million to Amtrak in this stimulus package.

Now I would argue that this is a mistake for two reasons. First, how can we continue to provide this kind of subsidy for a program that continually does not work? Every time a passenger steps aboard an Amtrak train, the Federal taxpayer spends an average of $210 in subsidy for that passenger. Not every year, not every month, but every time a passenger steps on the train, he or she receives a subsidy on the average of $210 from the Federal Government. Yet here we say Amtrak needs more. We haven't done enough.

We are not preparing it for privatization, or we haven't said, you have to bring your load factor up from less than 50 percent. I think it was some 47 percent last year. The airlines have a load factor around 80 percent. But no, we say, let's just give you more subsidy. Let's keep you going as you are

so you don't have to reform. Some reforms supposedly have been put in place, but not reforms that have actually increased the load factor or made Amtrak run any better, but rather it simply put it in need of more subsidies. That is the first reason we ought to oppose it. We're simply continuing and making it longer, stretching the time from which we will see a profitable system.

Second, regardless of the public good argument that you can make or not make in regard to this legislation for Amtrak, you ought to make the argument, or you should make, that this is not stimulus. How in the world is providing another $800 million to a program that continues to fail to turn a profit, a program that we have to continue to subsidize to the tune of $210 per passenger on the average, how can we even argue at all that this is stimulus, that this is somehow good for the economy, that this is the best use for this money, that it's better than letting the taxpayers actually keep it and spend it as they wish, it's better than any other purpose, that we should provide it to a system that is failing, and that is going to stimulate the economy.

I would argue that if you're providing it to a program that continues to run deficits, requiring subsidies of over $1 billion a year, that should tell us, man, we ought to change something here. Maybe we ought to provide stimulus in some other way, some way that would actually stimulate the economy.

Mr. LEWIS of California. Will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from California.

Mr. LEWIS of California. The Members may find it rather amazing to have me rise to be actively supporting an amendment by my colleague from Arizona. The last time I found myself doing that was when I heard in some mix that my friend from Arizona was opposed to subsidies for agriculture, and that is actually in your district. But this one I absolutely climb aboard, and I'm going to ride the train with you all the way.

Mr. FLAKE. Oh, good. I thought I was going to be thrown under the train again. It's nice to have some agreement. But yes. This is simply that if you want to look at it in terms of is this a good idea to continue to subsidize like this? No. Is it stimulus? Certainly not. Certainly not.

I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I rise to claim the time in opposition.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, this amendment by the gentleman from Arizona would strike all of the funding for Amtrak, the National Railroad Passenger Corporation.

I want to remind people that the primary objective of this economic recovery bill is to fund ready-to-go projects that create jobs quickly. And very few programs in this bill do that as fast as Amtrak. Amtrak has $1.3 billion in ready-to-go projects that it can spend out in fiscal 2009 and twice that that can be used in fiscal year 2010. Jobs will be created immediately nationwide and include repairing infrastructure, renovating stations to comply with the Americans with Disabilities Act and rehabilitating or purchasing rolling stock for the company.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. I would simply state, I was just told that I'm going to strike all the funding for Amtrak. It makes it sound like we're taking all the funding for Amtrak. I should point out this takes none of the funding from Amtrak that we've approved in the regular appropriation cycle. I wish it did strike it. But it doesn't. As I mentioned, I think we have already provided in the last appropriation bill $1.3 billion in subsidy. This is, yes, $1.3 billion in subsidy. This is another $800 million in addition to that in the stimulus bill that is supposedly supposed to stimulate the economy.

Let me say something else. Some may argue that we have to have Amtrak because so many people rely on it and that it's their only form of transportation. The actual statistics are that less than one-half of 1 percent of intercity travelers rely on Amtrak for travel, less than one-half of 1 percent. So this is not something that we have to say, oh, we've got to subsidize it again in the form of stimulus because so many people rely on it for transportation.

I would say please adopt the amendment.

I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida, the chairwoman of the Railroad Subcommittee.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I rise in strong opposition to this amendment.

I just finished a 5-hour hearing where we had both passenger rail and freight rail in a hearing. And we have the second largest committee in infrastructure in the entire Congress because there is such an interest in passenger rail.

My colleague, I got some breaking news for you. There is no form of transportation that pays for itself, none whatsoever, whether we are talking about rail, airlines or cars, none of it. We subsidize all of it. The chairman of the committee had recommended $5 billion for rail. This is a very bad idea. I'm encouraging all of my colleagues to vote ''no.'' Kill this bad idea before it multiplies.

Mr. OLVER. Mr. Chairman, how much time do I have?

The CHAIR. The gentleman from Massachusetts has 3 minutes remaining.

Mr. OLVER. Mr. Chairman, let me remind my colleagues, Amtrak provides intercity passenger rail service over approximately 20,000 miles in 46 States which are owned by private freight railroads. But it also owns and maintains 1,000 miles of track, particularly in the Northeast Corridor, and half of all of Amtrak's passengers are carried in the Northeast Corridor.

□ 1500

Amtrak has been consistently undercapitalized during its 37 years' existence. The Department of Transportation's Inspector General estimates that Amtrak's capital backlog on the Northeast Corridor alone exceeds $10 billion to reach a state of good repair.

On the NEC, some bridges date to the late 1800s. The electric tracking system between New York and Washington was funded by the Works Progress Administration as part of a 1930 stimulus bill, economic stimulus. The speed and the capacity and the safety of the Northeast Corridor rail passenger operations are at risk.

This amendment should be defeated, and I urge that there be a ''no'' vote.

I yield the remainder of my time to the chairman—or the ranking member.

Mr. MICA. Thank you. And I don't feel uncomfortable over on this side.

But let me say that this is the wrong amendment at the wrong time here. We just finished, after 11 years of not having an Amtrak reauthorization, in a bipartisan manner we put together reforms for Amtrak that have been called for. Now we have an opportunity—and we've worked together to reform it—to actually get it moving to provide a difference in transportation alternatives, to provide a difference in energy-efficient transportation, to provide a difference in the environment. So why would we want to stop projects that need the funding now and are ready to go and we've made the reforms?

So I do not support the Flake amendment and urge my colleagues to vote against it. And let's get Amtrak transportation and infrastructure moving in this country.

Mr. OBERSTAR. Mr. Chair, I rise in strong opposition to the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The Flake amendment strikes $800 million in capital grants for Amtrak to repair, rehabilitate, and upgrade its assets and infrastructure.

The gentleman's amendment is misguided. Today, we are in the midst of an intercity passenger rail renaissance. People are demanding greater access to Amtrak as an alternative to our over-congested roads and airways; to address continuing anxieties over the cost of fuel; and to combat global warming.

Indeed, Amtrak served more than 28.7 million passengers last year, the sixth straight fiscal year of record ridership.

The $800 million provided in H.R. 1 will create and sustain family-wage construction and manufacturing jobs and is critical to meeting the national demand for improved Amtrak service. It will help Amtrak overhaul, upgrade, and expand its rolling stock; make required ADA compliance upgrades to Amtrak stations; compete a range of needed station and facility improvements that will brag them to a state-of-

good repair; alleviate rail "chokepoints" outside the Northeast Corridor; improve trip time and reliability; improve safety features on the network; and increase the pace of the implementation of security improvements across the Amtrak network.

Supporting the Flake amendment would not only kill this investment in our nation's mobility, it would also kill the benefits flowing from this investment, including the creation of thousands of new jobs, helping our beleaguered rail and steel industries, and improving the flow of our nation's freight traffic. Supporting this amendment will only hurt America's efforts as it seeks to recover from the current economic crisis.

I urge my colleagues to join me in opposing the gentleman's amendment.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. KISSELL

The CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 111–9.

Mr. KISSELL. Mr. Chairman, I rise to bring forth an amendment that will be known as the Berry Amendment Extension Act.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. KISSELL:

Page 111, after line 7 insert the following new section:

SEC. 7005. PROCUREMENT FOR DEPARTMENT OF HOMELAND SECURITY.

(a) REQUIREMENT.—Except as provided in subsections (c) through (e), funds appropriated or otherwise available to the Department of Homeland Security may not be used for the procurement of an item described in subsection (b) if the item is not grown, reprocessed, reused, or produced in the United States.

(b) COVERED ITEMS.—An item referred to in subsection (a) is any of the following, if the item is directly related to the national security interests of the United States:

(1) An article or item of—

(A) clothing and the materials and components thereof, other than sensors, electronics, or other items added to, and not normally associated with, clothing (and the materials and components thereof);

(B) tents, tarpaulins, or covers;

(C) cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles); or

(D) any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials.

(c) AVAILABILITY EXCEPTION.—Subsection (a) does not apply to the extent that the Secretary of Homeland Security determines that satisfactory quality and sufficient quantity of any such article or item described in subsection (b)(1) grown, reprocessed, reused, or produced in the United States cannot be procured as and when needed.

(d) EXCEPTION FOR CERTAIN PROCUREMENTS OUTSIDE THE UNITED STATES.—Subsection (a) does not apply to the following:

(1) Procurements by vessels in foreign waters.

(2) Emergency procurements.

(e) EXCEPTION FOR SMALL PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than the simplified acquisition threshold referred to in section 2304(g) of title 10, United States Code.

(f) APPLICABILITY TO CONTRACTS AND SUBCONTRACTS FOR PROCUREMENT OF COMMERCIAL ITEMS.—This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

(g) GEOGRAPHIC COVERAGE.—In this section, the term ''United States'' includes the possessions of the United States.

(h) NOTIFICATION REQUIRED WITHIN 7 DAYS AFTER CONTRACT AWARD IF CERTAIN EXCEPTIONS APPLIED.—In the case of any contract for the procurement of an item described in subsection (b)(1), if the Secretary of Homeland Security applies an exception set forth in subsection (c) with respect to that contract, the Secretary shall, not later than 7 days after the award of the contract, post a notification that the exception has been applied on the Internet site maintained by the General Services Administration know as FedBizOps.gov (or any successor site).

(i) TRAINING DURING FISCAL YEAR 2008.—

(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that each member of the acquisition workforce in the Department of Homeland Security who participates personally and substantially in the acquisition of textiles on a regular basis receives training during fiscal year 2009 on the requirements of this section and the regulations implementing this section.

(2) INCLUSION OF INFORMATION IN NEW TRAINING PROGRAMS.—The Secretary shall ensure that any training program for the acquisition work force developed or implemented after the date of the enactment of this Act includes comprehensive information on the requirements described in paragraph (1).

(j) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—

(1) IN GENERAL.—No provision of this section shall apply to the extent the Secretary of Homeland Security, in consultation with the United States Trade Representative, determines that it is in inconsistent with United States obligations under an international agreement.

(2) REPORT.—The Secretary of Homeland Security shall submit a report each year to Congress containing, with respect to the year covered by the report—

(A) a list of each provision of this section that did not apply during that year pursuant to a determination by the Secretary under paragraph (1); and

(B) a list of each contract awarded by the Department of Homeland Security during that year without regard to a provision in this section because that provision was made inapplicable pursuant to such a determination.

(k) EFFECTIVE DATE.—This section applies with respect to contracts entered into by the Department of Homeland Security after the date of the enactment of this Act.

The CHAIR. Pursuant to House Resolution 92, the gentleman from North Carolina (Mr. KISSELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. KISSELL. Mr. Chairman, the Berry Amendment has been in effect for over 60 years and has allowed the Department of Defense to purchase uniforms and other textile apparels as needed for our military to be made and manufactured here in the United States.

We know that textiles has brought forth the industrial revolution to the United States from its very beginnings, but not any industry has been hurt any more than textile has in the last few years in terms of lost employment.

Over 60,000 jobs have been lost throughout the Nation in the last year; over 8,000 of those jobs in my home State of North Carolina, over 44 factories have closed. We have thousands of Americans that are ready, willing and able to work, and we're being asked to consider a recovery and reinvestment program to put Americans to work.

This amendment would simply extend the Berry Act to be able to have Homeland Security to purchase uniforms for the TSA to be made in the United States. It would accomplish what we're looking for in the Recovery and Reinvestment Act, it would put Americans to work, and furthermore, it would keep Americans working.

We know that we have lost so many jobs in this area. We have the people that are ready, willing and able to work. I worked in textiles for 27 years. I watched the jobs leave and good people be left wondering where their meals are coming from and how they're going to take care of their families. This is an opportunity to put Americans to work and keep them at work. And what could be better than using our money, our taxpayers' money for that purpose and to put uniforms on the people that serve us?

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I rise to claim the time in opposition.

The CHAIR. The gentleman from California is recognized.

Mr. LEWIS of California. It is not my intention to take much of that time, but I would yield 30 seconds to Mr. WESTMORELAND.

Mr. WESTMORELAND. Mr. KISSELL, I would yield to you. Do you think it's wise for your constituents that you're trying to help to spend $225,000 per job that pays $50,000?

Mr. KISSELL. That is an incorrect figure, sir; it is less than that. Americans are competitive, and if we're going to spend American taxpayers' money, let's put Americans to work.

Mr. WESTMORELAND. Mr. KISSELL, do you think it's worth your constituents saying that your district would pay $2 billion to create the amount of jobs——

The CHAIR. The gentleman's time has expired.

Mr. KISSELL. I recognize the gentleman from North Carolina, Mr. DAVID PRICE, for 1 minute.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in support of the amendment of my North Carolina colleague, Mr. KISSELL. It would apply to the Department of Homeland Security purchasing rules similar to those required of the Defense Department under the Berry Amendment, requiring DHS to purchase clothing and other textile products grown, reprocessed, reused or produced in the U.S. and its possessions.

The proposed amendment would give the Secretary of Homeland Security some flexibility to waive the domestic source requirements in cases where there are inadequate domestic sources to meet the Department's needs. The amendment also makes clear that it would not apply when inconsistent with U.S. obligations under international agreements.

I, nevertheless, have some reservations about how the amendment might restrict the Department in carrying out its Homeland Security mission. The Department is already subject to ''buy American'' requirements. This amendment would go significantly further in requiring 100 percent U.S. content of products, a target that could be impractical or unreasonably costly in some circumstances.

However, I appreciate my colleague's intentions with this amendment. I will be happy to support the amendment with the understanding that some modifications may be required to ensure that it does not pose an undue burden on the Department and it does not compromise the ability of the Department to carry out its Homeland Security mission. I look forward to working with the gentleman to make any needed refinements going forward.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania.

Mr. TIM MURPHY of Pennsylvania. In this $835 billion bill being described as a ''jobs'' bill, it's good to see Representative KISSELL was able to offer this amendment to ensure American cloth is used for these uniforms. His arguments are compelling that we should support U.S. jobs.

I offered a similar amendment to the health information technology portion; $20 billion spending there. It was stripped out after the Energy and Commerce Committee passed it unanimously and then rejected by the Rules Committee.

This bill also has a lot of other spending which is not protected for U.S. jobs; $600 million for cars—no guarantee they're U.S. cars; $400 million for fuel-efficient buses. Guarantees for Americans? Not so much. How about $871 million for computers at the State Department, Agriculture and States? No. Nine hundred million for a new computing center for the Social Security Administration? Not there. Two hundred million for scientific equipment for the U.S. Geological Survey? Nope. Five hundred million for new detection systems for the Department of Homeland Security? Absent. How about $6.5 billion for broadband? No guarantee made in the USA. How about $7.7 billion for Federal building construction? Not there.

If this is an American jobs bill, shouldn't we have included ''buy American'' clauses for these other areas as well? It's disappointing and frustrating that what happened with this bill in the Energy and Commerce Committee was actively removed, and then it was refused by the Rules Committee.

I'm glad that we're going to be supporting American textiles. I'm happy we're going to be supporting American steel. In a jobs bill, I'm frustrated that there are no guarantees in here that so many of these other jobs aren't going to happen in the United States.

I worry that of these billions of dollars being spent, much of these parts for computers, services and materials are going to be made overseas. That's not about American jobs.

Mr. KISSELL. Mr. Chairman, I recognize the gentleman from North Carolina, HOWARD COBLE, for 2 minutes.

Mr. COBLE. I thank the gentleman for yielding.

Mr. Chairman, this amendment will immediately help textile and apparel companies because it will cover all uniforms purchased by the Transportation Security Administration employees.

The program can easily be expanded by the Obama administration to cover FEMA, U.S. Customs, Border Protection, and U.S. Immigration Service, nearly 100,000 uniformed employees in all.

And as an aside, my friend from North Carolina has already mentioned it, but the apparel and textile sector has been plagued as a result of the dismal economic climate that we face now. They've lost over 60,000 jobs during the last 12 months. North Carolina alone has lost 8,000 textile and apparel jobs. Forty-four textile plants in America were closed during the past year, 14 in North Carolina.

And not unlike my friend, Mr. KISSELL, I, too, come from a textile family. My mama was a textile worker; sewed pockets in overalls at the old Blue Bell plant in Greensboro. So I know the significance of a textile check subsidizing the family income.

I urge support of this amendment, and I urge my colleagues to support it as well.

Mr. KISSELL. Mr. Chairman, may I inquire as to the time remaining?

The CHAIR. The gentleman from North Carolina has 30 seconds.

Mr. KISSELL. I would just like to conclude by saying we're going to put Americans to work making uniforms for those who protect us. It's a good use of tax money.

Mr. THOMPSON of Mississippi. Mr. Chariman, first, I want to thank the Representative from North Carolina, Mr. KISSELL for his amendment. The original Berry amendment covering procurement for the United States Military has ensured that U.S. troops wore military uniforms made from U.S. textiles and manufactured by U.S. factories since the beginning of World War II.

As we know, things have changed dramatically since 1941. Since 2003, the Department of Homeland Security has also been working hard to provide our citizens with added security both at home and abroad. With over 100,000 uniformed employees, I believe that it is imperative that Berry admendment be extended to include uniform and textile purchases at the Department of Homeland Security and offer my overwhelming support for this amendment.

Recent press reports have shown there are numerous questions of security and safety related to the current procurement process for these items. From the case of Customs and Border Protection uniforms and badges being manufactured in Mexico, to the most recent case of Transportation Security Officers reporting allergic reactions to the formaldehyde used in the production of their new uniforms, we can see the added benefit to not only the U.S. textile and manufacturing industry, but in ensuring that these uniformed employees, receive the quality that they deserve. I, like others, am deeply concerned that we could have people crossing the border illegally wearing CBP or TSA uniforms manufactured in foreign countries.

Chairman, as you know, manufacturing as a whole has been on a steady decline. My own state of Mississippi, much like many others, such as North Carolina, have been negatively impacted by the increase in overseas production of goods. I believe that this legislation is not only about security and safety, but also a way to help those communities that rely on the textile and manufacturing industry.

While the amendment by Mr. KISSELL is a great step to ensuring that all DHS uniforms and textile purchases are made with U.S. components and in U.S. factories, I also believe that it should also be ultimately made permanent during the 111th Congress through the DHS Authorization process.

Thank you for the opportunity to express my support for this important amendment and I encourage all of my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. KISSELL).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. PLATTS

The CHAIR. It is now in order to consider amendment No. 9 printed in part B of House Report 111–9.

Mr. PLATTS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 Offered by Mr. PLATTS:

Page 35, after line 5, insert the following:

PART 4—FURTHER ACCOUNTABILITY AND TRANSPARENCY PROVISIONS

SEC. 1261. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This part may be cited as the ''Whistleblower Protection Enhancement Act of 2009''.

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

PART 4—FURTHER ACCOUNTABILITY AND TRANSPARENCY PROVISIONS

Sec. 1261. Short title; table of contents.
Sec. 1262. Clarification of disclosures covered.
Sec. 1263. Definitional amendments.
Sec. 1264. Rebuttable presumption.
Sec. 1265. Nondisclosure policies, forms, and agreements.
Sec. 1266. Exclusion of agencies by the President.
Sec. 1267. Disciplinary action.
Sec. 1268. Government Accountability Office study on revocation of security clearances.
Sec. 1269. Alternative recourse.
Sec. 1270. National security whistleblower rights.
Sec. 1271. Enhancement of contractor employee whistleblower protections.
Sec. 1272. Prohibited personnel practices affecting the Transportation Security Administration.
Sec. 1273. Clarification of whistleblower rights relating to scientific and other research.
Sec. 1274. Effective date.

SEC. 1262. CLARIFICATION OF DISCLOSURES COVERED.

(a) IN GENERAL.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction as to time, place, form, motive, context, forum, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of''; and

(B) in clause (i), by striking ''a violation'' and inserting ''any violation''; and

(2) in subparagraph (B)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction as to time, place, form, motive, context, forum, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, of information that the employee or applicant reasonably believes is evidence of''; and

(B) in clause (i), by striking ''a violation'' and inserting ''any violation (other than a violation of this section)''.

(b) PROHIBITED PERSONNEL PRACTICES UNDER SECTION 2302(b)(9).—Title 5, United States Code, is amended in subsections (a)(3), (b)(4)(A), and (b)(4)(B)(i) of section 1214 and in subsections (a) and (e)(1) of section 1221 by inserting ''or 2302(b)(9)(B)–(D)'' after ''section 2302(b)(8)'' each place it appears.

SEC. 1263. DEFINITIONAL AMENDMENTS.

(a) DISCLOSURE.—Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking ''and'' at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) 'disclosure' means a formal or informal communication, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee or applicant providing the disclosure reasonably believes that the disclosure evidences—

''(i) any violation of any law, rule, or regulation; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.''.

(b) CLEAR AND CONVINCING EVIDENCE.—Sections 1214(b)(4)(B)(ii) and 1221(e)(2) of title 5, United States Code, are amended by adding at the end the following: ''For purposes of the preceding sentence, 'clear and convincing evidence' means evidence indicating that the matter to be proved is highly probable or reasonably certain.''.

SEC. 1264. REBUTTABLE PRESUMPTION.

Section 2302(b) of title 5, United States Code, is amended by adding at the end the following: ''For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that such employee or applicant has disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to or readily ascertainable by the employee or applicant could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.''.

SEC. 1265. NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.

(a) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(1) in clause (x), by striking ''and'' at the end;

(2) by redesignating clause (xi) as clause (xii); and

(3) by inserting after clause (x) the following:

''(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement; and''.

(b) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(1) in paragraph (11), by striking ''or'' at the end;

(2) by redesignating paragraph (12) as paragraph (14); and

(3) by inserting after paragraph (11) the following:

''(12) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosures to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 and following) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.';

''(13) conduct, or cause to be conducted, an investigation, other than any ministerial or nondiscretionary factfinding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section; or''.

SEC. 1266. EXCLUSION OF AGENCIES BY THE PRESIDENT.

Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

''(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, or the National Security Agency; or

''(II) as determined by the President, any Executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or''.

SEC. 1267. DISCIPLINARY ACTION.

Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

''(3)(A) A final order of the Board may impose—

''(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

''(ii) an assessment of a civil penalty not to exceed $1,000; or

''(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

''(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under paragraph (8) or (9) of section 2302(b), the Board shall impose disciplinary action if the Board finds that the activity protected under such paragraph (8) or (9) (as the case may be) was the primary motivating factor, unless that employee demonstrates, by a preponderance of the evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.''.

SEC. 1268. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON REVOCATION OF SECURITY CLEARANCES.

(a) REQUIREMENT.—The Comptroller General shall conduct a study of security clearance revocations, taking effect after 1996, with respect to personnel that filed claims under chapter 12 of title 5, United States Code, in connection therewith. The study shall consist of an examination of the number of such clearances revoked, the number restored, and the relationship, if any, between the resolution of claims filed under such chapter and the restoration of such clearances.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the results of the study required by subsection (a).

SEC. 1269. ALTERNATIVE RECOURSE.

(a) IN GENERAL.—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

''(k)(1) If, in the case of an employee, former employee, or applicant for employment who seeks corrective action (or on behalf of whom corrective action is sought) from the Merit Systems Protection Board based on an alleged prohibited personnel practice described in section 2302(b)(8) or 2302(b)(9)(B)–(D), no final order or decision is issued by the Board within 180 days after the date on which a request for such corrective action has been duly submitted (or, in the event that a final order or decision is issued by the Board, whether within that 180-day

period or thereafter, then, within 90 days after such final order or decision is issued, and so long as such employee, former employee, or applicant has not filed a petition for judicial review of such order or decision under subsection (h))—

''(A) such employee, former employee, or applicant may, after providing written notice to the Board, bring an action at law or equity for de novo review in the appropriate United States district court, which shall have jurisdiction over such action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury; and

''(B) in any such action, the court—

''(i) shall apply the standards set forth in subsection (e); and

''(ii) may award any relief which the court considers appropriate, including any relief described in subsection (g).

An appeal from a final decision of a district court in an action under this paragraph may, at the election of the appellant, be taken to the Court of Appeals for the Federal Circuit (which shall have jurisdiction of such appeal), in lieu of the United States court of appeals for the circuit embracing the district in which the action was brought.

''(2) For purposes of this subsection, the term 'appropriate United States district court', as used with respect to an alleged prohibited personnel practice, means the United States district court for the district in which the prohibited personnel practice is alleged to have been committed, the judicial district in which the employment records relevant to such practice are maintained and administered, or the judicial district in which resides the employee, former employee, or applicant for employment allegedly affected by such practice.

''(3) This subsection applies with respect to any appeal, petition, or other request for corrective action duly submitted to the Board, whether pursuant to section 1214(b)(2), the preceding provisions of this section, section 7513(d), or any otherwise applicable provisions of law, rule, or regulation.''.

(b) REVIEW OF MSPB DECISIONS.—Section 7703(b) of such title 5 is amended—

(1) in the first sentence of paragraph (1), by striking ''the United States Court of Appeals for the Federal Circuit'' and inserting ''the appropriate United States court of appeals''; and

(2) by adding at the end the following:

''(3) For purposes of the first sentence of paragraph (1), the term 'appropriate United States court of appeals' means the United States Court of Appeals for the Federal Circuit, except that in the case of a prohibited personnel practice described in section 2302(b)(8) or 2302(b)(9)(B)–(D) (other than a case that, disregarding this paragraph, would otherwise be subject to paragraph (2)), such term means the United States Court of Appeals for the Federal Circuit and any United States court of appeals having jurisdiction over appeals from any United States district court which, under section 1221(k)(2), would be an appropriate United States district court for purposes of such prohibited personnel practice.''.

(c) COMPENSATORY DAMAGES.—Section 1221(g)(1)(A)(ii) of such title 5 is amended by striking all after ''travel expenses,'' and inserting ''any other reasonable and foreseeable consequential damages, and compensatory damages (including attorney's fees, interest, reasonable expert witness fees, and costs).''.

(d) CONFORMING AMENDMENTS.—

(1) Section 1221(h) of such title 5 is amended by adding at the end the following:

''(3) Judicial review under this subsection shall not be available with respect to any decision or order as to which the employee, former employee, or applicant has filed a petition for judicial review under subsection (k).''.

(2) Section 7703(c) of such title 5 is amended by striking ''court.'' and inserting ''court, and in the case of a prohibited personnel practice described in section 2302(b)(8) or 2302(b)(9)(B)–(D) brought under any provision of law, rule, or regulation described in section 1221(k)(3), the employee or applicant shall have the right to de novo review in accordance with section 1221(k).''.

SEC. 1270. NATIONAL SECURITY WHISTLEBLOWER RIGHTS.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended by inserting after section 2303 the following:

''§ 2303a. National security whistleblower rights

''(a) PROHIBITION OF REPRISALS.—

''(1) IN GENERAL.—In addition to any rights provided in section 2303 of this title, title VII of Public Law 105–272, or any other provision of law, an employee or former employee in a covered agency may not be discharged, demoted, or otherwise discriminated against (including by denying, suspending, or revoking a security clearance, or by otherwise restricting access to classified or sensitive information) as a reprisal for making a disclosure described in paragraph (2).

''(2) DISCLOSURES DESCRIBED.—A disclosure described in this paragraph is any disclosure of covered information which is made—

''(A) by an employee or former employee in a covered agency (without restriction as to time, place, form, motive, context, or prior disclosure made to any person by an employee or former employee, including a disclosure made in the course of an employee's duties); and

''(B) to an authorized Member of Congress, an authorized official of an Executive agency, or the Inspector General of the covered agency in which such employee or former employee is or was employed.

''(b) INVESTIGATION OF COMPLAINTS.—An employee or former employee in a covered agency who believes that such employee or former employee has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General and the head of the covered agency. The Inspector General shall investigate the complaint and, unless the Inspector General determines that the complaint is frivolous, submit a report of the findings of the investigation within 120 days to the employee or former employee (as the case may be) and to the head of the covered agency.

''(c) REMEDY.—

''(1) Within 180 days of the filing of the complaint, the head of the covered agency shall, taking into consideration the report of the Inspector General under subsection (b) (if any), determine whether the employee or former employee has been subjected to a reprisal prohibited by subsection (a), and shall either issue an order denying relief or shall implement corrective action to return the employee or former employee, as nearly as possible, to the position he would have held had the reprisal not occurred, including voiding any directive or order denying, suspending, or revoking a security clearance or otherwise restricting access to classified or sensitive information that constituted a reprisal, as well as providing back pay and related benefits, medical costs incurred, travel expenses, any other reasonable and foreseeable consequential damages, and compensatory damages (including attorney's fees, interest, reasonable expert witness fees, and costs). If the head of the covered agency issues an order denying relief, he shall issue a report to the employee or former employee detailing the reasons for the denial.

''(2)(A) If the head of the covered agency, in the process of implementing corrective action under paragraph (1), voids a directive or order denying, suspending, or revoking a security clearance or otherwise restricting access to classified or sensitive information that constituted a reprisal, the head of the covered agency may re-initiate procedures to issue a directive or order denying, suspending, or revoking a security clearance or otherwise restricting access to classified or sensitive information only if those re-initiated procedures are based exclusively on national security concerns and are unrelated to the actions constituting the original reprisal.

''(B) In any case in which the head of a covered agency re-initiates procedures under subparagraph (A), the head of the covered agency shall issue an unclassified report to its Inspector General and to authorized Members of Congress (with a classified annex, if necessary), detailing the circumstances of the agency's re-initiated procedures and describing the manner in which those procedures are based exclusively on national security concerns and are unrelated to the actions constituting the original reprisal. The head of the covered agency shall also provide periodic updates to the Inspector General and authorized Members of Congress detailing any significant actions taken as a result of those procedures, and shall respond promptly to inquiries from authorized Members of Congress regarding the status of those procedures.

''(3) If the head of the covered agency has not made a determination under paragraph (1) within 180 days of the filing of the complaint (or he has issued an order denying relief, in whole or in part, whether within that 180-day period or thereafter, then, within 90 days after such order is issued), the employee or former employee may bring an action at law or equity for de novo review to seek any corrective action described in paragraph (1) in the appropriate United States district court (as defined by section 1221(k)(2)), which shall have jurisdiction over such action without regard to the amount in controversy. An appeal from a final decision of a district court in an action under this paragraph may, at the election of the appellant, be taken to the Court of Appeals for the Federal Circuit (which shall have jurisdiction of such appeal), in lieu of the United States court of appeals for the circuit embracing the district in which the action was brought.

''(4) An employee or former employee adversely affected or aggrieved by an order issued under paragraph (1), or who seeks review of any corrective action determined under paragraph (1), may obtain judicial review of such order or determination in the United States Court of Appeals for the Federal Circuit or any United States court of appeals having jurisdiction over appeals from any United States district court which, under section 1221(k)(2), would be an appropriate United States district court. No petition seeking such review may be filed more than 60 days after issuance of the order or the determination to implement corrective action by the head of the agency. Review shall conform to chapter 7.

''(5)(A) If, in any action for damages or relief under paragraph (3) or (4), an Executive agency moves to withhold information from discovery based on a claim that disclosure would be inimical to national security by asserting the privilege commonly referred to as the 'state secrets privilege', and if the assertion of such privilege prevents the employee or former employee from establishing

an element in support of the employee's or former employee's claim, the court shall resolve the disputed issue of fact or law in favor of the employee or former employee, provided that an Inspector General investigation under subsection (b) has resulted in substantial confirmation of that element, or those elements, of the employee's or former employee's claim.

''(B) In any case in which an Executive agency asserts the privilege commonly referred to as the 'state secrets privilege', whether or not an Inspector General has conducted an investigation under subsection (b), the head of that agency shall, at the same time it asserts the privilege, issue a report to authorized Members of Congress, accompanied by a classified annex if necessary, describing the reasons for the assertion, explaining why the court hearing the matter does not have the ability to maintain the protection of classified information related to the assertion, detailing the steps the agency has taken to arrive at a mutually agreeable settlement with the employee or former employee, setting forth the date on which the classified information at issue will be declassified, and providing all relevant information about the underlying substantive matter.

''(d) APPLICABILITY TO NON-COVERED AGENCIES.—An employee or former employee in an Executive agency (or element or unit thereof) that is not a covered agency shall, for purposes of any disclosure of covered information (as described in subsection (a)(2)) which consists in whole or in part of classified or sensitive information, be entitled to the same protections, rights, and remedies under this section as if that Executive agency (or element or unit thereof) were a covered agency.

''(e) CONSTRUCTION.—Nothing in this section may be construed—

''(1) to authorize the discharge of, demotion of, or discrimination against an employee or former employee for a disclosure other than a disclosure protected by subsection (a) or (d) of this section or to modify or derogate from a right or remedy otherwise available to an employee or former employee; or

''(2) to preempt, modify, limit, or derogate any rights or remedies available to an employee or former employee under any other provision of law, rule, or regulation (including the Lloyd-La Follette Act).

No court or administrative agency may require the exhaustion of any right or remedy under this section as a condition for pursuing any other right or remedy otherwise available to an employee or former employee under any other provision of law, rule, or regulation (as referred to in paragraph (2)).

''(f) DEFINITIONS.—For purposes of this section—

''(1) the term 'covered information', as used with respect to an employee or former employee, means any information (including classified or sensitive information) which the employee or former employee reasonably believes evidences—

''(A) any violation of any law, rule, or regulation; or

''(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

''(2) the term 'covered agency' means—

''(A) the Federal Bureau of Investigation, the Office of the Director of National Intelligence, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, and the National Reconnaissance Office; and

''(B) any other Executive agency, or element or unit thereof, determined by the President under section 2302(a)(2)(C)(ii)(II) to have as its principal function the conduct of foreign intelligence or counterintelligence activities;

''(3) the term 'authorized Member of Congress' means—

''(A) with respect to covered information about sources and methods of the Central Intelligence Agency, the Director of National Intelligence, and the National Intelligence Program (as defined in section 3(6) of the National Security Act of 1947), a member of the House Permanent Select Committee on Intelligence, the Senate Select Committee on Intelligence, or any other committees of the House of Representatives or Senate to which this type of information is customarily provided;

''(B) with respect to special access programs specified in section 119 of title 10, an appropriate member of the Congressional defense committees (as defined in such section); and

''(C) with respect to other covered information, a member of the House Permanent Select Committee on Intelligence, the Senate Select Committee on Intelligence, the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, or any other committees of the House of Representatives or the Senate that have oversight over the program which the covered information concerns; and

''(4) the term 'authorized official of an Executive agency' shall have such meaning as the Office of Personnel Management shall by regulation prescribe, except that such term shall, with respect to any employee or former employee in an agency, include the head, the general counsel, and the ombudsman of such agency.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by inserting after the item relating to section 2303 the following:

''2303a. National security whistleblower rights.''.

SEC. 1271. ENHANCEMENT OF CONTRACTOR EMPLOYEE WHISTLEBLOWER PROTECTIONS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 315(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 265(c)) is amended—

(1) in paragraph (1), by striking ''If the head'' and all that follows through ''actions:'' and inserting the following: ''Not later than 180 days after submission of a complaint under subsection (b), the head of the executive agency concerned shall determine whether the contractor concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take one or more of the following actions:''; and

(2) by redesignating paragraph (3) as paragraph (4) and adding after paragraph (2) the following new paragraph (3):

''(3) If the head of an executive agency has not issued an order within 180 days after the submission of a complaint under subsection (b) and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted his administrative remedies with respect to the complaint, and the complainant may bring an action at law or equity for de novo review to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.''.

(b) ARMED SERVICES CONTRACTS.—Section 2409(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''If the head'' and all that follows through ''actions:'' and inserting the following: ''Not later than 180 days after submission of a complaint under subsection (b), the head of the agency concerned shall determine whether the contractor concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take one or more of the following actions:''; and

(2) by redesignating paragraph (3) as paragraph (4) and adding after paragraph (2) the following new paragraph (3):

''(3) If the head of an agency has not issued an order within 180 days after the submission of a complaint under subsection (b) and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted his administrative remedies with respect to the complaint, and the complainant may bring an action at law or equity for de novo review to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.''.

SEC. 1272. PROHIBITED PERSONNEL PRACTICES AFFECTING THE TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended—

(1) by redesignating sections 2304 and 2305 as sections 2305 and 2306, respectively; and

(2) by inserting after section 2303a (as inserted by section 1270) the following:

''§ 2304. Prohibited personnel practices affecting the Transportation Security Administration

''(a) IN GENERAL.—Notwithstanding any other provision of law, any individual holding or applying for a position within the Transportation Security Administration shall be covered by—

''(1) the provisions of section 2302(b)(1), (8), and (9);

''(2) any provision of law implementing section 2302(b)(1), (8), or (9) by providing any right or remedy available to an employee or applicant for employment in the civil service; and

''(3) any rule or regulation prescribed under any provision of law referred to in paragraph (1) or (2).

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any rights, apart from those described in subsection (a), to which an individual described in subsection (a) might otherwise be entitled under law.

''(c) EFFECTIVE DATE.—This section shall take effect as of the date of the enactment of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by striking the items relating to sections 2304 and 2305, respectively, and by inserting the following:

''2304. Prohibited personnel practices affecting the Transportation Security Administration.

''2305. Responsibility of the Government Accountability Office.

''2306. Coordination with certain other provisions of law.''.

SEC. 1273. CLARIFICATION OF WHISTLEBLOWER RIGHTS RELATING TO SCIENTIFIC AND OTHER RESEARCH.

(a) IN GENERAL.—Section 2302 of title 5, United States Code, is amended by adding at the end the following:

''(f) As used in section 2302(b)(8), the term 'abuse of authority' includes—

''(1) any action that compromises the validity or accuracy of federally funded research or analysis;

''(2) the dissemination of false or misleading scientific, medical, or technical information;

''(3) any action that restricts or prevents an employee or any person performing federally funded research or analysis from publishing in peer-reviewed journals or other scientific publications or making oral presentations at professional society meetings or other meetings of their peers; and

''(4) any action that discriminates for or against any employee or applicant for employment on the basis of religion, as defined by section 1273(b) of the Whistleblower Protection Enhancement Act of 2009.''.

(b) DEFINITION.—As used in section 2302(f)(3) of title 5, United States Code (as amended by subsection (a)), the term ''on the basis of religion'' means—

(1) prohibiting personal religious expression by Federal employees to the greatest extent possible, consistent with requirements of law and interests in workplace efficiency;

(2) requiring religious participation or nonparticipation as a condition of employment, or permitting religious harassment;

(3) failing to accommodate employees' exercise of their religion;

(4) failing to treat all employees with the same respect and consideration, regardless of their religion (or lack thereof);

(5) restricting personal religious expression by employees in the Federal workplace except where the employee's interest in the expression is outweighed by the government's interest in the efficient provision of public services or where the expression intrudes upon the legitimate rights of other employees or creates the appearance, to a reasonable observer, of an official endorsement of religion;

(6) regulating employees' personal religious expression on the basis of its content or viewpoint, or suppressing employees' private religious speech in the workplace while leaving unregulated other private employee speech that has a comparable effect on the efficiency of the workplace, including ideological speech on politics and other topics;

(7) failing to exercise their authority in an evenhanded and restrained manner, and with regard for the fact that Americans are used to expressions of disagreement on controversial subjects, including religious ones;

(8) failing to permit an employee to engage in private religious expression in personal work areas not regularly open to the public to the same extent that they may engage in nonreligious private expression, subject to reasonable content- and viewpoint-neutral standards and restrictions;

(9) failing to permit an employee to engage in religious expression with fellow employees, to the same extent that they may engage in comparable nonreligious private expression, subject to reasonable and content-neutral standards and restrictions;

(10) failing to permit an employee to engage in religious expression directed at fellow employees, and may even attempt to persuade fellow employees of the correctness of their religious views, to the same extent as those employees may engage in comparable speech not involving religion;

(11) inhibiting an employee from urging a colleague to participate or not to participate in religious activities to the same extent that, consistent with concerns of workplace efficiency, they may urge their colleagues to engage in or refrain from other personal endeavors, except that the employee must refrain from such expression when a fellow employee asks that it stop or otherwise demonstrates that it is unwelcome;

(12) failing to prohibit expression that is part of a larger pattern of verbal attacks on fellow employees (or a specific employee) not sharing the faith of the speaker;

(13) preventing an employee from—

(A) wearing personal religious jewelry absent special circumstances (such as safety concerns) that might require a ban on all similar nonreligious jewelry; or

(B) displaying religious art and literature in their personal work areas to the same extent that they may display other art and literature, so long as the viewing public would reasonably understand the religious expression to be that of the employee acting in her personal capacity, and not that of the government itself;

(14) prohibiting an employee from using their private time to discuss religion with willing coworkers in public spaces to the same extent as they may discuss other subjects, so long as the public would reasonably understand the religious expression to be that of the employees acting in their personal capacities;

(15) discriminating against an employee on the basis of their religion, religious beliefs, or views concerning their religion by promoting, refusing to promote, hiring, refusing to hire, or otherwise favoring or disfavoring, an employee or potential employee because of his or her religion, religious beliefs, or views concerning religion, or by explicitly or implicitly, insisting that the employee participate in religious activities as a condition of continued employment, promotion, salary increases, preferred job assignments, or any other incidents of employment or insisting that an employee refrain from participating in religious activities outside the workplace except pursuant to otherwise legal, neutral restrictions that apply to employees' off-duty conduct and expression in general (such as restrictions on political activities prohibited by the Hatch Act);

(16) prohibiting a supervisor's religious expression where it is not coercive and is understood to be his or her personal view, in the same way and to the same extent as other constitutionally valued speech;

(17) permitting a hostile environment, or religious harassment, in the form of religiously discriminatory intimidation, or pervasive or severe religious ridicule or insult, whether by supervisors or fellow workers, as determined by its frequency or repetitiveness, and severity;

(18) failing to accommodate an employee's exercise of their religion unless such accommodation would impose an undue hardship on the conduct of the agency's operations, based on real rather than speculative or hypothetical cost and without disfavoring other, nonreligious accommodations; and

(19) in those cases where an agency's work rule imposes a substantial burden on a particular employee's exercise of religion, failing to grant the employee an exemption from that rule, absent a compelling interest in denying the exemption and where there is no less restrictive means of furthering that interest.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to create any new right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person.

SEC. 1274. EFFECTIVE DATE.

This part shall take effect 30 days after the date of the enactment of this Act, except as provided in the amendment made by section 1272(a)(2).

The CHAIR. Pursuant to House Resolution 92, the gentleman from Pennsylvania (Mr. PLATTS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PLATTS. Mr. Chairman, the amendment that I'm offering with my colleague from Maryland (Mr. VAN HOLLEN) would insert the text of the Whistleblower Protection Enhancement Act—H.R. 985 in the last session—into the underlying legislation.

H.R. 985 passed by a bipartisan vote of 331–94 in 2007. This amendment strengthens the inadequate protections currently afforded to Federal employees who report illegalities, gross mismanagement and waste, and specific dangers to the public health and safety.

As proposed, the underlying bill includes whistleblower protections for the employees of recipients of Federal funds approved through this bill, including State and local employees and government contractors. Federal employees responsible for overseeing the hundreds of billions of dollars in spending in this bill, however, will remain inadequately protected unless this amendment is adopted.

In 1989, as a result of findings that the civil service protections of the time were inadequate, Congress and the first Bush administration enacted into law the original Whistleblower Protection Act (WPA). In response to decisions by the Merit Systems Protection Board and the Federal Circuit Court weakening the WPA, Congress adopted additional whistleblower protections in 1994.

Unfortunately, we are once again back to where we started. Since the 1994 amendments were adopted, more than 200 whistleblower cases have come before the Federal Circuit Court; however, only three whistleblowers have prevailed.

The Federal Circuit Court has weakened whistleblower protections by requiring that for a Federal employee to reasonably believe there is evidence of waste, fraud or abuse, he or she must overcome with ''irrefragable proof'' the presumption that the agency was acting in good faith. This is an unheard of legal standard defined in the dictionary as ''impossible to refute.''

With the enactment of this amendment, the court and administrative decisions that undermine whistleblower protections would be overturned. This amendment replaces the irrefragable proof standard with a reasonable belief standard, grants employees the right to a jury trial in Federal court if the head of an agency does not take action within 180 days, and ends the Federal Circuit Court's monopoly jurisdiction.

Given the amount of money involved in the underlying legislation, Federal whistleblower protections will be that much more important to ensure effective oversight and accountability. As such, I urge adoption of this amendment.

Mr. Chairman, I yield to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, I would like to commend Mr. PLATTS, Mr. WAXMAN, Mr. TOWNS, Mr. TIERNEY, Mr. BRALEY and Mr. PRICE for their work on this important issue.

This economic recovery package contains about $550 billion in public funds to support important national priorities. We need to make sure these funds are effectively spent and that they're not lost through any waste, fraud or abuse.

The underlying bill provides protection for whistleblowers at the State and local level. What this amendment does is to make sure that our Federal employees also have whistleblower protections so if they see waste, fraud or abuse, they can report it without fear of retaliation or harm.

□ 1515

And as Mr. PLATTS has said, what we're doing is simply putting the Whistleblower Protection Act that passed this body by a vote of 331–94 into this bill to make sure that these public funds are safeguarded and that we ensure accountability in the process. I think all of us would agree, regardless of our position on whether or not we should be putting any particular amount into public investment, we want that money safeguarded and protected against waste, fraud, and abuse. That's what this amendment is about.

Mr. Chairman, I reserve the balance of my time.

Mr. REYES. Mr. Chairman, I rise to claim the time in opposition.

The CHAIR. The gentleman from Texas is recognized for 5 minutes in opposition.

Mr. REYES. Mr. Chairman, although I am not opposed to this amendment, I am concerned. I rise to speak about those concerns.

Mr. Chairman, today I rise to address briefly the Platts amendment. This amendment will make the changes to the law and procedures for whistleblowers, including national security whistleblowers. As chairman of the Intelligence Committee, this is a subject of great interest to me, and I thank both Mr. PLATTS and Mr. VAN HOLLEN for working to address my concerns.

I do believe that the procedure and process for national security whistleblowers deserve a fresh look. I voted for this bill when it came to the floor last Congress.

My concern, Mr. Chairman, is that there's a process to be followed here. This is an important issue, and I don't want it to get lost in the shuffle in the context of this critical stimulus bill. Rather than attach the amendment to a fast-moving appropriations bill where it essentially becomes a footnote, it should instead be subject to regular order, which will allow it to be refined and perfected.

As someone who spent his career as a Federal employee, I believe in strong whistleblower protections. I just think that this is a vital issue that needs to be done right. I don't want to rush to a solution.

The gentleman from Maryland (Mr. VAN HOLLEN), one of the sponsors of the amendment, has agreed that we will take care to address some of these specific concerns related to classified information and national security whistleblowers in conference. I want to thank him for that commitment, and I look forward to working with both Mr. VAN HOLLEN and Mr. PLATTS on this very important issue.

At this time, Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank my distinguished chairman of the Intelligence Committee.

I am opposed to the amendment in its current form. I'm encouraged that Representatives VAN HOLLEN and PLATTS have indicated that they are willing to work with those of us on the Intelligence Committee to address some of the concerns that we have.

Why would we be concerned? I am strongly in favor of whistleblower reform, and I think that we need to open up the process for whistleblowers in the intelligence community so that we in the Intelligence Committee sometimes can have a better understanding of what's going on in the intelligence community. But this amendment makes some grievous errors.

First, it has nothing to do with economic stimulus. As the chairman stated, this should have gone through regular order, but that's not where we are today. I understand that a cottage industry seems to have developed in pundits and speculation on intelligence programs, but it's hard to see how this has anything to do with stimulating the economy.

The amendment makes significant and potentially problematic changes to the existing intelligence community whistleblower statute. Most notably, it would effectively allow individual employees to judge what classified programs they can and cannot discuss with Members outside the Intelligence Committees. This not only defeats the purpose of having an Intelligence Committee, it also significantly increases the risk that other committees of the House will receive and potentially act on bad information that they will be unable to fully and fairly evaluate. The House Intelligence Committee is the only committee in the House that deals with sources and methods, and it should stay that way.

I am encouraged that we are going to be able to work with the sponsors of this amendment through the process and make the necessary changes so that when it comes back from a conference committee that it will have addressed our concerns and it will reform the whistleblower statute effectively.

Mr. PLATTS. Mr. Chairman, I appreciate the chairman and ranking member's and Intelligence Committee's concerns. I look forward to working with them.

Mr. Chairman, I yield 30 seconds to the distinguished Member from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. Mr. Chairman, I am very delighted, as the floor manager for the Whistleblower Protection Enhancement bill of 2007, to be here to speak in strong support of the Van Hollen-Platts amendment. There is no greater deterrent to waste, fraud, and abuse in the Federal Government than by providing strong remedies to Federal whistleblower, and this amendment does just that.

I'm also very pleased that the amendments I introduced in committee that were incorporated into the overall bill are going to be a strong part of the overall deterrent impact, and I urge my colleagues in the House to vote for this measure and give the Federal Government more teeth in enforcing the bill.

Mr. REYES. Mr. Chairman, I reserve the balance of my time.

Mr. PLATTS. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, I rise in support of the amendment by my colleagues from Maryland and Pennsylvania. I voted for similar legislation in 2007 because I support the gentlemen's goal of adding these whistleblower protections for government workers.

However, as drafted, the amendment appears to be at odds with some Transportation Security Agency screener employment requirements and might have the unintended effects of reducing TSA's capacity to react to possible threats. So while I support this amendment, I do so with the understanding that we may need to perfect it in conference to ensure there are no unintended consequences.

Mr. PLATTS. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR (Mr. BRALEY of Iowa). The gentleman has 30 seconds remaining.

Mr. PLATTS. Mr. Chairman, I yield the remaining 30 seconds to the gentlewoman from Maine (Ms. PINGREE).

Ms. PINGREE of Maine. Mr. Chairman, I just want to add my support to this measure and thank the Members of this body who have worked so hard to bring this here previously and have also seen the wisdom of adding this into the stimulus package.

We have all been asked so many times how we're going to make sure this money is well spent, how we're going to make sure that our constituents get the value for which is in this. And I think this is the best protection that we have making sure that those people who have the information are there to tell us that.

I want to tell one quick story.

In 2004, Bunnatine Greenhouse, the highest-ranking civilian contracting officer at the Army Corps of Engineers, exposed a pattern of favoritism.

The Acting CHAIR. The time of the gentlewoman has expired.

Ms. PINGREE of Maine. I can't finish my story, but I want you to know that

she is one of the many workers that will be protected under this law, and I look forward to everyone's support.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. REYES. Mr. Chairman, again I rise to thank both sponsors of this amendment, Mr. VAN HOLLEN and Mr. PLATTS, for agreeing to work with us.

Mr. Chairman, I yield the balance of my time to Mr. VAN HOLLEN.

Mr. VAN HOLLEN. I thank Mr. REYES, the chairman of the Intelligence Committee, and the ranking member, Mr. HOEKSTRA. I again want to remind the House this is a bill that has been voted on here before. It passed with a bipartisan majority of 331–94. Nevertheless, Mr. PLATTS and I have agreed to address the concerns that have been raised by the Intelligence Committee. We will do that in consultation with the Senate and conference committee to make sure that we're all on the same page in agreement with respect to this national security component.

Mr. TOWNS. Mr. Chair, I rise in strong support of the bipartisan Platts/Van Hollen amendment. This amendment is identical to H.R. 985, the Whistleblower Protection Act of 2007, which passed the House with an overwhelming vote of 331 to 94, and which was reported by the Oversight and Government Reform Committee by a vote of 28 to 0.

The reason this measure enjoyed such strong, bipartisan support in the last Congress is that it was carefully crafted with input from both sides of the aisle. It is truly the result of bipartisan consultation and agreement on this issue. And I want to thank Representatives PLATTS and VAN HOLLEN for their hard work on this measure.

The amendment addresses several court decisions which have ignored the intent of Congress and created loopholes which undermine the current whistleblower statute's effectiveness and unreasonably limit the nature of disclosures protected under current law.

In addition, the amendment makes clear that national security workers, employees of the Transportation Security Administration, employees of government contractors, and workers who attempt to protect the integrity of federal science are all entitled to protection from retaliation for blowing the whistle.

Protecting whistleblowers is not a Democratic or Republican issue. It is an issue of importance to all Americans, because they are one of our most potent weapons against waste, fraud, and abuse. Ensuring that those who blow the whistle are protected from retaliation benefits all Americans.

I urge members to support this amendment.

Mr. BRALEY of Iowa. Mr. Chair, as the Floor Manager of the Whistleblower Protection Enhancement Act of 2007 last Congress, I rise today in strong support of the Platts/Van Hollen amendment to H.R. 1, the American Recovery and Reinvestment Act. This amendment, which would insert the text of H.R. 985, the Whistleblower Protection Enhancement Act from the 110th Congress, will strengthen protections for Federal employees who speak out against waste, fraud, and abuse. I'm glad that the amendment includes provisions I added last Congress to ensure that whistleblowers are protected by remedies that deter retaliation against them, and I believe the amendment is a critical addition to the strong oversight and accountability provisions already included in the underlying economic stimulus bill.

H.R. 985 passed the House with strong, bipartisan support in early 2007. While a similar bill also passed the Senate, unfortunately these enhanced whistleblower protections were not enacted into law. The inclusion of the Whistleblower Protection Enhancement Act in H.R. 1 gives us a chance to swiftly enact strong and urgently needed federal whistleblower protections. It will also help ensure that the taxpayer dollars allocated by this important economic stimulus bill are spent wisely and responsibly.

Whistleblowers have long been instrumental in alerting the public and the Congress to wrongdoing in Federal agencies. In many cases, the brave actions of whistleblowers have led to positive changes that have resulted in more responsible, safe, and ethical practices. In some instances, the actions of whistleblowers have even saved lives. Unfortunately, despite the importance of whistleblowers in ensuring government accountability and integrity, court decisions by the U.S. Court of Appeals for the Federal Circuit have undermined whistleblower protections and have unreasonably limited the scope of disclosures protected under current law.

Hearings held in the Committee on Oversight and Government Reform last Congress highlighted the need for expanded protections for workers who shed light on wrongdoing by government agencies and departments. Several hearings held by the Committee helped uncover waste and fraud in government contracting, both here in the United States, and in Iraq—waste and fraud which led to the loss of billions of taxpayer dollars, and jeopardized the safety of Americans here at home, and those serving abroad. At another hearing we learned that some officials in the Bush Administration sought to manipulate Federal climate science, compromising the health and safety of American families and the future of the planet, solely for political gain. Perhaps the starkest reminder of the need to protect those who refuse to remain silent in the face of government wrongdoing came at the Committee's March 2007 hearing at Walter Reed Army Medical Center, at which we learned about the terrible living conditions and bureaucratic hurdles that soldiers endured there. At the hearing, it became clear that nobody dared to complain about the squalid living conditions and inadequate care at what was supposed to be the best military medical facility in the world because of a fear of retribution. Because of this fear, it took an expose by a newspaper in order for action to be taken on these severe and systemic problems, and many of our nation's heroes had to suffer there for far too long.

The inclusion of the Whistleblower Protection Enhancement Act in H.R. 1 will make important changes to existing law to strengthen protections for government workers who speak out against illegal, wasteful, and dangerous practices. This bill protects all federal whistleblowers by clarifying that any disclosure pertaining to waste, fraud, or abuse, "without restriction as to time, place, form, motive, context, or prior disclosure," and including both formal and informal communication, is protected. The bill also gives whistleblowers access to timely action on their claims, allowing them access to federal district courts if the Merit Systems Protection Board does not take action on their claims within 180 days. In addition, the bill clarifies that national security workers, employees of government contractors, and those who blow the whistle on actions that compromise the integrity of federal science, are all entitled to whistleblower protection.

I'm also very pleased that this amendment includes language which I added to the Whistleblower Protection Enhancement Act in the 110th Congress to deter retaliation against federal whistleblowers. The provisions I added in the Oversight Committee mark-up of the bill will ensure that federal employees are protected by a right to a jury trial in whistleblower cases, and that federal employees are able to recover compensatory damages, including attorney's fees, interest, reasonable expert witness fees, and costs. These provisions are essential to ensuring that whistleblowers who face retaliation receive the fair hearings and justice that they deserve.

The passage of these important whistleblower protections is very timely and appropriate, as we prepare to make a historic investment in the American economy and American workers. I'm proud to be voting for the American Recovery and Reinvestment Act today to jumpstart the economy, create millions of jobs, and make critical investments in renewable energy, healthcare, education and technology, and infrastructure. An important component of this legislation is an unprecedented level of transparency, oversight, and accountability, including the creation of a Recovery Act Accountability and Transparency Board, increased resources for the Government Accountability Office and Inspectors General, and protections for state and local whistleblowers. The addition of the Whistleblower Protection Enhancement Act through the Platts/Van Hollen amendment will augment these important oversight and accountability provisions, and will help ensure the effectiveness and integrity of the stimulus bill. This amendment will not only protect federal whistleblowers, but will also protect American taxpayers.

In closing, I strongly urge my colleagues to vote in support of the Platts/Van Hollen amendment to the American Recovery and Reinvestment Act today. This amendment will ensure the wise use of taxpayer funds, the integrity of federal agencies and programs, and essential protections for federal whistleblowers now and far into the future.

Mr. THOMPSON of Mississippi. Mr. Chair, I rise today in support of the Amendment offered by Mr. PLATTS and Mr. VAN HOLLEN, which clarifies and expands whistleblower protections to federal employees and contractors.

In particular, I would like to speak in support of the provision to grant the Transportation Security Officers (TSOs) of the Transportation Security Administration the whistleblower protections they so rightly deserve. Mr. Chairman, our TSOs are not second class citizens and should not be treated as such.

In the 110th Congress, The Committee on Homeland Security worked to give a broad range of rights to TSOs in section 408 of H.R. 1. Whistleblower protections were a key part of this effort. Yet, when it came time to vote on our Conference Report, these protections were stripped from the final product. I am

therefore pleased to stand here today, in full support of this important and long overdue measure.

In 2001, when the Transportation Safety Administration (TSA) was created, Congress provided the TSA Administrator the power to set TSO compensation, leave, and other basic employment rights. While this initial vesting authority helped establish TSA, it continues to breed confusion and low marks for management. The time for personnel experiments is now over. TSOs deserve to be treated like every other employee—fairly and equitably.

This amendment takes an important first step to restore the basic rights of the TSO workforce by providing them with the same whistle-blowing rights as other federal workers.

If you do not set up a system where employees are protected, there is a disincentive to report offenses and the system remains inefficient and hinders transportation security. In the end, the American public may end up paying the price in terms of its security.

Finally, I would be remiss if I did not remind my colleagues that granting whistleblower rights to TSOs is not the end of our efforts; it must be the beginning of a sustained push for the rights of TSOs, so they are on par with their colleagues. We still have more work to do for the TSO workforce, such as fully providing them with collective-bargaining rights.

Providing basic employment protections and rights is critical to instill confidence in the workforce. These rights go a long way for the morale and the health of the workforce. In fact, earlier this week, an article was published that cited low marks for TSA management by the workforce on recognition and rewards for performance and promotion practices. I am submitting the article for inclusion in the RECORD. We are obligated to provide the most basic labor protections to our front line workers who perform an important job and work to keep us all safe; rights that are afforded to thousands of workers.

As the Chairman of the Homeland Security Committee, I look forward to working with my colleagues to provide not only these important protections but full rights for this valuable and worthy workforce.

Again, I commend my colleagues today on this important amendment and encourage its passage and inclusion into H.R. 1.

[From Government Executive.com, Jan. 26, 2009]

TSA EMPLOYEES GIVE MANAGEMENT LOW MARKS

(By Alyssa Rosenberg)

Transportation Security Administration employees gave agency management low marks for recognizing and rewarding performance and encouraging creativity and fairness in the workplace, according to a 2008 internal survey TSA conducted and the American Federation of Government Employees recently released.

From April 29 to June 27 of last year, 16,116 agency employees responded to the survey. Of that total, 21 percent of respondents said the process for rewarding and recognizing employees was fair, with 29 percent reporting that pay raises depend on job performance. Twenty-one percent of employees surveyed said the promotions process was fair and transparent, and 25 percent said differences in performance were recognized in a meaningful way.

The results, compiled by TSA's Office of Human Capital, were an improvement from previous years. In 2006, the first year the question was asked, 18 percent said the rewards and recognition process was fair, and in 2004, only 8 percent of TSA employees said pay depended on performance. In 2006, 17 percent of employees surveyed said the promotions process was fair, and 20 percent believed differences in job performance were recognized.

''We're looking to see the trends continue up,'' said Elizabeth Buchanan, TSA's deputy assistant administrator for human capital. ''I'm not sure there's some absolute value we'd like to get to.'' A disclaimer noted that survey results were for official use only. Government Executive obtained the survey documents from AFGE, which, along with the National Treasury Employees Union, is organizing TSA workers to obtain collective bargaining rights.

TSA is not the only agency that has received mediocre scores on some of these questions. In the 2008 Federal Human Capital Survey, 28.5 percent of respondents governmentwide said they agreed or strongly agreed that pay raises depend on how well employees perform their jobs, a half of a point lower than TSA's score in the internal survey.

Buchanan said the 2008 survey did not reflect all the changes that have been made to TSA's pay-for-performance system, and she believes the next survey will provide more meaningful data on pay perceptions.

The 2008 respondents were more satisfied with benefits than with pay, with 36 percent saying they thought their salaries were fair and competitive with similar jobs in other fields, while 62 percent said their benefits ''have a strong impact'' on their decisions to stay at the agency. Bill Lyons, a national organizer for AFGE involved with the union's efforts to organize TSA workers, said employee perceptions of arbitrary enforcement of pay and work rules were due partly to lax oversight by TSA of airport federal security directors.

''One officer said to me, 'Bill, I walk into the airport every day and it's like I'm walking into Pandora's box. I don't know what's going to be there,' '' Lyons said. ''The federal security directors, I believe they each think their airport is their own little empire, and [their attitude is] 'I can do whatever I want to do, whatever the directive is coming out of D.C.' ''

Half the survey's respondents said their supervisor or team leader gave them useful suggestions for improving job performance, but only 38 percent said those supervisors modeled fair, inclusive and transparent behaviors themselves.

Buchanan said she hoped some new programs would improve perceptions of management and consistent enforcement of agency directives. About 60 percent of the TSA workforce has participated in two training programs called COACH and ENGAGE, which aim to improve employees' confidence and increase the strength of communication between security officers and their supervisors.

She also noted that a new peer review program, which has been launched in the nation's largest airports, already has addressed 32 cases in which employees felt they were being treated unfairly by management. As part of the program, panels of three peer employees and two supervisors hear complaints. If they conclude that an employee has been treated unfairly, they can overturn a federal security director's decision. Buchanan said TSA planned to roll out the program at all airports, but was still figuring out the time frame.

Those initiatives are designed to address a gap in perception between how TSA employees feel about their work, and how they think the agency views them. Ninety-four percent of survey respondents said their work is important, but only 22 percent said they feel personally empowered on the job and 48 percent believed TSA values their work.

Despite those frustrations, 66 percent of respondents reported that they were proud to work for TSA, and 64 percent registered overall job satisfaction. Seventy-eight percent of respondents said they were likely to stay at TSA for another year, and only 6 percent said they were likely to retire by the middle of 2009.

''A lot of people took this job out of wanting to dedicate themselves to the mission of protecting and serving the flying public,'' Lyons said. ''They look at it as a way of serving their country.''

Mr. REYES. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PLATTS).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. TEAGUE

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part B of House Report 111–9.

Mr. TEAGUE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. TEAGUE:

At the end of section 1226 (page 25, after line 21), insert the following:

(8) The website shall provide, by location, links to and information on how to access job opportunities created at or by entities receiving funding under this Act, including, if possible, links to or information about local employment agencies; state, local and other public agencies receiving funding; and private firms contracted to perform work funded by this Act

The Acting CHAIR. Pursuant to House Resolution 92, the gentleman from New Mexico (Mr. TEAGUE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. TEAGUE. Mr. Chairman, this stimulus bill is about one thing first and foremost: creating jobs. My amendment is about connecting out-of-work Americans to those jobs.

Just 2 days ago, on Monday, major companies across America laid off 70,000 workers. The United States economy has dropped nearly 2.6 million jobs since the recession began in December of 2007, raising the unemployment rate to 7.2 percent last month. Experts worry that the economy could now be losing as many as 600,000 jobs a month.

Now, if you're reading about this recession in the newspaper, it's numbers on a page. But for each and every one of those job losses, there's an economic crisis at a kitchen table somewhere in America, including quite a few kitchen tables in Southern New Mexico.

So what we are doing is working with President Obama to put forward an economic recovery package to spur the economy and create jobs. With $30 billion for highways and bridges, we are creating 850,000 jobs. With $10 billion

for rail and mass transit, we are creating 200,000 jobs. And with $16 billion for clean water and flood control, we're creating 375,000 jobs.

On top of that are the jobs created by investments in our schools and renewable energy and more jobs from the stimulus provided by the tax cut to 95 percent of Americans.

To add to all of this, I'm offering a commonsense amendment to help connect people to the new jobs we are creating. H.R. 1 requires the creation of a Web site, Recovery.gov, to ensure greater accountability and transparency in the government's economic recovery program.

Well, that's a good idea. We need to keep a firm eye on all this money to make sure it is well spent. But if we're going to have this Web site, it has also got to do something to help the people that this bill is all about: the folks trying to find a job.

My amendment would simply require Recovery.gov to provide information about the jobs created by this bill that would be useful to job seekers.

What my amendment basically says is this: If you're out of work or if you're looking for a job, if you're trying to provide for your family, we want to help. If you're willing to work, we want to do all we can to help you get a job.

I want to thank the chairwoman of the Rules Committee, Louise Slaughter, for making this amendment in order. And I also want to thank the chairman of the Appropriations Committee, Mr. OBEY, for his assistance. This is my first amendment as a Member of Congress, and it was an honor to work with you both.

Mr. Chairman, I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Georgia is recognized.

Mr. WESTMORELAND. Mr. Chairman, I appreciate the gentleman from New Mexico and I think his sincere effort to try to do what would promote these jobs, and I believe that he had the best intent. But as you will find in this body, sometimes the best intent actually hinders what you're trying to do.

I would just like to ask the gentleman if he has given any concern as to how much bureaucracy and red tape this is going to put on the ability of these Americans that these jobs are creating to go to work.

As Chairman OBERSTAR stated when he made comments earlier today, these are shovel-ready jobs ready to go. He's going to have oversight in 30 days to bring these people to where they can employ.

I would like to ask the gentleman from New Mexico, and I will yield to him the time, if he has given any study into how long it would take to put this stuff on the Web that might hinder the ability of these people to go to work immediately.

Mr. TEAGUE. Mr. Chairman, this amendment has not been scored by the Congressional Budget Office, but what we're doing is just putting some extra information on the Web site, information that's useful to Americans trying to get a job and go to work. Certainly whatever cost would be incurred would be small compared to the expense of establishing the Web site in the first place. It will be a minimum amount.

Mr. WESTMORELAND. Reclaiming my time, Mr. Chairman, what he has actually asked to do is that the companies that are receiving this put information on the Web site also.

This bill was intended to put people to work immediately. And right now, and the gentleman from New Mexico, who, I'm assuming, is going to vote for this bill, understands that we are spending approximately $225,000 or $250,000 for each job that this bill creates that will pay $50,000. And I just would like to ask him one further question.

Do you feel like it's right to put more burden on the small businesses that are going to be taking this money to try to get it to where they can stimulate the economy and create these jobs rather than doing the bureaucratic paperwork that this amendment would require them to do?

□ 1530

Mr. TEAGUE. Yes. Mr. Chairman, my amendment is just about creating jobs.

Mr. WESTMORELAND. Well, one last question, do you have any idea as to how many jobs this would create, your amendment would create?

Mr. TEAGUE. Yes. This particular amendment is about connecting people looking for a job to the jobs, and I think it's a necessary part.

Mr. WESTMORELAND. Well, I thank the gentleman for that.

Reclaiming my time, I think this would really be a hindrance in doing what has been stated so far today in getting these jobs and get them immediately. We need help immediately.

Now, I have some problems with whether this is really going to create jobs or not, but, just in case it did, just in case the stimulus package was going to do, because I have heard the same thing from Chairman OBEY about the importance of doing this right now, it's the same argument we heard for the $700 billion in the bailout program that is not unfrozen credit right now and has done nothing but made sure the fat cats in New York have balanced their balance sheets.

So with that, you know, I just want to take this opportunity to say that while I think the intentions were good on this amendment, I think it's going to do more harm than good. And there are so many times that I have seen up here that people offered amendments, we passed bills without looking at the final end use of it, not talking to the end users, and I don't think that any businesses that are going to be established to try to create some of these jobs would want to try to spend as much time as it would take to go about trying to make sure this amendment was put into law.

I yield back the balance of my time.

Mr. TEAGUE. If we are having a Web site, let's make it work for all Americans looking for a job.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. TEAGUE).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. CAMP

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part B of House Report 111–9.

Mr. CAMP. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. CAMP:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE, ETC.

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

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

Sec. 1. Short title, etc.

TITLE I—TAX PROVISIONS

Sec. 100. References.

Subtitle A—Reduction in Individual Tax Rates For 2009 and 2010

Sec. 101. 10 percent rate bracket for individuals reduced to 5 percent for 2009 and 2010.

Sec. 102. 15 percent rate bracket for individuals reduced to 10 percent for 2009 and 2010.

Subtitle B—Alternative Minimum Tax Relief For Individuals

Sec. 111. Extension of alternative minimum tax relief for nonrefundable personal credits.

Sec. 112. Increase in alternative minimum tax exemption amounts for 2009 and 2010.

Subtitle C—First-Time Homebuyer Credit

Sec. 121. Extension and modification of first-time homebuyer credit.

Subtitle D—Tax Incentives For Business

PART 1—TEMPORARY INVESTMENT INCENTIVES

Sec. 131. Special allowance for certain property acquired during 2009.

Sec. 132. Temporary increase in limitations on expensing of certain depreciable business assets.

PART 2—5-YEAR CARRYBACK OF OPERATING LOSSES

Sec. 136. 5-year carryback of operating losses.

Sec. 137. Exception for TARP recipients.

PART 3—DEDUCTION FOR QUALIFIED SMALL BUSINESS INCOME

Sec. 141. Deduction for qualified small business income.

PART 4—REPEAL OF WITHHOLDING TAX ON GOVERNMENT CONTRACTORS

Sec. 146. Repeal of withholding tax on government contractors.

Subtitle E—Deduction For Qualified Health Insurance Costs of Individuals

Sec. 151. Above-the-line deduction for qualified health insurance costs of individuals.

Subtitle F—Temporary Exclusion of Unemployment Compensation From Gross Income
Sec. 161. Temporary exclusion of unemployment compensation from gross income.
Subtitle G—No Impact on Social Security Trust Funds
Sec. 171. No impact on social security trust funds.
TITLE II—ASSISTANCE FOR UNEMPLOYED WORKERS
Sec. 200. Short title.
Sec. 201. Extension of emergency unemployment compensation program.
Sec. 202. Additional eligibility requirements for emergency unemployment compensation.
Sec. 203. Special transfers.
TITLE III—NO TAX INCREASES TO PAY FOR SPENDING
Sec. 301. No Tax Increases to Pay for Spending.

TITLE I—TAX PROVISIONS

SEC. 100. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Reduction in Individual Tax Rates For 2009 and 2010

SEC. 101. 10 PERCENT RATE BRACKET FOR INDIVIDUALS REDUCED TO 5 PERCENT FOR 2009 AND 2010.

(a) IN GENERAL.—Clause (i) of section 1(i)(1)(A) is amended by inserting ''(5 percent in the case of any taxable year beginning in 2009 or 2010)'' after ''10 percent''.

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

SEC. 102. 15 PERCENT RATE BRACKET FOR INDIVIDUALS REDUCED TO 10 PERCENT FOR 2009 AND 2010.

(a) IN GENERAL.—Subsection (i) of section 1 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) REDUCTION IN 15 PERCENT RATE FOR 2009 AND 2010.—In the case of any taxable year beginning in 2009 or 2010, '10 percent' shall be substituted for '15 percent' in the tables under subsections (a), (b), (c), (d), and (e). The preceding sentence shall be applied after application of paragraph (1).''.

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

Subtitle B—Alternative Minimum Tax Relief For Individuals

SEC. 111. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2008) is amended—

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

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

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

SEC. 112. INCREASE IN ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNTS FOR 2009 AND 2010.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($69,950 in the case of taxable years beginning in 2008)'' in subparagraph (A) and inserting ''($55,000 in the case of taxable years beginning in 2009 or 2010)'', and

(2) by striking ''($46,200 in the case of taxable years beginning in 2008)'' in subparagraph (B) and inserting ''($38,750 in the case of taxable years beginning in 2009 or 2010)''.

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

Subtitle C—First-Time Homebuyer Credit

SEC. 121. EXTENSION AND MODIFICATION OF FIRST-TIME HOMEBUYER CREDIT.

(a) EXTENSION OF CREDIT.—Subsection (i) of section 36 (as redesignated by subsection (d)) is amended by striking ''July 1, 2009'' and inserting ''January 1, 2010''.

(b) REPEAL OF FIRST-TIME HOMEBUYER REQUIREMENT.—

(1) IN GENERAL.—Subsection (a) of section 36 is amended by striking ''an individual who is a first-time homebuyer of a principal residence'' and inserting ''an individual who purchases a principal residence''.

(2) CONFORMING AMENDMENTS.—

(A) Section 36(b)(1)(A) is amended by inserting ''with respect to any taxpayer for any taxable year'' after ''subsection (a)''.

(B) Section 36(c) is amended by striking paragraph (1) and by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(C) The heading of section 36 (and the item relating to such section in the table of sections for subpart C of part IV of subchapter A of chapter 1) are amended by striking ''**first-time homebuyer**'' and inserting ''**homebuyer**''.

(c) REPEAL OF RECAPTURE RULES.—

(1) IN GENERAL.—Paragraph (4) of section 36(f) is amended by adding at the end the following new subparagraph:

''(D) WAIVER OF RECAPTURE FOR PURCHASES IN 2009.—In the case of any credit allowed with respect to the purchase of a principal residence after December 31, 2008—

''(i) paragraph (1) shall not apply, and

''(ii) paragraph (2) shall apply only if the disposition or cessation described in paragraph (2) with respect to such residence occurs during the 36-month period beginning on the date of the purchase of such residence by the taxpayer.''.

(2) CONFORMING AMENDMENT.—Subsection (g) of section 36 is amended by striking ''subsection (c)'' and inserting ''subsections (c) and (f)(4)(D)''.

(d) DOWNPAYMENT REQUIREMENT.—Section 36 is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) DOWNPAYMENT REQUIREMENT.—No credit shall be allowed under subsection (a) to any taxpayer with respect to the purchase of any residence unless such taxpayer makes a downpayment of not less 5 percent of the purchase price of such residence. For purposes of the preceding sentence, an amount shall not be treated as a downpayment if such amount is repayable by the taxpayer to any other person.''.

(e) EFFECTIVE DATE.—

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

(2) DOWNPAYMENT REQUIREMENT.—The amendment made by subsection (d) shall apply to residences purchased after the date of the enactment of this Act.

Subtitle D—Tax Incentives For Business

PART 1—TEMPORARY INVESTMENT INCENTIVES

SEC. 131. SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED DURING 2009.

(a) IN GENERAL.—Paragraph (2) of section 168(k) is amended—

(1) by striking ''January 1, 2010'' and inserting ''January 1, 2011'', and

(2) by striking ''January 1, 2009'' each place it appears and inserting ''January 1, 2010''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 is amended by striking ''JANUARY 1, 2009'' and inserting ''JANUARY 1, 2010''.

(2) The heading for clause (ii) of section 168(k)(2)(B) is amended by striking ''PRE-JANUARY 1, 2009'' and inserting ''PRE-JANUARY 1, 2010''.

(3) Subparagraph (D) of section 168(k)(4) is amended—

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

(B) by redesignating clause (ii) as clause (v), and

(C) by inserting after clause (i) the following new clauses:

''(ii) 'April 1, 2008' shall be substituted for 'January 1, 2008' in subparagraph (A)(iii)(I) thereof,

''(iii) 'January 1, 2009' shall be substituted for 'January 1, 2010' each place it appears,

''(iv) 'January 1, 2010' shall be substituted for 'January 1, 2011' in subparagraph (A)(iv) thereof, and''.

(4) Subparagraph (B) of section 168(l)(5) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(5) Subparagraph (B) of section 1400N(d)(3) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(c) EFFECTIVE DATES.—

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

(2) TECHNICAL AMENDMENT.—Section 168(k)(4)(D)(ii) of the Internal Revenue Code of 1986, as added by subsection (b)(3)(C), shall apply to taxable years ending after March 31, 2008.

SEC. 132. TEMPORARY INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Paragraph (7) of section 179(b) is amended—

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

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

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

PART 2—5-YEAR CARRYBACK OF OPERATING LOSSES

SEC. 136. 5-YEAR CARRYBACK OF OPERATING LOSSES.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) is amended to read as follows:

''(H) CARRYBACK FOR 2008 AND 2009 NET OPERATING LOSSES.—

''(i) IN GENERAL.—In the case of an applicable 2008 or 2009 net operating loss with respect to which the taxpayer has elected the application of this subparagraph—

''(I) subparagraph (A)(i) shall be applied by substituting any whole number elected by the taxpayer which is more than 2 and less than 6 for '2',

''(II) subparagraph (E)(ii) shall be applied by substituting the whole number which is one less than the whole number substituted under subclause (II) for '2', and

''(III) subparagraph (F) shall not apply.

''(ii) APPLICABLE 2008 OR 2009 NET OPERATING LOSS.—For purposes of this subparagraph, the term 'applicable 2008 or 2009 net operating loss' means—

''(I) the taxpayer's net operating loss for any taxable year ending in 2008 or 2009, or

''(II) if the taxpayer elects to have this subclause apply in lieu of subclause (I), the taxpayer's net operating loss for any taxable year beginning in 2008 or 2009.

''(iii) ELECTION.—Any election under this subparagraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the taxpayer's return for the taxable year of the net operating loss. Any such election, once made, shall be irrevocable.

''(iv) COORDINATION WITH ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—In the case of a taxpayer who elects to have clause (ii)(II) apply, section 56(d)(1)(A)(ii) shall be applied by substituting 'ending during 2001 or 2002 or beginning during 2008 or 2009' for 'ending during 2001, 2002, 2008, or 2009'.''.

(b) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—Subclause (I) of section 56(d)(1)(A)(ii) is amended to read as follows:

''(I) the amount of such deduction attributable to the sum of carrybacks of net operating losses from taxable years ending during 2001, 2002, 2008, or 2009 and carryovers of net operating losses to such taxable years, or''.

(c) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—Subsection (b) of section 810 is amended by adding at the end the following new paragraph:

''(4) CARRYBACK FOR 2008 AND 2009 LOSSES.—

''(A) IN GENERAL.—In the case of an applicable 2008 or 2009 loss from operations with respect to which the taxpayer has elected the application of this paragraph, paragraph (1)(A) shall be applied, at the election of the taxpayer, by substituting '5' or '4' for '3'.

''(B) APPLICABLE 2008 OR 2009 LOSS FROM OPERATIONS.—For purposes of this paragraph, the term 'applicable 2008 or 2009 loss from operations' means—

''(i) the taxpayer's loss from operations for any taxable year ending in 2008 or 2009, or

''(ii) if the taxpayer elects to have this clause apply in lieu of clause (i), the taxpayer's loss from operations for any taxable year beginning in 2008 or 2009.

''(C) ELECTION.—Any election under this paragraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the taxpayer's return for the taxable year of the loss from operations. Any such election, once made, shall be irrevocable.

''(D) COORDINATION WITH ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—In the case of a taxpayer who elects to have subparagraph (B)(ii) apply, section 56(d)(1)(A)(ii) shall be applied by substituting 'ending during 2001 or 2002 or beginning during 2008 or 2009' for 'ending during 2001, 2002, 2008, or 2009'.''.

(d) CONFORMING AMENDMENT.—Section 172 is amended by striking subsection (k).

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to net operating losses arising in taxable years ending after December 31, 2007.

(2) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—The amendment made by subsection (b) shall apply to taxable years ending after 1997.

(3) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—The amendment made by subsection (d) shall apply to losses from operations arising in taxable years ending after December 31, 2007.

(4) TRANSITIONAL RULE.—In the case of a net operating loss (or, in the case of a life insurance company, a loss from operations) for a taxable year ending before the date of the enactment of this Act—

(A) any election made under section 172(b)(3) or 810(b)(3) of the Internal Revenue Code of 1986 with respect to such loss may (notwithstanding such section) be revoked before the applicable date,

(B) any election made under section 172(b)(1)(H) or 810(b)(4) of such Code with respect to such loss shall (notwithstanding such section) be treated as timely made if made before the applicable date, and

(C) any application under section 6411(a) of such Code with respect to such loss shall be treated as timely filed if filed before the applicable date.

For purposes of this paragraph, the term ''applicable date'' means the date which is 60 days after the date of the enactment of this Act.

SEC. 137. EXCEPTION FOR TARP RECIPIENTS.

The amendments made by this part shall not apply to—

(1) any taxpayer if—

(A) the Federal Government acquires, at any time, an equity interest in the taxpayer pursuant to the Emergency Economic Stabilization Act of 2008, or

(B) the Federal Government acquires, at any time, any warrant (or other right) to acquire any equity interest with respect to the taxpayer pursuant to such Act,

(2) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, and

(3) any taxpayer which at any time in 2008 or 2009 is a member of the same affiliated group (as defined in section 1504 of the Internal Revenue Code of 1986, determined without regard to subsection (b) thereof) as a taxpayer described in paragraph (1) or (2).

PART 3—DEDUCTION FOR QUALIFIED SMALL BUSINESS INCOME

SEC. 141. DEDUCTION FOR QUALIFIED SMALL BUSINESS INCOME.

(a) IN GENERAL.—Paragraph (1) of section 199(a) is amended to read as follows:

''(1) IN GENERAL.—There shall be allowed as a deduction an amount equal to the sum of—

''(A) 9 percent of the lesser of—

''(i) the qualified production activities income of the taxpayer for the taxable year, or

''(ii) taxable income (determined without regard to this section) for the taxable year, and

''(B) in the case of a qualified small business for a taxable year beginning in 2009 or 2010, 20 percent of the lesser of—

''(i) the qualified small business income of the taxpayer for the taxable year, or

''(ii) taxable income (determined without regard to this section) for the taxable year.''.

(b) QUALIFIED SMALL BUSINESS; QUALIFIED SMALL BUSINESS INCOME.—Section 199 is amended by adding at the end the following new subsection:

''(e) QUALIFIED SMALL BUSINESS; QUALIFIED SMALL BUSINESS INCOME.—

''(1) QUALIFIED SMALL BUSINESS.—

''(A) IN GENERAL.—For purposes of this section, the term 'qualified small business' means any taxpayer for any taxable year if the annual average number of employees employed by such taxpayer during such taxable year was 500 or fewer.

''(B) AGGREGATION RULE.—For purposes of subparagraph (A), any person treated as a single employer under subsection (a) or (b) of section 52 (applied without regard to section 1563(b)) or subsection (m) or (o) of section 414 shall be treated as 1 taxpayer for purposes of this subsection.

''(C) SPECIAL RULE.—If a taxpayer is treated as a qualified small business for any taxable year, the taxpayer shall not fail to be treated as a qualified small business for any subsequent taxable year solely because the number of employees employed by such taxpayer during such subsequent taxable year exceeds 500. The preceding sentence shall cease to apply to such taxpayer in the first taxable year in which there is an ownership change (as defined by section 382(g) in respect of a corporation, or by applying principles analogous to such ownership change in the case of a taxpayer that is a partnership) with respect to the stock (or partnership interests) of the taxpayer.

''(2) QUALIFIED SMALL BUSINESS INCOME.—

''(A) IN GENERAL.—For purposes of this section, the term 'qualified small business income' means the excess of—

''(i) the income of the qualified small business which—

''(I) is attributable to the actual conduct of a trade or business,

''(II) is income from sources within the United States (within the meaning of section 861), and

''(III) is not passive income (as defined in section 904(d)(2)(B)), over

''(ii) the sum of—

''(I) the cost of goods sold that are allocable to such income, and

''(II) other expenses, losses, or deductions (other than the deduction allowed under this section), which are properly allocable to such income.

''(B) EXCEPTIONS.—The following shall not be treated as income of a qualified small business for purposes of subparagraph (A):

''(i) Any income which is attributable to any property described in section 1400N(p)(3).

''(ii) Any income which is attributable to the ownership or management of any professional sports team.

''(iii) Any income which is attributable to a trade or business described in subparagraph (B) of section 1202(e)(3).

''(iv) Any income which is attributable to any property with respect to which records are required to be maintained under section 2257 of title 18, United States Code.

''(C) ALLOCATION RULES, ETC.—Rules similar to the rules of paragraphs (2), (3), (4)(D), and (7) of subsection (c) shall apply for purposes of this paragraph.

''(3) SPECIAL RULES.—Except as otherwise provided by the Secretary, rules similar to the rules of subsection (d) shall apply for purposes of this subsection.''.

(c) CONFORMING AMENDMENT.—Section 199(a)(2) is amended by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)''.

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

PART 4—REPEAL OF WITHHOLDING TAX ON GOVERNMENT CONTRACTORS

SEC. 146. REPEAL OF WITHHOLDING TAX ON GOVERNMENT CONTRACTORS.

Section 3402 is amended by striking subsection (t).

Subtitle E—Deduction For Qualified Health Insurance Costs of Individuals

SEC. 151. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED HEALTH INSURANCE COSTS OF INDIVIDUALS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions) is amended by redesignating section 224 as section 225 and by inserting after section 223 the following new section:

''SEC. 224. COSTS OF QUALIFIED HEALTH INSURANCE.

''(a) IN GENERAL.—In the case of an individual, there shall be allowed as a deduction an amount equal to the amount paid during the taxable year for coverage for the taxpayer, his spouse, and dependents under qualified health insurance.

''(b) QUALIFIED HEALTH INSURANCE.—For purposes of this section, the term 'qualified health insurance' means insurance which constitutes medical care; except that such term shall not include any insurance if substantially all of its coverage is of excepted benefits described in section 9832(c).

''(c) SPECIAL RULES.—

''(1) COORDINATION WITH MEDICAL DEDUCTION, ETC.—Any amount paid by a taxpayer

for insurance to which subsection (a) applies shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 162(l) or 213(a). Any amount taken into account in determining the credit allowed under section 35 shall not be taken into account for purposes of this section.

''(2) DEDUCTION NOT ALLOWED FOR SELF-EMPLOYMENT TAX PURPOSES.—The deduction allowable by reason of this section shall not be taken into account in determining an individual's net earnings from self-employment (within the meaning of section 1402(a)) for purposes of chapter 2.''.

(b) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Subsection (a) of section 62 of such Code is amended by inserting before the last sentence the following new paragraph:

''(22) COSTS OF QUALIFIED HEALTH INSURANCE.—The deduction allowed by section 224.''.

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by redesignating the item relating to section 224 as an item relating to section 225 and inserting before such item the following new item:

''Sec. 224. Costs of qualified health insurance.''

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

Subtitle F—Temporary Exclusion of Unemployment Compensation From Gross Income

SEC. 161. TEMPORARY EXCLUSION OF UNEMPLOYMENT COMPENSATION FROM GROSS INCOME.

(a) IN GENERAL.—Section 85 is amended by adding at the end the following new subsection:

''(c) EXCLUSION OF AMOUNTS RECEIVED IN 2008 AND 2009.—Subsection (a) shall not apply to any unemployment compensation received in 2008 or 2009.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts received after December 31, 2007.

Subtitle G—No Impact on Social Security Trust Funds

SEC. 171. NO IMPACT ON SOCIAL SECURITY TRUST FUNDS.

(a) ESTIMATE BY SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this Act has on the income and balances of the trust funds established under section 201 or 1817 of the Social Security Act (42 U.S.C. 401, 1395i).

(b) TRANSFER OF FUNDS.—If, under subsection (a), the Secretary of the Treasury estimates that the enactment of this Act has a negative impact on the income and balances of the trust funds established under section 201 or 1817 of the Social Security Act (42 U.S.C. 401, 1395i), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of this Act.

TITLE II—ASSISTANCE FOR UNEMPLOYED WORKERS

SEC. 200. SHORT TITLE.

This title may be cited as the ''Assistance for Unemployed Workers Act''.

SEC. 201. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

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

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

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

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

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

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

''(1) to the extended unemployment compensation account (as established by section 905 of the Social Security Act) such sums as the Secretary of Labor estimates to be necessary to make payments to States under this title by reason of the amendments made by section 201(a) of the Assistance for Unemployed Workers Act; and

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

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

SEC. 202. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR EMERGENCY UNEMPLOYMENT COMPENSATION.

Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

''Additional Eligibility Requirements

''(g)(1) IN GENERAL.—A State shall require as a condition of eligibility for emergency unemployment compensation under this Act for any week—

''(A) in the case of any individual described in paragraph (2), that such individual—

''(i) have a secondary school diploma or its recognized equivalent; or

''(ii) be making satisfactory progress in a program that leads to a secondary school diploma or its recognized equivalent; and

''(B) in the case of any individual described in paragraph (3), that such individual participate in reemployment services or in similar services (or, if such services were ongoing as of when such individual most recently exhausted regular compensation before seeking emergency unemployment compensation, that such individual continue to participate in such services), unless the State agency charged with the administration of the State law determines that—

''(i) such individual has completed such services as of a date subsequent to the commencement of emergency unemployment compensation; or

''(ii) there is justifiable cause for such individual's failure to participate in such services.

''(2) INDIVIDUALS TO WHOM PARAGRAPH (1)(A) APPLIES.—The requirements of paragraph (1)(A) shall apply in the case of any individual who was under age 30 at the time of filing an initial claim for the regular compensation that such individual most recently exhausted before seeking emergency unemployment compensation.

''(3) INDIVIDUALS TO WHOM PARAGRAPH (1)(B) APPLIES.—The requirements of paragraph (1)(B) shall apply in the case of any individual who, as of the time of filing an initial claim for the regular compensation that such individual most recently exhausted before seeking emergency unemployment compensation, was identified under the State profiling system (described in section 303(j) of the Social Security Act) as being a claimant who—

''(A) was likely to exhaust regular compensation; and

''(B) would need job search assistance services to make a successful transition to new employment.

''(4) EFFECTIVE DATE.—This subsection shall apply in the case of any individual filing an initial application for emergency unemployment compensation after the end of the 3-month period beginning on the date of the enactment of this subsection.''.

SEC. 203. SPECIAL TRANSFERS.

(a) IN GENERAL.—Section 903 of the Social Security Act (42 U.S.C. 1103) is amended by adding at the end the following:

''Special Transfer in Fiscal Year 2009 for Benefits

''(f)(1) In addition to any other amounts, the Secretary of the Treasury shall transfer from the Federal unemployment account to the account of each State in the Unemployment Trust Fund, within 30 days after the date of the enactment of this subsection, the amount determined with respect to such State under paragraph (2).

''(2) The amount to be transferred under this subsection to a State account shall (as determined by the Secretary of Labor and certified by such Secretary to the Secretary of the Treasury) be equal to the amount obtained by multiplying $7,000,000,000 by the same ratio as would apply under subsection (a)(2)(B) for purposes of determining such State's share of any excess amount (as described in subsection (a)(1)) that would have been subject to transfer to State accounts, as of October 1, 2008, under the provisions of subsection (a).

''(3) Any amount transferred to the account of a State as a result of the enactment of this subsection may be used by the State agency of such State only in the payment of cash benefits to individuals with respect to their unemployment, exclusive of expenses of administration.

''Special Transfer in Fiscal Year 2009 for Administration

''(g)(1) In addition to any other amounts, the Secretary of the Treasury shall transfer from the employment security administration account to the account of each State in the Unemployment Trust Fund, within 30 days after the date of the enactment of this subsection, the amount determined with respect to such State under paragraph (2).

''(2) The amount to be transferred under this subsection to a State account shall (as determined by the Secretary of Labor and certified by such Secretary to the Secretary of the Treasury) be equal to the amount obtained by multiplying $500,000,000 by the same ratio as determined under subsection (f)(2) with respect to such State.

''(3) Any amount transferred to the account of a State as a result of the enactment of this subsection may be used by the State agency of such State only in the payment of expenses incurred by it for—

''(A) the improvement of unemployment benefit and unemployment tax operations, including responding to increased demand for unemployment compensation; and

''(B) staff-assisted reemployment services for unemployment compensation claimants.''.

(b) REGULATIONS.—The Secretary of Labor may prescribe any regulations, operating instructions, or other guidance necessary to carry out the amendment made by subsection (a).

TITLE III—NO TAX INCREASES TO PAY FOR SPENDING

SEC. 301. NO TAX INCREASES TO PAY FOR SPENDING.

(a) FINDINGS.—The Congress finds that—

(1) according to the economic forecast released by the non-partisan Congressional Budget Office on January 7, 2009, unemployment in the United States is expected to be above the level estimated for calendar year 2008 until the year 2015, and

(2) raising taxes on families and employers during times of high unemployment delays economic recovery and the creation of new jobs.

(b) DECLARATION OF POLICY.—It is the policy of the United States that—

(1) outlays from the Treasury of the United States that occur as a result of any provision of this Act shall not be offset through the enactment of new legislation that results in increases in revenues to the Treasury of the United States, but, if such outlays are offset, such offsets shall be through the enactment of legislation that results in a reduction in other outlays, and

(2) the effective rate of tax imposed on individuals or businesses shall not be increased, whether by operation of a provision of existing law or the enactment of new legislation, during any year in which unemployment is projected to exceed the level of unemployment for calendar year 2008.

The Acting CHAIR. Pursuant to House Resolution 92, the gentleman from Michigan (Mr. CAMP) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CAMP. I yield myself 4 minutes.

Just briefly, I want to outline a summary of the Camp-Cantor substitute to H.R. 1. This legislation would provide and reduce the income taxes of every American who pays income taxes and also provide for a maximum family benefit of about $3,400 a year. This bill also contains a health insurance premium deduction which helps bring fairness to the tax treatment of health insurance by providing a new deduction for those who do not receive tax-preferred employer-sponsored coverage, regardless of whether they itemize or take the standard deduction.

We also provide help for America's small businesses and employers by creating a 20 percent deduction for small business income. Now this is a group that employs nearly half of all private-sector employees in America and created nearly 80 percent of the new jobs in the United States in recent years.

We also have bonus depreciation and small business expensing, providing employers, both large and small, enhanced incentives to make the critical investments they need to grow our economy and create jobs. We expand the net operating loss carry-back to 5 years rather than 2. We also repeal the 3 percent withholding requirement for government contracts.

And to stabilize home values, we help reduce housing inventory by extending the $7,500 home buyer tax credit through December 2009. We do require that there be a 5 percent down payment so we don't get into the problems that we are facing again, and also eliminate the complicated recapture rules that currently require home buyers to pay the government back if they claim the credit.

We also provide unemployment assistance. We exempt unemployment benefits from Federal income tax for 2008 and 2009, and we extend unemployment benefits, as the base bill does, through December 2009 with a phaseout through mid 2010.

We also require that younger long-term unemployed are required to pursue a GED or other training, which would certainly help as they move into more training and into the job market. I would also say that, and during debate last night, I mentioned the recent CBO studies that show that tax cuts actually impact the economy more quickly than government spending.

CBO is the Congressional Budget Office, it's nonpartisan, and they help analyze and score the various legislative proposals that we have in the Congress. Not only have CBO and economists from every political stripe confirmed that tax cuts impact the economy more quickly than big government spending, we even have an analysis by President Obama's nominated senior economic adviser that shows that tax cuts provide more immediate growth and job creation in the economy than does spending.

So tax cuts provide a bigger bang for the buck. When the methods and economic models developed by the President's top economic adviser are applied to the Republican plan, it shows the Republican plan could create as many as 6.2 million jobs over the next 2 years. That's more than double the plan, the base bill that we have before us.

Now, let's be clear about where these estimates come from. They come from the President's senior economic adviser. The President's nominee to chair the Council of Economic Advisers, Dr. Christina Romer, and her peer reviewed research. This isn't just her statement, this is a statement that's been reviewed by peers and economic analysts from around the country. So even in applying Dr. Romer's most conservative estimate, her analysis, along with that of Jared Bernstein, Vice President BIDEN's senior economic adviser, shows the Republican plan results in about 6.2 million jobs over 2 years. The cost of our bill is $478 million, so nearly twice the job creation for half the cost.

The Acting CHAIR. The time of the gentleman has expired.

Mr. CAMP. I would yield myself an additional 30 seconds.

I just want to repeat, the analysis and estimates I am giving you are taken directly from public analysis of the President's senior economic advisers. Republicans didn't develop these ourselves. We are applying their methodology and their analysis to our legislation.

So with the results of the peer-reviewed research, we find that our plan would create 6.2 million jobs. Our bill will create more at a substantially lower cost.

I reserve the balance of my time.

Mr. RANGEL. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New York is recognized for 30 minutes.

Mr. RANGEL. Mr. Chairman, I yield myself 5 minutes and ask unanimous consent that the remainder of the time be allowed to be controlled by RICHARD NEAL, a distinguished member of the Ways and Means Committee.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANGEL. Mr. Chairman, not only does the other side reject this plea of our newly elected President, but for whatever political reasons insist on sticking their thumb in the eyes of millions of Americans, 11 million of them unemployed. Ninety-five percent of all of our taxpayers are being asked to have this tax cut be rejected, people who work every day, people who dream, people who aspire, are now going to be told that some people in the House of Representatives voted against the President's bill and the bill that's before us on this historic day.

I don't know what occasion it was, but the late Jack Kennedy once made a remark that sometimes, just sometimes your party asks too much of you. And for Members of the other side that are being asked in this substitute to vote against exciting infrastructures that would take us into a modern technology to be competitive, that would deny poor folks money for energy, for air conditioning and heat, food stamps, health information technology, why they would ask you to vote against this I will never but never know.

And then as a substitute for this, not only do we remove the tax benefits from the low and the middle class, but to find some category of doctors, lawyers, consultants and lobbyists and just say, across the board, they have decided not to give you the 20 percent tax cut, because you know it's not going to happen, but just to suggest it so you might get famous in the future.

It just seems to me that there should be some compassion for working families that have children. There should be some understanding that people who work each and every day, and still come out under the poverty line or close to it, are entitled to the earned income tax credit so that they can meet their basic needs of rent, paying their mortgage, food, clothing. Every community, not Democrats, but Democrats and Republicans are feeling the impact of these fiscal crises that we are going through.

Banks don't cry, fiscal institutions don't cry, but people in the neighborhood cry when they lose their job, lose their dignity and they will have to tell their kids that they are pulling them out of college, all the provisions that

we put in, and especially those that provide incentives for teachers and kids and school construction.

How could you do it? What were you thinking, and just how are you going to explain it when you get back home?

I really think that this goes beyond politics because I don't think the people back home should be made to pay for political decisions that are being made here, but there is a particular part in this bill that the House and Senate wanted in there, and that was a $6 billion tax benefit for crises that exist in our cities and in our rural areas, which allows local governments, based on census tracts, not based on your party line, not whether you are a Democrat or a Republican, but just based on unemployment, based on how many people are poor, how many people are feeling the pain of this crisis.

Oh, I know Wall Street in my district is inconvenient and the banking CEOs have been inconvenient, but the people that are suffering are American people, are middle class people. That's the dream that we have in this country, not to be rich and certainly not to be homeless.

But we even had a provision for the work-opportunity training program. It came from one of your Members that said, what about the veterans, they came out feeling that they were going to be accepted as the heroes that we all believe they are, and yet have extended unemployment. What do you say when you go home and tell them that that too has been stripped from the bill, as have kids that have special problems?

It's painful to believe that this is being discussed in a political way, because I would like to believe that it's America that's in trouble, not a party that's in trouble. And people are going to evaluate what's in this paper. I congratulate the Republicans for their honesty.

This thing is talking about cutting away tax benefits for our working poor people. And so it seems to me that people to learn more about this might contact their Representatives, Democrat or Republican, and I am confident at the end of the day that Congress will do the right thing, not by their party but by their country.

Mr. CAMP. I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding, and I listened carefully to the distinguished chairman of the Ways and Means Committee. We agree there are people who are suffering.

But, Mr. Chairman, the people who are going to suffer the most are children and grandchildren who are about to inherit $1.2 trillion of additional debt burden for a piece of legislation that has not received one, not one congressional hearing and will have little to no economic stimulus.

Now, Mr. Chairman, something else I agree on with my friends on the other side of the aisle, this Nation needs a stimulus bill, but we need an economic stimulus bill, not a big government stimulus bill. That's why, Mr. Chairman, I am proud to rise in support of the Republican alternative that will help preserve jobs, that will help grow job opportunities in small businesses all across America. I am proud to support an alternative that will expand the paycheck of working Americans so that they can pay for their mortgages, so that they can send their kids to college, so that they can pay their health care premiums.

□ 1545

I am proud to support an alternative that helps the unemployed at this time of need, that will help reduce the housing glut from the market and, perhaps, even more importantly, Mr. Chairman, doesn't send the bill to our children and our grandchildren.

What our Democrat colleagues send us is a bill that, even if you were a Keynesian, doesn't help stimulate economic growth. Only 3 or 4 percent of this is about traditional infrastructure. Instead, we have $50 million for the National Endowment for the Arts, $1 billion for Amtrak, an extra $1 billion to follow up the Census. Over half of this bill is on traditional big government.

We know what Rahm Emanuel, the former chairman of the DNC has said: never waste a crisis. They are not wasting it. They are building big government.

Mr. NEAL of Massachusetts. I yield myself such time as I may consume.

Before I yield to Mr. LEVIN, I want to challenge something that the gentleman from Texas has said. I want everybody to remember what it was like on January 19, 2001, when I hear the Republicans complaining about debt and deficits. We were looking at a $5.7 trillion surplus. The debt had come down and the deficits had been eliminated.

Now their argument is—frankly, a stale one, but they cling to it—that tax cuts pay for themselves as we look at now a debt of almost $10 trillion. And I hear these protestations of what this legislation will do after they were in control of two branches of government, two Chambers of the House, and the Presidency, and they rolled up these extraordinary deficits and debts.

Reminder. The war in Iraq, which is going to cost almost $2 trillion before it comes to conclusion. And they pontificate on this House floor about the debt?

With that, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. I am really saddened to hear the Republican substitute. We have new challenges, and now we hear again the same old song; tax breaks, tax reductions. But the way they tailor it, a family with $30,000 would get what, less than 10 percent of a family that is making three times that? Unbalanced tax cuts.

Mr. CAMP, if I might, you and I have known each other for a long time. We are going to go back to Michigan. I think perhaps you won't go until the weekend. And here's what you're going to have to defend by trying to defeat our package. A reduction in health and education benefits for the State of Michigan of $2.2 billion, when our colleges are in trouble in terms of enrollment and our schools are in trouble in terms of providing a good education and school construction.

You're going to have to go back to Michigan and say to at least 25,000 families that health care provided under the Democratic approach—and I hope it's a bipartisan approach—would be eliminated. And you're going to have to go back, and I use you, Mr. CAMP, and it's true throughout this country.

ANNOUNCEMENT BY THE ACTING CHAIR

Mr. CAMP. Mr. Chair, I would ask that the remarks be addressed to the Chair.

The Acting CHAIR. Members should address their remarks to the Chair.

Mr. LEVIN. I will do that. Because what I was saying about Michigan would be true throughout this country. Infrastructure in Michigan, we are providing over $1 billion. This is for Michigan.

The Acting CHAIR. The time of the gentleman has expired.

Mr. NEAL of Massachusetts. I yield the gentleman 30 seconds.

Mr. LEVIN. Your bill would eliminate that, when we need to build roads, fix bridges. And we talk about the auto industry and the need for a new industry with electric vehicles. And your proposal on the Republican side would eliminate $2 billion for battery development.

It's really a sad day for you to come here with the same old tune.

The Acting CHAIR. The time of the gentleman has expired.

Mr. NEAL of Massachusetts. I yield 15 seconds to the gentleman from Michigan.

Mr. LEVIN. The families today are in fear. I want to make this point. They are afraid, not only of losing their jobs, but education for their kids, and health care.

Our proposal addresses these fears. Yours ignores them. I urge its defeat.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair would remind Members not to direct their remarks to each other in the second person, but rather to address the Chair.

Mr. CAMP. I thank the Chair for that admonition. I would yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chair, I will keep my remarks within 2 minutes.

Mr. Chair, we can do better than that. We need to do better than that. Our country is losing tens of thousands of jobs every single week. We thought we were going to have bipartisanship here. That is what we were promised. None of that has occurred here.

Mr. Chair, the most favorable measurement, the most favorable way to look at this package, 12 percent of this package is aimed at keeping jobs, at creating jobs. Twelve percent of this package goes toward creating or keeping jobs. All the rest of it is spending. Just plain, old spending. Spending, most of which occurs 2, 3, 4, 5 years from now, not during this recession.

It's not enough for us to come here and criticize. So we have come here with our own ideas. We have come here to propose an alternative. And when you look at the way our bill works, the measuring stick used by President Obama's own economic advisor says that our bill that we have here creates twice as many jobs—6.2 million—for half the costs.

So we have not only said this is a bad bill that we are considering, but here's a better way. Twice as many jobs, half the cost for taxpayers, 6.2 million jobs. This is a bill that should pass—the Republican substitute.

Unfortunately, since there was no bipartisanship, no inclusion, we could have made a better bill that would pass into law, but it's not. So here we are with our alternatives. Using the President's own measuring stick on how you create, this creates more at less price, less cost to the taxpayers.

But, unfortunately, because one party rules government and because one party is ruling it completely on their own, we will have missed this opportunity to create more jobs, save taxpayers' money, and not waste all of this spending.

Mr. NEAL of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

The Bush tax cuts don't expire until 2010. There will be sufficient opportunity for us to discuss many of the issues raised by the gentleman from Wisconsin. We will have plenty of time to discuss those.

Mr. RYAN of Wisconsin. Would the gentleman care to yield?

MR. NEAL of Massachusetts. With that, I'd like to recognize the gentleman from Wisconsin (Mr. KIND) for 2 minutes.

(Mr. KIND asked and was given permission to revise and extend his remarks.)

Mr. KIND. I thank my good friend for yielding me this time. In a second, I want to address the issue about the expiration of the Bush tax cuts.

First, it's just not accurate to claim that we have been operating under a very closed process. I know the leadership on the Democratic side and certainly the chairmen of the Appropriations Committee and the Ways and Mean Committee were open to suggestions for good ideas to be included in this economic recovery and investment act.

In an unprecedented fashion, the newly-elected President, President Obama, visited Capitol Hill to meet directly with both Senate and House Republicans to hear their thoughts about the recovery package.

Mr. CAMP. Would the gentleman yield?

Mr. KIND. I have very limited time. Maybe you can get some time on your own.

That is why I am proud to be able to stand and support this economic recovery package and commend the chairmen of the Appropriations and Ways and Means Committee for the package they put together because I believe it is bold, I believe it's going to be fast-acting, I believe it's going to create jobs, but I also believe it's going to end, which is an important feature of what we are trying to do, contrary to what they are trying to do with their substitute, so that we don't continue to incur unfunded liabilities out into the future. In fact, I reluctantly oppose the substitute because it undermines the help and support that so many struggling working families need in this country right now.

For instance, their substitute would eliminate the Making Work Pay tax credit that will provide tax relief to 95 percent of Americans in this country. In fact, it effectively eliminates 23 million low-income families from any tax relief whatsoever.

It also eliminates tax relief for families with over 16 million children by doing away with the expansion of the child tax credit that we have included in our bill. It would also eliminate the American Opportunity tax credit that will provide tax relief for more than 4 million students.

But, in a very clever way, they indefinitely extend the Bush tax cuts, which are universally recognized today as benefiting the most wealthy by saying that we cannot do any tax reform in this country—

The CHAIR (Mr. TIERNEY). The time of the gentleman has expired.

Mr. NEAL of Massachusetts. I'd like to recognize the gentleman for an additional 30 seconds.

Mr. KIND. They say that we cannot do any meaningful tax reform in this country so long as the unemployment rate does not dip below the 2008 numbers, which would be anywhere from 4.8 percent to a little over 5 percent. And everyone knows that that will be years from now, under the best circumstances, before that unemployment rate drops below that number.

So, in a clever way they are adding to this unfunded obligation for an indefinite numbers of years out, increasing the debt burden that our Nation currently has, and jeopardizing our children's future by extending those tax cuts indefinitely.

I encourage my collages to oppose this substitute of support H.R. 1.

Mr. CAMP. Mr. Chairman, I yield myself 15 seconds. I would just say that we offered 19 amendments in the committee. None of them were accepted. I think we did get a GAO study accepted. But none of our substantive amendments were.

And I would just say to my good friend from Michigan, who asked how I could go home, I would ask him how he can go home and provide half the jobs at twice the cost.

With that, I yield 1 minute to the distinguished member of the Ways and Means Committee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Thank you. Mr. Chairman, this is a good Republican alternative. It preserves some of the best features of the underlying bill, like extending increased small business expensing and bonus appreciation, and repealing the onerous 3 percent withholding requirement for government contractors. In addition, it eliminates hundreds of billions of dollars in wasteful spending and adds fast-acting tax relief to help our economy now.

It improves on the underlying bill by extending assistance to laid-off small business employees by allowing all individuals to deduct the cost of their health insurance premiums. And, unlike the underlying bill, it cuts taxes for all taxpayers and protects middle-class families from a huge tax increase under the alternative minimum tax.

Mr. Chairman, this is real economic stimulus. I urge an ''aye'' vote.

Mr. NEAL of Massachusetts. Mr. Chairman, I yield 2 minutes to a member of the Ways and Means Committee, the gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the gentleman for yielding. Recovery, reinvestment. That was what President Obama promised the American public when he went throughout the country and talked about how he would change this country and take it into a new direction.

After years of deficits and lack of accountability, President Obama told the country that he promised an open government, transparent process, and responsible policymaking so that the American people would know that we were taking America back to soundness.

Jobs, jobs, jobs. That is what President Obama has talked about, that is what he promised. And that is what this legislation that is on the floor, the bill that stands before you, tries to do, is focus on creating jobs directly by helping States that are saying they are going to cut their budgets instead of create jobs, by helping American businesses that are saying we are about to fire employees, and instead provide them with tax cuts to let them keep jobs and create new ones, and also by telling the American public we will fulfill President Obama's promise of a direct tax cut to 95 percent of America's working families.

On the other hand, we have a substitute amendment that we are presented here today that would go back to what we had under Bush policies.

□ 1600

It is much of what we saw before, tax policies that are skewed to those who are wealthier, to let it then trickle down to those who work very hard.

Why else would you have most of the benefits going to the top fifth Americans who are those who are hurt the least by this economic downturn? Why would this bill cut, eliminate, the entire amount of the Making Work Pay tax credit that President Obama proposed would go to 95 percent of working Americans? Why would this Republican substitute eliminate any tax relief whatsoever for 23 million families in America who happen to be our more modest income earning Americans? They work, nonetheless, but they would be cut out.

We need to move forward with investment and recovery. I urge Members to vote against the Republican substitute.

Mr. CAMP. Mr. Chairman, at this time I yield 2 minutes to the distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Mr. Chairman, I thank the gentleman for yielding.

I think we have a ''stop the presses'' moment. I think there is new news that has come upon this Congress that we can celebrate, take this bill out of the record and hit the reset button, because the good news is that President Obama's own economic team or those that are poised to become that economic team have said there is good news for a new idea. And the new idea is this substitute that is offered by Mr. CAMP and Mr. CANTOR that says for half the cost it can have twice the impact. That is powerful. And if we are truly in a spirit of bipartisanship, if we are truly, as the President says, in a moment where authorship doesn't matter, then we need to stop the presses.

Mr. Chairman, we can create 6.2 million jobs in 2 years based on this substitute. And where I come from, that is good every day all the time.

Mr. NEAL of Massachusetts. Mr. Chairman, I would like to recognize at this time the gentleman from New Jersey, a valuable member of the Ways and Means Committee, Mr. PASCRELL, for 2 minutes.

Mr. PASCRELL. Mr. Chairman, in Italian we say ''tutti possible,'' anything is possible on this floor.

We passed in 2008, eliminated the AMT tax, but we paid for it. You missed something. You left out a paragraph: We paid for it. And we are going to handle it again.

For the last 8 years, we have passed a number of tax cuts for big business and the wealthiest 1 percent of the Americans. We were warned in the summer of 2001, not 2003, 2006; 2001, we were warned what was going to happen. We could not pay for those tax cuts in 2001, 2003, and 2005, and today we are being lectured about deficit. Not only look at the results of November; look at the American people, where they stand today on this tax cut, Democrats, Republicans, Independents across the board.

This substitute eliminates the Making Work Pay tax credit, it eliminates the child tax credit, it eliminates the American Opportunity tax credit for more than 4 million students. It eliminates approximately $40 billion in tax benefits to assist State and local governments in financing their infrastructure needs. They can't do it because they don't have the money to do it. This is not make work; this is important work for the American people.

This substitute continues the practice of providing tax cuts for the wealthiest Americans, and it ain't going to happen anymore. There is a new day and a new culture even on this floor. Even though everything and anything is possible here, that ain't possible.

Mr. CAMP. At this time I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. I thank the gentleman for yielding. I rise in support of the Republican alternative to H.R. 1.

Mr. Chairman, our Nation is in recession and millions of American families are hurting. Many have lost their jobs. Many now worry that they will be next. And it is absolutely right that this Congress is taking decisive action in the early days of 2009. But the bill the House Democrats have brought to the floor is not about stimulating the economy. The only thing this Democrat bill will stimulate is more government and more debt. Under the guise of stimulus, House Democrats have brought a partisan bill to the floor. It is merely a wish list of longstanding liberal Democrat priorities that have little to do with putting our economy back on its feet.

Millions of Americans are asking today, what does $50 million to the National Endowment for the Arts have to do with creating jobs? What is $400 million for climate change research going to do to put people back to work in Indiana? And what is $335 million for sexually transmitted disease education going to do to get this country working again?

Most House Republicans will oppose this bill tonight for one reason: It won't work. More big government spending on liberal programs won't cure what ails the American economy. House Republicans have a better solution: Fast-acting tax relief for working families, small businesses, and family farms.

According to analysis and economic models used by President Obama's top economic advisers when applied to our plan, we come with one conclusion: Twice the jobs, half the cost with the Republican alternative.

Now, Democrats also said that we are going to pass temporary and targeted stimulus legislation. But as I close, let me remind the American people and anyone gathered here, Mr. Chairman, what we keep hearing. From the Speaker of the House that I greatly respect to other colleagues that have come to the floor, we have heard that this bill is about ''taking America in a new direction.'' Well, I say with great respect, Mr. Chairman, I thought this was about creating jobs.

This long litany, $136 billion in program spending, is simply about trying to reorder the budget priorities according to the whims of a Democrat majority. What we ought to be doing is coming together across this middle aisle, across the partisan divide, as our new President has challenged us to do, bring the best ideas, the best minds, the best solutions. This Republican alternative is the best solution. I urge its support.

Mr. NEAL of Massachusetts. Mr. Chairman, I would like to recognize the distinguished gentleman from Oregon, a member of the Ways and Means Committee, who really does know something about infrastructure and environmental undertakings, Mr. BLUMENAUER, for 2 minutes.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy and his leadership in this area.

I listened to my friend from Indiana wondering what could possibly have economic impact investing in the arts or climate change. Well, I don't know what is going on in Indiana, but if you talk to the arts groups in Oregon or in Massachusetts or in New York or Illinois, they will tell you that investments there will produce economic activity in areas that are strained and underserved. Investment in climate change and energy research creates jobs, and business is crying out for it, large and small.

But I am pleased that they have come forward with their alternative. Listen closely to what the Republicans say: ''If we assume what some economic model applies to the way we would like our legislation to work, it would be twice the jobs for half the cost.'' These are the same people that told us the Bush tax cuts were going to lead to nirvana. These are the people that said that the Clinton economic programs would lead to disaster; they were dead wrong about the economy in the Clinton era. Look at the results of their models when they have been put into place: Exploding deficits, problems with the economy.

I am glad, however, that they have offered this alternative, because it puts in clear relief what their priorities are: Reduce tax relief for 95 percent of the American public and give more to the few who need it the least. Take money away from 4 million students who would have this tax relief. My favorite of their proposals is to actually continue to game the alternative minimum tax to purposely push more people into it with tax gimmicks rather than work with us in fundamental tax reform that doesn't subject more people to the ATM and give us this yearly charade.

I look forward to the leadership of Chairman NEAL in Select Revenue, where we will fix the AMT. I strongly

urge the rejection of the misguided Republican priorities, taking away the infrastructure investments that would make so much difference for our communities and undercut our American families.

Mr. CAMP. I yield myself 15 seconds.

We hold harmless in our legislation on the AMT, and we reduce taxes on 100 million American families, every American family that pays taxes.

With that, I would yield 1 minute to the distinguished minority leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague from Michigan for yielding and congratulate him and our Republican whip, ERIC CANTOR, for the proposal that they have on the floor.

I think that the plan that we have on the floor, our alternative, is rooted in the principle that fast-acting tax relief will create more jobs in America than a lot of slow-moving government programs. The bill that we have on the floor, the underlying bill, has as an example 32 brand new government programs that spend $136 billion.

Now, we all know how long it takes to get a new program up, the bureaucracy that has to be hired, before we could ever get that money out into the economy. We also know there is a lot of other spending in this bill that while it may be well-meaning, it may be well-intentioned, we know it is not going to create jobs. And sending 300 plus million dollars to the Center for Disease Control to do whatever is not going to create new jobs in America. We are going to build bigger bureaucracies.

Or, we could talk about the $650 million that is going to be spent with digital TV coupons. Now this looks like a slush fund to me because about 94 percent of the old TVs that need these boxes to receive signals have already been purchased; so only about 6 percent of the TVs in America actually need these boxes. So that would be about $30 million, $40 million, maybe $50 million. What is the other $600 million going to be used for?

The point is, is that the underlying bill, while it certainly has some good provisions, has a lot of wasteful spending, a lot of slow-moving government spending in it.

When I gave Ms. PELOSI the gavel on the opening day as Speaker of the House, I told her the Republicans would not come to the floor and just be the party of ''no''; that we would try to be the party of better ideas. And last week when we had the SCHIP bill on the floor, we brought a proposal out here which we thought was a better idea. Today, in this debate, we think that we have a better idea.

President Obama has made clear that he believes that the goal here should be to preserve jobs in America and to create new jobs in America. And I think that the proposal that we have that puts more money back in the hands of American families and small businesses, that helps homeowners and people who want to buy a home, that takes away the tax liability for those who are unemployed and getting unemployment insurance, that this bill in fact will be better for the American people, that better meets the goal that the President himself has outlined.

And we want to work with the President. We have made clear to him that he has reached out, and we are reaching out to him, because at the end of the day, the American people need a plan that works. We all know our economy is in a difficult strait. We all know that people are losing their jobs, tens of thousands of them, every week. And so we have to act and we have to help our ailing economy. The question is, how do we do it best? And we believe this fast-acting tax relief is the way to get it done.

Then we find out today that our proposal will create 6.2 million jobs over the next 2 years, about twice as many as the underlying bill and at about half the cost.

Remember, at the end of the day this bill that we are going to pass is not being paid for by taxpayers today; it is going to be paid for by our kids, our grandkids, and their kids. We have to be cognizant of the debt that we are putting on them. And so I would urge my colleagues to support the Republican substitute, support a bill that will create 6.2 million jobs, twice as many as the underlying bill at about half the cost.

Mr. NEAL of Massachusetts. Mr. Chairman, I would remind all that for 6 years we tried the prescription that was offered by the minority leader and his party, the slowest economic growth that America has had since World War II.

With that, I would like to recognize the gentleman from North Dakota, a member of the Ways and Means Committee, Mr. POMEROY, for 2 minutes.

Mr. POMEROY. We have all looked at the continued practices of some on Wall Street with utter amazement. After crashing their companies, taking their part in tanking our economy, the excesses that we have continued to see have appalled us all.

I guess if there is a legislative equivalent of not getting the message, like those that continue those utterly disgraced practices on Wall Street, it would be a proposal that would continue an economic policy of trying to shift the tax cuts disproportionately to the wealthiest, stiff the working poor, and hope somehow that the largesse trickles down and the economy comes back.

□ 1615

We should have learned our lesson. This has been the fiscal policy of the Republican Party in the House for the last decade. And what harm, what harm we have seen. Oh, it has not been harmful for everybody because if you were at the top, the top of this income pyramid, you did very, very well. But average taxpayers saw their earnings decline and stagnate, leading to greater levels of debt and the hardship we see today.

So I am fairly astounded that we see a substitute that goes back to the tired old Republican formula of letting the top have everything and the others get shortchanged. Under their proposal, the top 20 percent of households, and only the top 20 percent get the full tax cuts, and they are not proportionally spread at all. Married couple, two children, incomes over $100,000, they get almost $3,500 under the Republican substitute, 17 times the $200 tax cut the couple making $30,000 would receive. Vote for fair tax relief; reject this substitute.

Mr. CAMP. I yield 3 minutes to the distinguished gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. We in Michigan in my community are listening to this debate very closely. We are listening very closely because one of the things that we are painfully aware of is how our Nation does not want to see double digit unemployment, does not want to see families lose their homes, their jobs and their nest eggs. We are listening very closely because in Michigan we are living your nightmare now: 10.6 percent unemployment, foreclosures skyrocketing, people's nest eggs eroding. And in Michigan, they were heartened by President Obama's request to work with the Republican minority. It was a request he did not have to make. Legislation can pass this Chamber without a single Republican vote. And yet in raising the tone, the tenor, the decorum in Washington, he reached out to House Republicans, and we responded by putting forward our solutions.

Do we expect the President or even the Democratic majority to accept all of them? No, that would be unfair on our part. But what would be equally unfair is for them not to be fairly considered at all by the Democratic majority.

We believe that there is merit in our proposal as it provides twice the jobs at half the cost. It could be incorporated into a responsible bill within President Obama's framework that he laid out for a temporary stimulus package.

The three elements were a sane, humane strengthening of the social safety net, tax relief for working families and small businesses, and accelerated, responsible infrastructure that would have a permanent benefit to the economy as we worked on the deeper, underlying problems.

What we have before us today, unfortunately, is a missed opportunity. It is an opportunity I hope we will get to rectify should the legislation come back because at the present time this legislation is not an immediate economic growth stimulus. It is, in fact, a wasteful government spending bill. We can do better together. I trust we will because as the families in my community understand, Congress cannot continue governing like gamblers in the

hole spending other people's money. We will have to make difficult decisions, but we will have to do them together.

Mr. NEAL of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. HIGGINS), a new member of the Ways and Means Committee.

Mr. HIGGINS. Mr. Chairman, the Republican substitute would eliminate $550 billion in targeted investments, including tens of billions of dollars for road and bridge construction for economically distressed areas throughout the Nation and for cities like Buffalo, Lackawanna, Dunkirk and Jamestown, New York.

This past Monday, American companies announced more than 70,000 job cuts, including 20,000 cuts at Caterpillar. Caterpillar makes heavy equipment for road and bridge construction in America and throughout the world. The American Recovery and Reinvestment Act will jump start the economy and stave off a deeper and longer recession with road and bridge construction that will create hundreds of thousands of jobs immediately and help American companies like Caterpillar create a demand for the machinery that will be required to build new bridges and roads and energy-efficient buildings for the 21st century.

With these investments and a tax cut for 95 percent of America's working families, I urge support of the American Recovery and Reinvestment bill for 2009.

Mr. CAMP. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I thank my friend for yielding and want to say it has been a great privilege to work with him and Mr. CANTOR and others as part of this very important stimulus working group.

I would like to share an analysis of a plan that is virtually identical to the one that is before us right now. This is the analysis: ''Large-scale construction projects of any type require years of planning and preparation. Even those that are on the shelf generally cannot be undertaken quickly enough to provide timely stimulus to the economy.

''Some of the candidates for public works, such as grant-funded initiatives to develop alternative energy sources, are totally impractical for countercyclical policy, regardless of whatever other merits they may have.''

Mr. Chairman, those are the words of our good friend, the former director of the Congressional Budget Office, the new director of President Obama's Office of Management and Budget, Peter Orszag.

We have heard many, many people in this administration and who have served in past administrations, give an analysis that spending is not the answer. We need to get this economy growing.

When I heard my friend from North Dakota (Mr. POMEROY) say that the well-to-do are going to be the beneficiaries and everyone else is shortchanged, I am reminded of a particular item that we have in this job creation growth alternative that is designed to ensure that people can keep their homes and have a vested interest in it. We have a $7,500 credit that is designed to encourage people not to treat their homes as rental units where we have seen in the past zero percent down and virtually no interest rate.

What we need to do is we need to have an incentive for those down payments to be made. Support this alternative.

Mr. NEAL of Massachusetts. As a member of a very small alumni association here called former mayors, let me assure the gentleman from California that mayors will know how to get this money out the door as the President has prescribed.

I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, this debate should not be about Democrat or Republican, liberal or conservative, Blue Dogs, yellow dogs, or deficit hawks. Our economy is failing. Millions of jobs have been lost. We need to act now. H.R. 1 is only a first step, but it is an important first step.

What about the stimulus. What we are doing here is like using battery cables to jump start a car with a dead battery. We are not buying a new battery or buying a new car, we are simply jump starting the battery of a dead economy. We are still going to have to buy a new battery; and eventually, we are going to have to buy a new fuel-efficient car.

Right now if we want to move forward, we better get out those jumper cables and put them on the battery.

Vote for the stimulus, H.R. 1.

Mr. CAMP. I yield 1½ minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Chair, $350 billion last week and now with what we are going to add this week, it is about $1.2 trillion. The reason that is significant, that is basically the amount that every individual taxpayer paying together in 2008 paid into the U.S. Treasury.

We could give every taxpayer, individual taxpayer in America, all of their money back for last year. You want to see the economy explode, try that. That would be extraordinary.

Now we did too much deficit spending in the last 6 years when we were in the majority, and now the Democratic majority is doing the same thing. You can spend a country out of existence. Iceland just did it. The Soviet Union fell because they spent too much money trying to catch up with us. And we can do the same thing.

We owe more than this to our children and our grandchildren. In fact, when we elected a President who promised change, I really hoped we were going to have change and get away from the deficit spending of the last 8 years. But instead of getting change, what we are getting with the original bill here is much, much, much, much more of the same. We need to quit spending ourselves out of existence.

Mr. NEAL of Massachusetts. Mr. Chairman, at this time I would like to recognize the chairman of the Appropriations Committee, Mr. OBEY, for 4 minutes.

Mr. OBEY. Mr. Chairman, this amendment in many ways is similar to the Neugebauer amendment, and I would say the same things about it that I said about that amendment.

This essentially throws millions of jobs out the window. All of the jobs for school teachers, for speech therapists and school nurses and the like that would be saved by the State stabilization fund to protect education, all of those jobs out the window by this amendment.

All of the jobs that would come from remodeling and repairing and refurbishing old, worn-out schools under the new modernization program, out the window with those jobs.

All of the infrastructure funding for highway construction, out the window. We heard the Republicans lecture us for 2 days about the importance of that. Now they want to throw it overboard.

All of the jobs that would come from increasing our clean water revolving fund project list and the sewer and water programs around the country, all of those jobs, out the window.

All of the jobs that would come from modernizing our energy grid, out the window.

All of the jobs that come from investing in new science and technology, out the window.

And then all of the help that goes to people through programs like food stamps, out the window.

Mr. Chairman, I want to predict what is going to happen on that side of the aisle on this vote. I predict that just as happened in committee when we got no minority party support for the bill that we produced in committee, when this bill comes to a vote today, virtually all of our Republican friends will vote ''no.'' The bill will then go to the Senate, and after they gauge whether or not that bill can be killed or not, then if the bill comes back from the conference committee and it is obvious that the bill cannot be killed, at that point you will see a significant number of our friends from the Republican side switch and vote ''aye.''

It is an old playbook, Mr. Chairman. That is exactly what they did to FDR on Social Security when they tried to kill it in its crib. And then when they couldn't beat it, they finally joined the parade. That is the same thing that they did to LBJ on Medicare. When they tried to kill and after they couldn't kill it, in the end they went along so that people wouldn't know that they tried to kill it in the first place.

I would hope that sooner or later we could cut through that gamesmanship. I would hope that we would recognize,

as Martin Luther King said a long time ago which our President reminded us of in his inaugural, I would hope that we would remember the urgency of now. Every week that we temporize, 100,000 or more Americans lose their jobs. That doesn't just hurt those working Americans, it hurts their families. It hurts the economy, it hurts the neighborhood. It hurts everybody in this society. And it hurts the global economy as well. Sooner or later we have to recognize this is not Herbert Hoover time. The time for action is now.

Mr. CAMP. Mr. Chairman, I yield 4 minutes to the distinguished minority whip, a leader on developing the substitute, the gentleman from Virginia (Mr. CANTOR).

□ 1630

Mr. CANTOR. I thank the ranking member, the gentleman from Michigan.

As the economy sinks further into recession, all of us understand that this House needs to take concrete action to lift us and help lift America's families out of this crisis. We Republicans support this alternative because we believe it is a true stimulus bill. It does not take us headlong into soaring debt and lead to future tax increases. This alternative is based on the premise that if we're going to pass a stimulus bill, it has to be focused like a razor's edge on the protection, preservation and creation of jobs.

Mr. Chairman, we cannot support the majority's alternative, although we do understand that this is a work in progress, although we do understand, and we've spoken with the President, who says he has no pride of authorship. He wants us to continue to be part of the process. He wants this to be a stimulus bill.

Mr. Chairman, this bill is not that. With the amount of spending in this bill, we could dedicate it solely to job creation. Much of what the other side has continued to say and continues to promote perhaps may be laudable goals and good programs. But when you have $136 billion of additional new programs in this bill, you have got to ask, how stimulative are these new programs? What about the small businesses, the entrepreneurs and the self-employed that are out there who don't want more government programs? They just need a break. They need to know their government will not keep borrowing money and laying debt onto our children to the tune of trillions of dollars a year. They want meaningful incentives so they can get back off the sidelines, put capital to work and create jobs.

Mr. Chairman, the Congressional Budget Office has already opined several times on the lack of stimulus in the majority's bill. In fact, some estimates say only 12 cents on the dollar could arguably be stimulative. Mr. Chairman, there are additional voices who have spoken out, Democrats and Republicans, Christine Romer, the incoming head of the Council of Economic Advisers for the Obama White House, says in her analysis, if it is applied, as we have applied it, as some of the folks who have used her analysis in her formula on to your bill, that our alternative creates twice as many jobs at half the cost. And that is what we ought to be about in this House is trying to figure out how we can do things that work at less cost to the taxpayer.

I also say, Mr. Chairman, Alice Rivlin, the economic expert from the Clinton administration, she also opined and said, You know what—the majority's bill has terrific amounts of spending in it. And they may be laudable. But they're long-term investment programs. So she says we need to separate out these long-term investment programs from what is stimulative.

We have regular order in this Congress so that the American people can participate, we can be deliberative and we can get it right on the long-term programs. Right now, Mr. Chairman, we ought to be about protecting the jobs that are out there and creating new ones, again, focused like a laser.

The Republican plan does this without all the spending and waste. And we can create the jobs at half the cost.

Mr. NEAL of Massachusetts. Mr. Chairman, I would like to reserve the balance of my time until the gentleman from Michigan is prepared to close.

Mr. CAMP. At this time, I yield 1½ minutes to the distinguished gentleman from Florida.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, we clearly need to pass a stimulus package, a plan that will help our economy. Unfortunately, this plan spends lots of money but very little to incentivize the economy. It does very little to incentivize small businesses, small businesses which are the job creators in our country. Frankly, less than 10 percent of the money in this spending bill goes to infrastructure projects. And we hear a lot of talk about the infrastructure projects. I agree with that. But less than 10 percent of the bill goes to infrastructure projects. Most of them, unfortunately, Mr. Chairman, go to create a larger Federal bureaucracy with little accountability and nearly no oversight. Does that sound familiar?

This House last week was here passing legislation that the Senate already said they weren't going to do to try to cover up and fix up the embarrassment of the TARP legislation, of that bailout legislation, that had no accountability and no oversight. This bill is more of the same. This is Son of TARP, except it's even bigger, with little money and accountability, with little oversight, with less than 10 percent for infrastructure and with very little to help the job creators, the small businesses in our great country.

We need better accountability. We need more oversight. We need more for infrastructure. We need more to help the small businesses and less to just send it to create a larger Federal bureaucracy with no oversight. Again, as embarrassed as some people were about TARP, this is Son of TARP. We are going to read the scandals.

Don't pass this legislation.

Mr. CAMP. At this time I yield 1 minute to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Thank you, Mr. CAMP.

I think that the Democrats have lost perspective, Mr. Chairman. I want to put things in perspective. With the bailout bill, the Wall Street bailout bill added to this stimulus bill, we're spending over $1.5 trillion. The interstate highway system only cost $425 billion. The race to the Moon cost $237 billion. We're spending $1.5 trillion. President Obama did promise economic recovery. Unfortunately, congressional Democrats are going to destroy his vision of stimulus.

This act is not bold. It is not quick acting. It is the old policy of borrowing and spending. And we're thinking that more borrowing and more spending is going to get us out of this crisis that we're in now. Mr. CAMP's amendment is the last best chance for economic stimulus for the next 2 years of a Democrat-controlled government. This Democrat bill is not a stimulus. It is just another wasted bailout.

Mr. NEAL of Massachusetts. Mr. Chairman, I would like to yield myself the balance of my time.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. NEAL of Massachusetts. Thank you, Mr. Chairman.

I stand in opposition to the Camp amendment that is being offered at the moment.

While you might hear that the Republican amendment today includes a 2-year patch for the AMT, let me tell you that this patch results in zero taxpayers being helped. I repeat, zero taxpayers being helped.

I think the Republican minority would agree that I have earned a Ph.D. on AMT during my time in the House. I asked the Joint Committee on Taxation—for the viewing audience, they are not Republicans. They are not Democrats. They're professionals. I asked them to analyze the Republican amendment and tell me how many taxpayers would pay AMT under current law without any patch and under my friend Mr. CAMP's amendment. Oddly enough, there will be 26 million families paying AMT this year with or without the Camp amendment and 28 million families paying AMT next year with or without the Camp amendment. That is because this patch falls far short of what would be needed to protect the middle class from the takeback effect of the AMT.

Now this budgetary trick was used in 2001 to mask the true cost of the Bush tax cuts. Without the AMT patch, middle-income taxpayers lost two-thirds of their promised Bush tax cuts to AMT, again, Joint Committee on Taxation. And the same thing will happen under

Mr. CAMP's amendment. If Mr. CAMP's amendment is enacted, middle-income families, including 49,000 in my friend's, Mr. CAMP's, district will not see the lower 5 percent rate or the 10 percent rate that he promises. Twenty-six million families will pay higher taxes this year under the Camp proposal because of alternative minimum tax.

We will enact a patch this year so that those 26 million families will be protected from higher taxes. I guaranty you that. In fact, the Senate has already added it to their stimulus bill. But let's not fool ourselves today by voting for an AMT fig leaf and even steeper rate cuts which will leave the middle-income worker holding the bag.

I urge opposition to the Republican amendment.

I yield back the balance of my time.

Mr. CAMP. I yield myself the balance of my time.

The CHAIR. The gentleman from Michigan is recognized for 3 minutes.

Mr. CAMP. Mr. Chairman, I would commend Mr. NEAL for his work on the AMT. I just wish you had included it in your underlying bill. But let me just say, look, the CBO, the Congressional Budget Office, is nonpartisan. It has said that, and economists alike have said that tax cuts impact the economy more quickly than government spending. And what we need to do is act quickly and effectively.

We even have an analysis by the senior adviser to the new President who says that tax cuts will actually have more immediate growth, more job creation and a bigger bang for the buck than we'll see with government spending. And when we use the same methods and economic models that they have used to analyze our legislation, we get twice as many jobs for half the cost because of the great generative power of tax relief. It is something that certainly both President Kennedy and President Reagan recognized to create economic growth.

Let's be clear about what tax relief actually does. The U.S. economy had significant job growth after the tax cuts in the early part of this decade. Between 2003 and 2008, the economy added almost 8 million jobs. As this chart shows, it's according to the Department of Labor Bureau of Labor Statistics, the U.S. economy added these jobs even after dealing with the impact of 9/11, two wars, rising energy prices and government spending.

Now everyone knows that over the last year, the U.S. economy has lost a significant number of jobs, but it took an unprecedented crisis in the housing and financial markets and a world economic slowdown to really knock the economy and the jobs that the economy creates off its feet.

So our estimate of the number of jobs that could be created by these tax relief measures, as we readily acknowledge, cannot fully account for all of the potential impacts on the economy, just as the President's senior advisers note in their analysis the same thing. But we do know the U.S. economy was in recession when Congress enacted the 2001 and 2003 tax relief measures. The U.S. economy responded by growing rapidly and adding almost 8 million jobs. And the families and the prosperity that was created from those 8 million jobs followed.

So the tax relief, the approach we have taken in our bill to emphasize more tax relief minimizes the wasteful government spending that we see in the Democrat, or the present majority's approach, and really shows that it's a proven formula for stimulating the economy, creating jobs and lifting this economy out of a recession.

Mr. STARK. Mr. Chair, I rise in opposition to this wrong-headed substitute amendment offered by my Republican colleagues.

The Camp/Cantor amendment eliminates two key health care provisions in the American Recovery and Reinvestment Act. First, it deletes the entire investment in health information technology. Second, it eliminates the provisions designed to temporarily provide health insurance for workers who've lost their jobs in this economic crisis.

For years, I've heard my Republican colleagues laud the need to invest in health information technology. Yet, when a bill comes before them that finally meets that goal, what do they do? They delete it.

According to the nonpartisan Congressional Budget Office, H.R. 1 will dramatically increase physician use of health IT from 5 percent today to 90 percent. It will also increase hospital adoption rates from about 10 percent today to 70 percent.

CBO further tells us that the steps this bill takes to increase adoption will reduce what both the public and private sectors pay for health care by lowering administrative overhead costs, reducing the number of unnecessary tests and procedures, and decreasing many avoidable medical errors.

Specifically, CBO says the federal government will save $12 billion across government health programs and consumers will save billions more via lower premiums for private insurance.

With regard to health care coverage, I've also listened to my Republican colleagues for decades as they insist that any effort toward expanding health coverage build on what works in the private sector. COBRA continuation coverage does just that.

COBRA coverage enables people who have lost their jobs to maintain their private health insurance coverage through their former employer for a limited period of time—at their own cost—until they get a new job with health benefits.

All we do in H.R. 1 is provide a temporary 65 percent subsidy for up to 12 months for workers who have been involuntarily terminated in this recession. Many of these people are surviving on unemployment compensation—the monthly value of which is often less than the standard monthly family COBRA premium of more than $1000.

The Joint Committee on Taxation estimates that some 7 million Americans will be able to maintain their health coverage if this provision is enacted.

What does the Republican substitute do to this provision? It deletes it.

Clearly, my Republican colleagues are turning their back on this historic opportunity to modernize America's health IT system and reduce overall health spending. They are also telling America's workers that their health care needs are their own problem—even though this recession is a direct result of the lax oversight they and President Bush proceeded over for the past decade.

I urge my colleagues to vote "no" on this mean spirited substitute amendment.

Mr. CAMP. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CAMP).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. CAMP. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

The CHAIR. The Committee will rise informally.

The Speaker pro tempore (Ms. LEE of California) assumed the chair.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 181. To amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

The Committee resumed its sitting.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 111–9 on which further proceedings were postponed, in the following order:

Amendment No. 5 by Mr. NEUGEBAUER of Texas.

Amendment No. 7 by Mr. FLAKE of Arizona.

Amendment No. 11 by Mr. CAMP of Michigan.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

□ 1645

AMENDMENT NO. 5 OFFERED BY MR. NEUGEBAUER

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER) on which further proceedings were

postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 134, noes 302, not voting 2, as follows:

[Roll No. 42]

AYES—134

Aderholt
Akin
Alexander
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dreier
Duncan
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf

NOES—302

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—2

Brown-Waite, Ginny
Solis (CA)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining on this vote.

□ 1710

Mr. DICKS, Ms. TITUS, Messrs. SCHAUER, McDERMOTT, Ms. EDWARDS of Maryland, Mrs. NAPOLITANO, Messrs. PALLONE, DONNELLY of Indiana, BILIRAKIS, JONES, ROONEY, WALDEN, PAULSEN, LARSON of Connecticut, Mrs. BACHMANN, and Mrs. McMORRIS RODGERS changed their vote from ''aye'' to ''no.''

Messrs. BACHUS, ROYCE, and McHENRY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 116, noes 320, not voting 2, as follows:

[Roll No. 43]

AYES—116

Akin
Austria
Bachmann
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Carter
Chaffetz
Coble
Coffman (CO)
Conaway
Culberson
Davis (KY)
Deal (GA)
Dreier
Duncan
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (CA)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Pitts
Poe (TX)
Posey
Price (GA)
Radanovich
Reichert
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Royce
Ryan (WI)
Scalise
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Smith (TX)
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Wamp
Westmoreland
Wilson (SC)

NOES—320

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt

DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—2

Brown-Waite, Ginny
Solis (CA)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1718

Mr. MASSA changed his vote from ''aye'' to ''no.''

Mr. CAMP changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. CAMP

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CAMP) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 170, noes 266, not voting 2, as follows:

[Roll No. 44]

AYES—170

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Young (AK)
Young (FL)

NOES—266

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—2

Brown-Waite, Ginny
Solis (CA)

□ 1730

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIR. All business before the Committee being completed, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. TIERNEY, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes, pursuant to House Resolution 92, he reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. LEWIS of California. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEWIS of California. Yes, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lewis of California moves to recommit the bill H.R. 1 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendments:

Page 48, strike lines 1 through 5.

Page 49, strike line 9 and all that follows through page 50, line 22.

Page 52, strike lines 5 through 8.

Page 54, line 17, after the first dollar amount insert ''(reduced by $200,000,000)''.

Page 54, line 19, strike ''and'' and all that follows through ''modernization'' on line 21.

Page 57, line 16, after the dollar amount insert ''(increased by $24,255,000,000)''.

Page 57, strike the proviso beginning on line 22.

Page 62, line 14, after the dollar amount insert ''(reduced by $6,600,000,000)''.

Page 62, strike line 23 and all that follows through page 63, line 7 (and redesignate the subsequent paragraphs accordingly).

Page 63, strike lines 12 through 16 (and redesignate the subsequent paragraphs accordingly).

Page 63, strike lines 21 through 24 (and redesignate the subsequent paragraphs accordingly).

Page 64, strike lines 5 through 13.

Page 65, strike lines 3 though 20.

Page 65, strike line 21 and all that follows through page 67, line 3.

Page 67, line 12, after the dollar amount insert ''(reduced by $400,000,000)''.

Page 67, strike line 13 and all that follows through ''less'' on line 16.

Page 74, strike line 17.

Page 74, line 23, after the dollar amount insert ''(reduced by $6,700,000,000)''.

Page 75, line 2, strike ''; of'' and all that follows through ''Act'' on line 15.

Page 75, line 15, strike ''*further*''.

Page 76, strike line 9 and all that follows through page 103, line 14..

Page 122, strike line 7 and all that follows through page 123, line 3.

Page 123, line 13, after the dollar amount insert ''(reduced by $1,950,000,000)''.

Page 123, strike line 18 and all that follows through page 124, line 9 (and redesignate the subsequent paragraphs accordingly).

Page 124, line 24, insert ''and'' after the semicolon.

Page 125, line 3, strike ''; and'' and insert a colon.

Page 125, strike lines 4 through 18.

Page 129, line 25, after the dollar amount insert (reduced by $550,000,000)''.

Page 130, line 1, strike '', of'' and all that follows through ''2009,'' on line 2, and insert ''(reduced by $250,000,000)''.

Page 130, line 20, strike '', of'' and all that follows through ''2009,'' on line 21, and insert ''(reduced by $300,000,000)''.

Page 133, line 16, strike '', of'' and all that follows through ''2009'' on line 17, and insert ''(reduced by $750,000,000)''.

Page 134, strike line 20 and all that follows through page 139, line 2.

Page 139, strike lines 4 through 11.

Page 139, line 16, strike '', of'' and all that follows through ''2009'' on line 17, and insert ''(reduced by $1,000,000,000)''.

Page 139, line 24, after the dollar amount insert ''(reduced by $1,600,000,000)''.

Page 140, line 1, after the dollar amount insert ''(reduced by $500,000,000)''.

Page 140, line 2, strike '', of'' and all that follows through ''2009'' on line 3.

Page 140, line 4, after the dollar amount insert ''(reduced by $550,000,000)''.

Page 140, line 6, strike '', of'' and all that follows through ''2009'' on line 7.

Page 140, line 19, after the dollar amount insert ''(reduced by $500,000,000)''.

Page 140, line 21, strike ''of which'' and all that follows through ''and'' on line 22.

Page 141, line 5, strike ''years 2009 and 2010'' and insert ''year 2009''.

Page 141, line 11, after the dollar amount insert ''(reduced by $50,000,000)''.

Page 141, line 12, strike '', of'' and all that follows through ''2009'' on line 14.

Page 141, line 25, strike '', of'' and all that follows through ''''2009'' on page 142, line 1, and insert ''(reduced by $100,000,000)''.

Page 142, strike line 5 and all that follows through page 144, line 3.

Page 145, strike line 22 and all that follows through page 157, line 10.

Page 157, line 17, after the first dollar amount insert ''(reduced by $6,500,000,000)''.

Page 157, line 17, after the second dollar amount insert ''(reduced by $2,750,000,000)''.

Page 157, line 19, strike ''of which $2,750,000,000'' and insert ''which''.

Page 157, line 21, strike '', and'' and all that follows through ''2011'' on line 23.

Page 157, line 24, after the dollar amount insert ''(reduced by $2,750,000,000)''.

Page 157, line 25, strike ''of'' the second place it appears.

Page 158, line 1, strike the dollar amount.

Page 158, line 2, strike the second comma and all that follows through ''2011'' on line 5.

Page 158, line 5, after the dollar amount insert ''(reduced by $1,000,000,000)''.

Page 158, line 7, strike ''of which $1,000,000,000'' and insert ''which''.

Page 158, line 9, strike '', and'' and all that follows through ''2011'' on line 11.

Page 158, strike lines 14 through 21.

Page 159, line 2, after the dollar amount insert ''(reduced by $533,000,000)''.

Page 159, line 3, after the dollar amount insert ''(reduced by $500,000,000)''.

Page 159, line 4, strike ''of which $500,000,000'' and insert ''which''.

Page 159, line 6, strike '', and'' and all that follows through ''2011'' on line 8.

Page 159, line 10, after the dollar amount insert ''(reduced by $33,000,000)''.

Page 159, line 12, strike ''of which $33,000,000'' and insert ''which''.

Page 159, line 14, strike '', and'' and all that follows through ''2011'' on line 16.

Page 159, line 21, after the dollar amount insert ''(reduced by $25,000,000)''.

Page 160, strike the proviso beginning on line 9.

Page 160, line 19, after the first dollar amount insert ''(reduced by $7,300,000,000)''.

Page 160, line 19, after the second dollar amount insert ''(reduced by $7,000,000,000)''.

Page 160, line 20, strike ''of which'' and all that follows through ''$6,000,000,000'' on line 21, and insert ''which''.

Page 160, line 22, strike '', and'' and all that follows through ''2011'' on line 24.

Page 160, line 25, after the dollar amount insert ''(reduced by $300,000,000)''.

Page 161, line 1, strike ''of which $300,000,000'' and insert ''which''.

Page 161, line 3, strike '', and'' and all that follows through ''2011'' on line 5.

Page 161, strike the proviso beginning on line 10.

Page 162, line 4, after the first dollar amount insert ''(reduced by $350,000,000)''.

Page 162, line 4, after the second dollar amount insert ''(reduced by $250,000,000)''.

Page 162, line 6, strike '', of'' and all that follows through ''2009'' on line 7.

Page 162, line 16, after the dollar amount insert ''(reduced by $100,000,000)''.

Page 162, line 18, strike '', of'' and all that follows through ''2009'' on line 19.

Page 162, line 19, after the dollar amount insert ''(reduced by $17,387,500)''.

Page 162, line 20, after the dollar amount insert ''(reduced by $57,290,500)''.

Page 162, line 21, after the dollar amount insert ''(reduced by $25,322,000)''.

Page 163, line 2, after the dollar amount insert ''(reduced by $245,000,000)''.

Page 163, line 5, after the dollar amount insert ''(reduced by $245,000,000)''.

Page 163, line 6, strike '', of'' and all that follows through ''2009'' on line 7.

Page 164, strike line 16 and all that follows through page 192, line 9 (and redesignate the subsequent sections accordingly).

Page 192, line 12, strike the dash and all that follows through ''(1)'' on line 13.

Page 192, line 14, strike ''; and'' and all that follows through line 16, and insert a period.

Page 195, strike line 18 and all that follows through page 197, line 22.

Page 208, line 2, after the dollar amount insert ''(increased by $36,000,000,000)''.

Page 219, strike line 1 and all that follows through page 220, line 5.

Page 222, line 6, after the dollar amount insert ''(reduced by $750,000,000)''.

Page 222, line 11, strike ''of which—'' and all that follows through the dollar amount on line 12, and insert ''which''.

Page 223, line 11, strike ''; and'' and insert a colon.

Page 223, strike line 12 and all that follows through page 224, line 18.

Page 237, strike line 12 and all that follows through page 251, line 4 (and conform the table of contents in section 2 accordingly).

Page 622, strike line 3 and all that follows through page 633, line 10 (and redesignate the subsequent section accordingly).

Page 639, strike line 7 and all that follows through page 641, before line 17 (and redesignate the subsequent sections accordingly).

Mr. LEWIS of California (during the reading). I ask unanimous consent that the motion be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OBEY. I reserve a point of order on the amendment.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from California is recognized for 5 minutes.

Mr. LEWIS of California. The motion that I have is a very simple motion to invest an additional $36 billion in highways and an additional $24 billion in the Army Corps of Engineers construction, and reduce the overall costs of the bill by almost $104 billion.

My friends, the more that people learn about this bill, the more they are questioning the price tag and its effectiveness. Not just our political leaders, but our colleagues on both sides of the aisle, our newspapers, and our constituents.

This motion funds high-priority, immediate job-producing activities like highway construction and the Army Corps of Engineers water projects. These are absolutely ''shovel-ready'' infrastructure investments that will put Americans back to work now.

The Corps of Engineers projects have been vetted, authorized, studied, planned and, in many cases, started. The added $24 billion in that motion will put people to work right away and will result in much needed improvement to our Nation's ports, levees, dams, and flood control measures. The same can be said for the additional $34 billion in highway funds in this motion.

Our objective, Madam Speaker, is to put people to work right away. The additional $34 billion in highway funds in this motion begin to play that role. We are not pulling a number out of the sky, but responding to our States.

About 6 months ago, our States were asked, and I quote, ''What can you do in 180 days if you had the funds? Our States responded, We can do at least $64 billion worth of work that will yield greater safety, plus additional economic opportunity for our communities.

In addition to redirecting $60 billion into immediate job-creating programs, this motion will save taxpayers by reducing the overall cost of the bill by almost $104 billion.

This motion does not strike all funds in the bill, but only strikes the untested, newly authorized or newly funded programs, but all funding that will not be available until fiscal year 2010, and later. It will also strike the most questionable job-creating programs in the underlying bill.

This is our chance to make a wise decision to step back and give a hard look and make sure that the package we want to send to the President is really going to make a positive impact on the economy and not do more harm to the American people. This is our chance to send a more balanced bill forward, a bill with tax cuts, with relief for States, and with some purposeful, targeted spending guaranteed to put Americans back to work.

Madam Speaker, I yield to the T&I ranking member and the coauthor of this motion, the gentleman from Florida (Mr. MICA), the remaining time.

The SPEAKER pro tempore. The gentleman is recognized for 1½ minutes.

Mr. MICA. Madam Speaker and my colleagues, in the last few hours, our new President reached out across the aisle and he came to the Republican conference and he asked us not to be Republicans, he asked us not to be Democrats, but he asked us to be Americans. He cited the urgency of the time and the challenge that we face. And that is why I am over on this side right now. I have done this one other time. It may have been after 9/11.

My colleagues, we face an economic 9/11. My side gave me the opportunity to offer a motion to recommit. I didn't want to play any games with that because I know that there are men and women out there, fathers and mothers, people who want a job and deserve a job and need a job, and what are we going to offer them?

These are the headlines: Top Companies Slash 70,000; Job Cuts Deepen Across America. You have seen them. You have seen them in your own State, in your own district.

Now you're going to have to go back tomorrow or this week and look those people in the face and say, I had an opportunity to vote for more jobs. And that is exactly what this motion does.

I didn't play games picking out or I haven't criticized any project. In fact, I came here and I spoke for two Democrat amendments and against one Republican amendment so far on this legislation, because this is about creating jobs. Whether we are going to create—we are going to take $825 million.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MICA. I ask unanimous consent for 1 additional minute.

Mr. OBEY. I ask unanimous consent that the gentleman be given 1 additional minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. MICA. We are going to be asked the question, What did we do? And I wanted to have the opportunity. I have worked my heart out with Mr. OBERSTAR. You all should thank Mr. OBERSTAR for what he has done in a bipartisan fashion.

But, again, we have got to go back and say there is 7 percent of this on infrastructure out of $825 billion. We have an opportunity to double the amount of infrastructure money. No games being played. I didn't single out or deride any program. I just said any new or unauthorized project or program in this would be eliminated. You have the votes to do those later on if you want to do them. Right now, we have got to get the most people we can to work as soon as possible. And I know you believe that in your heart too.

So this isn't some game, some political charade. I came across the aisle, asking you to support a measure that will put our people—your people and my people—to work sooner rather than later. Thank you.

Mr. OBEY. Madam Speaker, I withdraw my reservation and rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Speaker, this amendment is a perfect example of how people can fall off both sides of the same horse at the same time. If you take a look at what the criticism has been of this bill all week long, you will remember that the other side has constantly said that we are just throwing money at the problem. That it can't possibly be spent.

Yet, they would add some $25 billion to the Corps budget, despite the fact that the Corps has told us that they can only push out the door about $4 billion in new projects. They have told us for days now. They have criticized us and lacerated us with criticism because they said that we had money in here for infrastructure that couldn't possibly be spent out in the next 2 years. And now they are adding $36 billion more.

What this amendment does, as we understand it, is to add $36 billion for highways and $25 billion to the Corps. And if they were standing alone, I might not object. But they pay for it with $160 billion in cuts in other parts of the bill.

They crush broadband, for instance; something which is essential if every community in this country is going to compete for jobs and for an economic future. They cut the science programs in the National Science Foundation that will put hundreds of thousands of people to work in the scientific area. They eliminate the Federal Buildings Energy Retrofit Program. Those jobs are all gone.

They have attacked us for putting things in a bill that don't belong in a jobs bill. Yet, they cut job training funds in half and they cut displaced workers by half a billion dollars. We should be doubling those funds, not cutting them.

□ 1745

They eliminate the green jobs initiatives in this bill. They take one-half billion dollars out of community health centers. They cut in half the amount of money that we are devoting to try to develop the added primary care physicians and nurses that we will need given what is happening to the health care crisis in this country. They take $750 million out of the National Institutes of Health, wiping out the jobs of thousands of scientists who right now are not being put to good use because we only fund 20 percent of approved science at NIH. And, lastly, they guarantee that there will be substantial tax increases at the State level because they gut the State stabilization fund which is designed to

help States so that they wind up not having to raise taxes, so that they don't wind up having to cut key education services.

How many of us have gone home and cried for years about the fact that the Federal Government has not met its promises on special education? And yet they wipe out the advances we have made in special education. This is an unbalanced approach to a serious problem. I urge a ''no'' vote.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. LEWIS of California. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 159, noes 270, not voting 3, as follows:

[Roll No. 45]

AYES—159

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Childers
Coble
Cole
Conaway
Crenshaw
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Fleming
Foxx
Frelinghuysen
Gallegly
Gerlach
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
King (IA)
King (NY)
Kirk
Kline (MN)
Kratovil
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (MI)
Miller, Gary
Minnick
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Posey
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Whitfield
Wilson (SC)
Wittman
Young (AK)
Young (FL)

NOES—270

Abercrombie
Ackerman
Adler (NJ)
Andrews
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Broun (GA)
Brown, Corrine
Butterfield
Campbell
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chaffetz
Chandler
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Forbes
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Fudge
Garrett (NJ)
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Price (GA)
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (MI)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—3

Brown-Waite, Ginny
Doggett
Solis (CA)

□ 1803

Messrs. HONDA, GINGREY of Georgia, KINGSTON, FRANKS of Arizona, and LINDER changed their vote from ''aye'' to ''no.''

Messrs. PENCE, MELANCON, KING of Iowa, and WITTMAN changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 244, nays 188, not voting 1, as follows:

[Roll No. 46]

YEAS—244

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton

Slaughter
Smith (WA)
Snyder
Solis (CA)
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—188

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—1

Brown-Waite, Ginny

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

□ 1811

Ms. LORETTA SANCHEZ of California changed her vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1, AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

Mr. OBEY. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 557

Mr. COHEN. Madam Speaker, I rise to request that my name be removed as a cosponsor of H.R. 557.

The SPEAKER pro tempore (Ms. CLARKE). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

□ 1815

CONGRATULATING THE CARL SANDBURG MARCHING EAGLES

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise today to salute the talented young men and women of the Carl Sandburg High School Marching Eagles who recently traveled from Orland Park, Illinois, to play in President Barack Obama's inaugural parade.

I have seen these talented performers entertain the crowds back home, and I knew that they would make us proud. And they did. With expert precision and harmony borne of tireless practice, the Eagles marched down Pennsylvania Avenue, putting on an impressive show for the whole world to see. I was especially entertained to learn that when they passed before our new President and First Lady, they played a song to remind the two of home, ''Chicago.''

Over 150 students came down from Illinois for this historic event, along with many school faculty, volunteer chaperones, family members and friends. In reality, though, the whole community was with them in spirit, having come together throughout the past months for bake sales and donation drives in support of the band's trip to Washington. This was an extra-special event for all of Orland and the surrounding communities.

Mr. Speaker, I would like to offer the band members from Carl Sandburg High my sincere congratulations on a job well done. And I would like to thank all the volunteers and staff who worked so hard to make this event a reality. This was one performance that will certainly have a place in the history books.

HOUR OF MEETING ON TUESDAY, FEBRUARY 3, 2009

Mr. COHEN. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday next, it adjourn to meet at 12:30 p.m. on Tuesday, February 3, for morning-hour debate.

The SPEAKER pro tempore (Mr. ADLER of New Jersey). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CONDITIONAL ADJOURNMENT TO FRIDAY, JANUARY 30, 2009

Mr. COHEN. Mr. Speaker, I ask unanimous consent that when the House adjourns today on a motion offered pursuant to this order, it adjourn to meet at 9:00 a.m. on Friday, January 30, 2009, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 26, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

RECOGNIZING THE OUTSTANDING AGRICULTURALISTS OF 2008

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Mr. Speaker, I rise today to recognize the outstanding achievements and lifelong contributions of three Texans to our Nation's agricultural industries.

Recently, Mr. Richard Ligon of Graham, Mr. Woody Anderson of Colorado City and Mr. Sam Curl of Pecan Plantation were each named an outstanding agriculturalist during Texas Tech's College of Agricultural Sciences and Natural Resources annual pig roast award dinner. This award is truly special because honorees are nominated and selected by people who know them best, their peers, coworkers and business partners.

These three men are pioneers in their field and throughout their lives they have helped to shape the way we manage the business of farming and ranching, produce food and agricultural products and educate the next generation of leaders in the agricultural community.

Mr. Speaker, I am pleased to congratulate these men on their well-deserved recognition. It is my great honor to extend on behalf of all Americans who eat food and wear clothes our many thanks for their years of service

and tireless innovation. Our lives have all been enriched by what they do and their work.

BIPARTISAN OPPOSITION TO THE STIMULUS PACKAGE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I want to be the first to say how much I appreciate the bipartisan results of this last vote on a bill which had been called a ''stimulus package.'' Many of us understood this was not going to help our economy because there was too much government spending, not enough tax cuts and too much money that was going to be put in a budget that was going to last forever and ever.

I am so proud of the fact that we had bipartisan opposition to this legislation instead of bipartisan support for it. It was very important that we let the American people understand that some of us do have principles and we stand on those principles. This was not a political vote. It was a philosophical vote. That is what the President said he would respect, and I take him at his word.

We voted ''no'' because of philosophical differences. We believe that we should return more money to the American people and not put more money in government coffers and not mortgage our children, our grandchildren and great grandchildren. My granddaughter asked me recently, why do you want to put little children in debt? And I said that I don't want to do that. The less we put them in debt the better off this country will be.

DRIVING FORWARD WITH THE DEMOCRATS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, today's vote and today's debate reminded me much of when I was 16 years old and my father took me to teach me how to drive a car. It was very simple. He said, ''When you want to go forward, son, you do like politics and you put the 'D' on the transmission and you go into drive, you go forward. And if you want to go in reverse you go to 'R' and you go backwards.'' And it's the same thing in politics, and the debate today was the same. If you want to go forward, you go with the Democrats. If you want to go backwards, you go with the Republicans.

Today, Mr. Speaker, America went forward.

CHANGING THE SIZE OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

Ms. SLAUGHTER. Mr. Speaker, I send to the desk a resolution and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The text of the resolution is as follows:

H. RES. 97

Resolved, That clause 11(a)(1) of rule X is amended by—

(1) striking ''21'' and inserting ''22''; and

(2) striking ''12'' and inserting ''13''.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE GOOD, THE BAD AND THE UGLY OF THE BUSH ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last week this Nation and the entire world turned a new page. Instead of a foreign policy based on preemptive strikes, military might and bullying, the United States, led by President Obama, will return to our national ideals of diplomacy and international cooperation. Like most Americans, I'm heartened by the prospect and look forward to the chance for peace and justice throughout our world. Besides, our policies have nowhere to go but up.

In a groundbreaking study, the Council for a Liveable World has outlined the good, the bad and the ugly of the past administration. Sadly, the list of the ''goods'' is much shorter than the ''bads'' and the ''uglies.''

On the good list, the Bush administration did not resume nuclear testing and did not withdraw the U.S. signature from the Comprehensive Nuclear Test-Ban Treaty. Second, there was no war in Iran.

Sadly, Mr. Speaker, the foreign policy missteps of the past administration make a much longer list. Some of these wrong-headed policies may take years to fix. Some have seriously undermined the true ideals of America and its commitment to peace. The list goes on and on.

Here are some of the so-called ''greatest hits'' of the past 8 years. The administration refused to request congressional ratification of the Comprehensive Nuclear Test-Ban Treaty. The United States-India nuclear deal that undermined longstanding antiproliferation efforts was approved. The nuclear nonproliferation treaty was undermined by the administration's walking back from key promises the United States made in 1995 and 2000. The war in Iraq still continues after 6 years. There were virtually no negotiations with Iran. There were 8 years of unilateralism. The military budget skyrocketed by 86 percent. The United States has failed to pay all its dues to the United Nations. In March 2008, the United States was $1.6 billion behind in its treaty obligations which could have a negative impact on key U.N. operations including jeopardizing the 19 U.N. peacekeeping missions around the world. Finally, Cold War-era weapons systems continue to be funded such as the F–22 Raptor, *Virginia*-class submarine and the V–22 Osprey. None of them have any purpose in the current security environment.

Now we can't let the mistakes of the past get in the way of progress or hope for a more secure and peaceful world. I was very encouraged and inspired by Secretary of State Hillary Clinton's testimony before the Senate when she said that if she were confirmed, which she has been, the State Department will be firing on all cylinders to provide forward-looking, sustained diplomacy in every single part of the world.

□ 1830

Talk about a breath of fresh air.

''Our incoming President Obama can count on me,'' she said. And I say he can count on me, as well, and countless Members of Congress to promote and advance a foreign policy founded on smart security, founded on diplomacy, and founded on cooperation.

The world is waiting with great hope and expectations. On January 20, it was the beginning of a change in Washington, and its results will be felt far beyond our borders.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TAX REDUCTION FOR INDIVIDUALS AND THE PRIVATE SECTOR IS THE ANSWER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, the week has ended, Republicans are going on a retreat, I presume the Democrats are going home, and there aren't many of us left in the Chamber. And sometimes I feel a little bit like some of my colleagues, like a voice hollering in the wilderness because it doesn't seem as though we're getting much attention on the issues that we raise.

In the late 1970s, we ended up with hyperinflation. Inflation was running at about 12, 14 percent; unemployment was running about 12 percent. And Mr. Carter brought a man in named Mr. Volcker to do something about the

runaway inflation and the unemployment.

And Mr. Volcker came in to stop the inflation by raising interest rates, and he raised interest rates to 21.5 percent. He put a hammer on the entire economy of the United States. Businesses went under, the real estate industry went under. My business, we had $11 million in pending sales in real estate, we were only able to close on $1 million. We had to put 10 or 11 people out of work because you couldn't buy anything with interest rates being at 21.5 percent.

So what happened is the American people elected a man named Ronald Reagan, who came in and he said America could do better and would do better. And the way to do it was to give the American people some of their money back so they could spend it to buy things that they needed, thereby creating products, thereby creating jobs, and thereby helping economic growth. And within about 3 years, the economy turned around, and we had one of the largest and longest periods of economic growth in the last 100 years. And it was because we cut taxes for business, we cut taxes for individuals, and we stimulated economic growth.

Now we're heading down that path that we headed on down in the 1970s. Today we added $825 billion to the deficit. We had a $700 billion bailout for the banks and Wall Street not too long ago added to the deficit. The total in the last month or so added in spending was $1.539 trillion, and CBO says it's more than that. This is only going to cause more problems down the road. It's not, in my opinion, going to solve the problem of joblessness. It's going to add to the necessity for more spending.

This isn't the end of spending. This was asked on television I think earlier today: Is this going to solve the problem; is this the end of additional spending? It will not be. There are going to be trillions more added to the request for spending in the not-too-distant future. The President, the Vice President, and his chief economic advisor said that we're going to need more, that this was a good step first—a good first step, $1.5 trillion?

We're going to have more, and it's going to cause more economic problems down the road in the form of higher inflation, thereby, higher prices; and we're going to end up with somebody coming in to try to do something about the inflation, like Mr. Volcker did before, to put the hammer on it by raising interest rates, which will put a real hammer again on the economy of this country.

We're not solving these problems. We're not solving the problems of joblessness. We're not going to create new jobs with this plan we just passed today. We're going to create more government, not less. We're going to move this government toward socialism and away from the free enterprise system.

And the kids that are growing up today are going to be saddled with our debt. They're going to pay for it with higher taxes, higher spending down the road, inflation, and a lower standard of living. And this is something that we need not do.

There is still time to reverse this by realizing that the way to stimulate economic growth is by cutting taxes, not increasing spending, by cutting spending, not increasing spending. And if we do that, we will put this country on the road to economic recovery, which is the right approach. Not more government spending, not trillions more; that's only going to exacerbate the problem.

So, Mr. Speaker, the week has ended. We've spent all this money, we haven't solved the problem, and we're going to continue down the road we're on. I hope my colleagues, before it's too late, will realize free enterprise and lower taxes and less spending is the way to solve this problem, not socialism, more government, and more taxes.

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Budget:

HOUSE OF REPRESENTATIVES,
January 26, 2009.

Hon. NANCY PELOSI,
Office of the Speaker, H–232, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI: With my recent appointment to the House Committee on Standards of Official Conduct, I resign, effective immediately, from the House Committee on the Budget. It has been both a privilege and an honor to serve on this committee for the last four years representing the people of Texas and our great Nation.

Thank you for your attention to this matter.

Respectfully,
K. MICHAEL CONAWAY,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SECRETARY OF TREASURY GEITHNER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the House of Representatives voted last week, disapproving of the release of the second tranche of Wall Street bailout—called TARP moneys—to the U.S. Treasury. I disapproved, along with a majority of our colleagues here, on sending more money over there. Of course our vote made no difference.

It is really amazing how this unusual procedure was adopted in the original bill passed last year that basically took away our rights as Members of this House. So the money was released to Treasury, and what happens over there becomes more troubling every day.

Now, the Senate basically gave the newly named Secretary of Treasury a pass, even though Mr. Geithner failed to pay his taxes. He didn't fail to pay $100 or $200 or $10,000 or $20,000—I think it was well over $34,000, and he's the person now responsible for overseeing the Internal Revenue Service and the entire bailout.

In addition, as the administration seeks to reduce the influence of lobbyists, as the Secretary issues statements on reducing the influence of lobbyists on Treasury policy and directing TARP funds, how could he then, as Secretary of Treasury, hire a lobbyist—a lobbyist who had been hired by Goldman Sachs—and put that lobbyist as his Chief of Staff? In case you really didn't know it, Goldman Sachs used to be one of those Wall Street gambling houses that lost all of their investors' money. And then, when they got in trouble, they did something very clever; overnight they became a bank holding company, which means they came under the protections of the insurance fund that other banks that had been responsibly managed had paid into for decades. But they were powerful enough to ride right over them and to land themselves there, and then put their hand out for $10 billion of bailout money. Now that's a real clever score.

Now, we can be pretty certain that Treasury's Chief of Staff will welcome his old friends and colleagues to the Treasury as the bailout funds and other banking issues come up. Wouldn't surprise me at all. But isn't that what President Obama is really trying to prevent?

On top of this, Secretary Geithner received nearly a half a million dollars—half a million dollars—in severance from the Federal Reserve Bank of New York when he left.

Now, we know that the New York Fed and the Treasury are very connected—it's like an umbilical cord tying the two together—and they just circulate their people up and down between New York and Washington, and then the people of the other States have to pay for the wrongdoing they get into about every 10, 15 years or so. USA Today reports the Government Accountability Office has questioned Treasury's policies in a December report, saying the Department didn't have a plan to monitor conflicts of interest. Of course they say they will work to address this, but can we be sure that conflicts of interest have been scrubbed clean? No, of course not.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Ms. KAPTUR. Thank you, Mr. Speaker.

SOMBER ANNIVERSARY WEEK FOR NASA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. OLSON) is recognized for 5 minutes.

Mr. OLSON. Mr. Speaker, I ran for this office and serve in this Chamber with great hope for our future, but on this occasion it is fitting that we take a moment to remember a very important part of our past.

The success of our Nation's space program rests not just in technology and rockets, but in the ingenuity, innovation and bravery of its people. And I am proud to represent many of the thousands of dedicated workers who support our manned space program at the Johnson Space Center, an important component of our nation-wide NASA family.

But today I rise to specifically recognize the 17 brave men and women who paid the ultimate cost to further the exploration of space. It's an odd quirk of history that NASA commemorates the anniversary of three of its most tragic episodes during the same calendar week. Yesterday, January 27, was the 42nd anniversary of the Apollo I fire that took the lives of the crew of Gus Grissom, Ed White and Roger Chaffee.

Today, January 28, is the 23rd anniversary of the Challenger disaster and her crew, Commander Dick Scobee, pilot Michael Smith, mission specialists Judy Resnick, Ellison Onizuka and Ron McNair, and payload specialists Gregory Jarvis and Christa McAuliffe, the first teacher in space.

This Sunday, February 1, is the sixth anniversary of the loss of the Shuttle Columbia and her crew of Commander Rick Husband, pilot William McCool, mission specialists David Brown, Laurel Clark and Dr. Kulpana Chawla, payload specialist Michael Anderson and payload specialist Ilan Ramon. One mission was on the pad, one had just launched, and one was coming home. Yet all three crews willingly took the risks inherent in space flight to help push man and science farther into the future.

I will never forget President Reagan's stirring words when he addressed the American people following the Challenger tragedy. He said, ''We will never forget them nor the last time we saw them this morning, as they prepared for their journey and waived goodbye and slipped the surly bonds of Earth to touch the face of God.''

During this anniversary week, we must never forget and never stop exploring.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CALVERT) is recognized for 5 minutes.

(Mr. CALVERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FEDEX: SETTING A GREAT EXAMPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. COHEN) is recognized for 5 minutes.

Mr. COHEN. In the Tuesday newspapers and the Tuesday news, we had the distressing report that corporate giants, major corporations, had slashed over 70,000 jobs in America. This type of action, where 7,000 people lost their jobs at American Express and Home Depot—up to 53,000 people at Citigroup lost their jobs over the last few years—have caused great distress to many citizens. We've got more unemployed, going over 7 percent now.

But these job cuts aren't absolutely necessary to be made. Employment is disappearing from every job sector, from home building to mortgages, finance to banking, manufacturing to retail. The toll on the economy and on individuals has substantially worsened. And as President Obama stated in his inaugural address, our economy is badly weakened, the challenges we face are real, and they will not be met easily or in a short span of time.

We took action today, and we will take additional action to try to help the people who are unemployed with additional unemployment compensation and health care and whatever other benefits we can help with.

But a particular industry in my community of Memphis, Tennessee, the lead corporate citizen, Federal Express, has set an example that I wish the other corporate leaders that have cut so many jobs recently and have cuts in the past would follow. Fred Smith of Federal Express chose not to hurt people, but to take the cut as a group. They chose to have benefits and pay cuts rather than additional layoffs. With 14,000 salaried employees in Memphis and 36,000 worldwide, they decided each of these people would see a 5 percent pay cut.

□ 1845

They could have easily just cut 5 percent off the payroll, 5 percent of the people. But instead they kept all of those employees and had them all share the burden of a 5 percent pay cut.

The executives of Federal Express will take a pay cut of 7.5 percent. And the president, chairman, and CEO, Frederick W. Smith, will take a 20 percent cut in pay.

This is the type of leadership that I wish other corporations would look at, follow, and emulate, and spare their employees the loss of a job and instead share it throughout the corporate ranks.

This follows the $1 billion in cost reductions already in place at Federal Express, from executive bonus suspensions to personnel reductions at FedEx Freight and FedEx Office. In total, the company is cutting costs by approximately $800 million over the next 18 months without having to resort to layoffs.

I want to commend FedEx Chairman and CEO Frederick W. Smith for seeking other cost-cutting alternatives first and finding ways to help hard-working Memphis and other citizens around the world who work for FedEx keep their jobs. One can see easily why FedEx has been a leader in business creativity for over 30 years, has made the Fortune Magazine list of ''100 Best Companies to Work For'' in 11 of the past 12.

Fred Smith and Federal Express are leaders in corporate America. They're leaders in my community. And I hope that corporate America will look to them for their leadership. We cannot afford to have increasing unemployment rates, and as we have taken action today, corporate America should as well. And Fred Smith and Federal Express set the lead.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

(Mrs. BIGGERT addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

(Ms. FOXX addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

PUBLICATION OF THE RULES OF THE COMMITTEE ON AGRICULTURE, 111TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON. Mr. Speaker, pursuant to Rule XI, clause 2(a) of the Rules of the House, a copy of the Rules of the Committee on Agriculture, which were adopted at the organizational meeting of the Committee on January 28, 2009.

Appendix A of the Committee Rules will include excerpts from the Rules of the House relevant to the operation of the Committee. Appendix B will include relevant excerpts from the Congressional Budget Act of 1974. In the interests of minimizing printing costs, Appendices A and B are omitted from this submission.

RULES OF THE COMMITTEE ON AGRICULTURE—111TH CONGRESS

RULE I.—GENERAL PROVISIONS

(a) *Applicability of House Rules.*—(1) The Rules of the House shall govern the procedure of the Committee and its subcommittees, and the rules of the Committee on Agriculture so far as applicable shall be interpreted in accordance with the Rules of the

House, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable privileged motions in the Committee and its subcommittees. (See Appendix A for the applicable Rules of the U.S. House of Representatives.)

(2) As provided in clause 1(a)(2) of House Rule XI, each subcommittee is part of the Committee and is subject to the authority and direction of the Committee and its rules so far as applicable. (See also Committee rules III, IV, V, VI, VII and X, *infra*.)

(b) *Authority to Conduct Investigations*.—The Committee and its subcommittees, after consultation with the Chairman of the Committee, may conduct such investigations and studies as they may consider necessary or appropriate in the exercise of their responsibilities under Rule X of the Rules of the House and in accordance with clause 2(m) of House Rule XI.

(c) *Authority to Print*.—The Committee is authorized by the Rules of the House to have printed and bound testimony and other data presented at hearings held by the Committee and its subcommittees. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee and its subcommittees shall be paid from applicable accounts of the House described in clause 1(i)(1) of House Rule X in accordance with clause 1(c) of House Rule XI. (See also paragraphs (d), (e) and (f) of Committee rule VIII.)

(d) *Vice Chairman*.—The Member of the majority party on the Committee or subcommittee designated by the Chairman of the full Committee shall be the vice chairman of the Committee or subcommittee in accordance with clause 2(d) of House Rule XI.

(e) *Presiding Member*.—If the Chairman of the Committee or subcommittee is not present at any Committee or subcommittee meeting or hearing, the vice chairman shall preside. If the Chairman and vice chairman of the Committee or subcommittee are not present at a Committee or subcommittee meeting or hearing the ranking Member of the majority party who is present shall preside in accordance with clause 2(d), House Rule XI.

(f) *Activities Report*.—(1) The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the Committee under Rules X and XI of the Rules of the House during the Congress ending on January 3 of such year. (See also Committee rule VIII (h)(2).)

(2) Such report shall include separate sections summarizing the legislative and oversight activities of the Committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the Committee pursuant to clause 2(d) of House Rule X, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken with respect thereto.

(g) *Publication of Rules*.—The Committee's rules shall be published in the Congressional Record not later than thirty days after the Committee is elected in each odd-numbered year as provided in clause 2(a) of House Rule XI.

(h) *Joint Committee Reports of Investigation or Study*.—A report of an investigation or study conducted jointly by more than one committee may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.

RULE II.—COMMITTEE BUSINESS MEETINGS—REGULAR, ADDITIONAL AND SPECIAL

(a) *Regular Meetings*.—(1) Regular meetings of the Committee, in accordance with clause 2(b) of House Rule XI, shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or Congress is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the Committee, if any, for that month. The Chairman shall provide each member of the Committee, as far in advance of the day of the regular meeting as practicable, a written agenda of such meeting. Items may be placed on the agenda by the Chairman or a majority of the Committee. If the Chairman believes that there will not be any bill, resolution or other matter considered before the full Committee and there is no other business to be transacted at a regular meeting, the meeting may be cancelled or it may be deferred until such time as, in the judgment of the Chairman, there may be matters which require the Committee's consideration. This paragraph shall not apply to meetings of any subcommittee. (See paragraph (f) of Committee rule X for provisions that apply to meetings of subcommittees.)

(b) *Additional Meetings*.—The Chairman may call and convene, as he or she considers necessary, after consultation with the Ranking Minority Member of the Committee, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such additional meetings pursuant to a notice from the Chairman.

(c) *Special Meetings*.—If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for such special meeting. Such request shall specify the measure or matters to be considered. Immediately upon the filing of the request, the Majority Staff Director (serving as the clerk of the Committee for such purpose) shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measures or matter to be considered at that special meeting in accordance with clause 2(c)(2) of House Rule XI. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Majority Staff Director (serving as the clerk) of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered, and only the measure or matter specified in that notice may be considered at that special meeting.

RULE III.—OPEN MEETINGS AND HEARINGS; BROADCASTING

(a) *Open Meetings and Hearings*.—Each meeting for the transaction of business, including the markup of legislation, and each hearing by the Committee or a subcommittee shall be open to the public unless closed in accordance with clause 2(g) of House Rule XI. (See Appendix A.)

(b) *Broadcasting and Photography*.—Whenever a Committee or subcommittee meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of House Rule XI (See Appendix A). When such radio coverage is conducted in the Committee or subcommittee, written notice to that effect shall be placed on the desk of each Member. The Chairman of the Committee or subcommittee, shall not limit the number of television or still cameras permitted in a hearing or meeting room to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(c) *Closed Meetings—Attendees*.—No person other than Members of the Committee or subcommittee and such congressional staff and departmental representatives as the Committee or subcommittee may authorize shall be present at any business or markup session that has been closed to the public as provided in clause 2(g)(1) of House Rule XI.

(d) *Addressing the Committee*.—A Committee member may address the Committee or a subcommittee on any bill, motion, or other matter under consideration (See Committee rule VII (e) relating to questioning a witness at a hearing). The time a member may address the Committee or subcommittee for any such purpose shall be limited to five minutes, except that this time limit may be waived by unanimous consent. A member shall also be limited in his or her remarks to the subject matter under consideration, unless the Member receives unanimous consent to extend his or her remarks beyond such subject.

(e) *Meetings to Begin Promptly*.—Subject to the presence of a quorum, each meeting or hearing of the Committee and its subcommittees shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(f) *Prohibition on Proxy Voting*.—No vote by any Member of the Committee or subcommittee with respect to any measure or matter may be cast by proxy.

(g) *Location of Persons at Meetings*.—No person other than the Committee or subcommittee Members and Committee or subcommittee staff may be seated in the rostrum area during a meeting of the Committee or subcommittee unless by unanimous consent of Committee or subcommittee.

(h) *Consideration of Amendments and Motions*.—A Member, upon request, shall be recognized by the Chairman to address the Committee or subcommittee at a meeting for a period limited to five minutes on behalf of an amendment or motion offered by the Member or another Member, or upon any other matter under consideration, unless the Member receives unanimous consent to extend the time limit. Every amendment or motion made in Committee or subcommittee shall, upon the demand of any Member present, be reduced to writing, and a copy thereof shall be made available to all Members present. Such amendment or motion shall not be pending before the Committee or subcommittee or voted on until the requirements of this paragraph have been met.

(i) *Demanding Record Vote*.—

(1) A record vote of the Committee or subcommittee on a question or action shall be ordered on a demand by one-fifth of the Members present.

(2) The Chairman of the Committee or Subcommittee may postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment. If the Chairman postpones further proceedings:

(A) the Chairman may resume such postponed proceedings, after giving Members adequate notice, at a time chosen in consultation with the Ranking Minority Member; and

(B) notwithstanding any intervening order for the previous question, the underlying proposition on which proceedings were postponed shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(j) *Submission of Motions or Amendments In Advance of Business Meetings*.—The Committee and subcommittee-Chairman may request and Committee and subcommittee Members should, insofar as practicable, cooperate in providing copies of proposed amendments or motions to the Chairman and the Ranking Minority Member of the Committee or the subcommittee twenty-four hours before a Committee or subcommittee business meeting.

(k) *Points of Order*.—No point of order against the hearing or meeting procedures of the Committee or subcommittee shall be entertained unless it is made in a timely fashion.

(l) *Limitation on Committee Sittings*.—The Committee or subcommittees may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(m) Prohibition of Wireless Telephones.—Use of wireless phones during a committee or subcommittee hearing or meeting is prohibited.

RULE IV.—QUORUMS.

(a) *Working Quorum*.—One-third of the members of the Committee or a subcommittee shall constitute a quorum for taking any action, other than as noted in paragraphs (b) and (c).

(b) *Majority Quorum*.—A majority of the members of the Committee or subcommittee shall constitute a quorum for:

(1) the reporting of a bill, resolution or other measure (See clause 2(h)(1) of House Rules XI, and Committee rule VIII);

(2) the closing of a meeting or hearing to the public pursuant to clauses 2(g) and 2(k)(5) of the Rule XI of the Rules of the House; and

(3) the authorizing of a subpoena as provided in clause 2(m)(3), of House Rule XI. (See also Committee rule VI.)

(c) *Quorum for Taking Testimony*.—Two members of the Committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE V.—RECORDS.

(a) *Maintenance of Records*.—The Committee shall keep a complete record of all Committee and subcommittee action which shall include—

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical and typographical corrections authorized by the person making the remarks involved, and

(2) written minutes shall include a record of all Committee and subcommittee action and a record of all votes on any question and a tally on all record votes.

The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee and by telephone request. *The result of each such record vote shall also be made available on the Committee's website as soon as practicable, but not later than 2 business days after such vote is taken.* Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(b) *Access to and Correction of Records*.—Any public witness, or person authorized by such witness, during Committee office hours in the Committee offices and within two weeks of the close of hearings, may obtain a transcript copy of that public witness's testimony and make such technical, grammatical and typographical corrections as authorized by the person making the remarks involved as will not alter the nature of testimony given. There shall be prompt return of such corrected copy of the transcript to the Committee. Members of the Committee or subcommittee shall receive copies of transcripts for their prompt review and correction and prompt return to the Committee. The Committee or subcommittee may order the printing of a hearing record without the corrections of any Member or witness if it determines that such Member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action that is subject of the hearing. The record of a hearing shall be closed ten calendar days after the last oral testimony, unless the Committee or subcommittee determines otherwise. Any person requesting to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record is closed unless the Committee or subcommittee determines otherwise. The Committee or subcommittee may reject any statement in light of its length or its tendency to defame, degrade, or incriminate any person.

(c) *Property of the House*.—All Committee and subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Members serving as Chairman and such records shall be the property of the House and all Members of the House shall have access thereto. The Majority Staff Director shall promptly notify the Chairman and the Ranking Minority Member of any request for access to such records.

(d) *Availability of Archived Records*.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with House Rule VII. The Chairman shall notify the Ranking Minority Member of the Committee of the need for a Committee order pursuant to clause 3(b)(3) or clause 4(b) of such House Rule, to withhold a record otherwise available.

(e) *Special Rules for Certain Records and Proceedings*.—A stenographic record of a business meeting of the Committee or subcommittee may be kept and thereafter may be published if the Chairman of the Committee, after consultation with the Ranking Minority Member, determines there is need for such a record. The proceedings of the Committee or subcommittee in a closed meeting, evidence or testimony in such meeting, shall not be divulged unless otherwise determined by a majority of the Committee or subcommittee.

(f) *Electronic Availability of Committee Publications*.—To the maximum extent feasible, the Committee shall make its publications available in electronic form.

RULE VI.—POWER TO SIT AND ACT; SUBPOENA POWER.

(a) *Authority to Sit and Act*.—For the purpose of carrying out any of its function and duties under House Rules X and XI, the Committee and each of its subcommittees is authorized (subject to paragraph (b)(1) of this rule)—

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents, as it deems necessary. The Chairman of the Committee or subcommittee, or any member designated by the Chairman, may administer oaths to any witness.

(b) *Issuance of Subpoenas*.—(1) A subpoena may be authorized and issued by the Committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, as provided in clause 2(m)(3)(A) of House Rule XI. Such authorized subpoenas shall be signed by the Chairman of the Committee or by any member designated by the Committee. As soon as practicable after a subpoena is issued under this rule, the Chairman shall notify all members of the Committee of such action.

(2) Notice of a meeting to consider a motion to authorize and issue a subpoena should be given to all Members of the Committee by 5 p.m. of the day preceding such meeting.

(3) Compliance with any subpoena issued by the Committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(4) A subpoena duces tecum may specify terms of return other than at a meeting or hearing of the committee or subcommittee authorizing the subpoena.

(c) *Expenses of Subpoenaed Witnesses*.—Each witness who has been subpoenaed, upon the completion of his or her testimony before the Committee or any subcommittee, may report to the offices of the Committee, and there sign appropriate vouchers for travel allowances and attendance fees to which he or she is entitled. If hearings are held in cities other than Washington D.C., the subpoenaed witness may contact the Majority Staff Director of the Committee, or his or her representative, before leaving the hearing room.

RULE VII.—HEARING PROCEDURES.

(a) *Power to Hear*.—For the purpose of carrying out any of its functions and duties under House Rule X and XI, the Committee and its subcommittees are authorized to sit and hold hearings at any time or place within the United States whether the House is in session, has recessed, or has adjourned. (See paragraph (a) of Committee rule VI and paragraph (f) of Committee rule X for provisions relating to subcommittee hearings and meetings.)

(b) *Announcement*.—The Chairman of the Committee shall after consultation with the Ranking Minority Member of the Committee, make a public announcement of the date, place and subject matter of any Committee hearing at least one week before the commencement of the hearing. The Chairman of a subcommittee shall schedule a hearing only after consultation with the Chairman of the Committee and after consultation with the Ranking Minority Member of the subcommittee, and the Chairmen of the other subcommittees after such consultation with the Committee Chairman, and shall request the Majority Staff Director to make a public announcement of the date, place, and subject matter of such hearing at least one week before the hearing. If the Chairman of the Committee or the subcommittee, with concurrence of the Ranking Minority Member of the Committee or subcommittee, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman of the Committee or subcommittee, as appropriate, shall request the Majority Staff Director to make such public announcement at

the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record, and shall promptly enter the appropriate information into the Committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

(c) *Scheduling of Witnesses*.—Except as otherwise provided in this rule, the scheduling of witnesses and determination of the time allowed for the presentation of testimony at hearings shall be at the discretion of the Chairman of the Committee or subcommittee, unless a majority of the Committee or subcommittee determines otherwise.

(d) *Written Statement; Oral Testimony*.—(1) Each witness who is to appear before the Committee or a subcommittee, shall insofar as practicable file with the Majority Staff Director of the Committee, at least two working days before day of his or her appearance, a written statement of proposed testimony. Witnesses shall provide sufficient copies of their statement for distribution to Committee or subcommittee Members, staff, and the news media. Insofar as practicable, the Committee or subcommittee staff shall distribute such written statements to all Members of the Committee or subcommittee as soon as they are received as well as any official reports from departments and agencies on such subject matter. All witnesses may be limited in their oral presentations to brief summaries of their statements within the time allotted to them, at the discretion of the Chairman of the Committee or subcommittee, in light of the nature of the testimony and the length of time available.

(2) As noted in paragraph (a) of Committee rule VI, the Chairman of the Committee or one of its subcommittees, or any Member designated by the Chairman, may administer an oath to any witness.

(3) To the greatest extent practicable, each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(e) *Questioning of Witnesses*.—Committee or subcommittee Members may question witnesses only when they have been recognized by the Chairman of the Committee or subcommittee for that purpose. Each Member so recognized shall be limited to questioning a witness for five minutes until such time as each Member of the Committee or subcommittee who so desires has had an opportunity to question the witness for five minutes; and thereafter the Chairman of the Committee or subcommittee may limit the time of a further round of questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless a majority of the Committee or subcommittee determines otherwise, no committee or subcommittee staff shall interrogate witnesses.

(f) *Extended Questioning for Designated Members*.—Notwithstanding paragraph (e), the Chairman and Ranking Minority member may designate an equal number of Members from each party to question a witness for a period not longer than 60 minutes.

(g) *Witnesses for the Minority*.—When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon as provided in clause 2(j)(1) of House Rule XI.

(h) *Summary of Subject Matter*.—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman of the Committee or subcommittee shall, to the extent practicable, make available to the members of the Committee any official reports from departments and agencies on such matter. (See Committee rule X(f).)

(i) *Open Hearings*.—Each hearing conducted by the Committee or subcommittee shall be open to the public, including radio, television and still photography coverage, except as provided in clause 4 of House Rule XI (see also Committee rule III (b).). In any event, no Member of the House may be excluded from nonparticipatory attendance at any hearing unless the House by majority vote shall authorize the Committee or subcommittee, for purposes of a particular series of hearings on a particular bill or resolution or on a particular subject of investigation, to close its hearings to Members by means of the above procedure.

(j) *Hearings and Reports*.—(1)(i) The Chairman of the Committee or subcommittee at a hearing shall announce in an opening statement the subject of the investigation. A copy of the Committee rules (and the applicable provisions of clause 2 of House Rule XI, regarding hearing procedures, an excerpt of which appears in Appendix A thereto) shall be made available to each witness upon request. Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman of the Committee or subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; but only the full Committee may cite the offender to the House for contempt.

(ii) Whenever it is asserted by a member of the committee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness, such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (i) of this rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person. The Committee or subcommittee shall afford a person an opportunity voluntarily to appear as a witness; and the Committee or subcommittee shall receive and shall dispose of requests from such person to subpoena additional witnesses.

(iii) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee or subcommittee. In the discretion of the Committee or subcommittee, witnesses may submit brief and pertinent statements in writing for inclusion in the record. The Committee or subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. A witness may obtain a transcript copy of his or her testimony given at a public session or, if given at an executive session, when authorized by the Committee or subcommittee. (See paragraph (c) of Committee rule V.)

(2) A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day) in advance of their consideration.

RULE VIII.—THE REPORTING OF BILLS AND RESOLUTIONS

(a) *Filing of Reports*.—The Chairman shall report or cause to be reported promptly to the House any bill, resolution, or other measure approved by the Committee and shall take or cause to be taken all necessary steps to bring such bill, resolution, or other measure to a vote. No bill, resolution, or measure shall be reported from the Committee unless a majority of Committee is actually present. A Committee report on any bill, resolution, or other measure approved by the Committee shall be filed within seven calendar days (not counting days on which the House is not in session) after the day on which there has been filed with the Majority Staff Director of the Committee a written request, signed by a majority of the Committee, for the reporting of that bill or resolution. The Majority Staff Director of the Committee shall notify the Chairman immediately when such a request is filed.

(b) *Content of Reports*.—Each Committee report on any bill or resolution approved by the Committee shall include as separately identified sections:

(1) a statement of the intent or purpose of the bill or resolution;

(2) a statement describing the need for such bill or resolution;

(3) a statement of Committee and subcommittee consideration of the measure including a summary of amendments and motions offered and the actions taken thereon;

(4) the results of the each record vote on any amendment in the Committee and subcommittee and on the motion to report the measure or matter, including the names of those Members and the total voting for and the names of those Members and the total voting against such amendment or motion (See clause 3(b) of House rule XIII);

(5) the oversight findings and recommendations of the Committee with respect to the subject matter of the bill or resolution as required pursuant to clause 3(c)(1) of House Rule XIII and clause 2(b)(1) of House Rule X;

(6) the detailed statement described in section 308(a) of the Congressional Budget Act of 1974 if the bill or resolution provides new budget authority (other than continuing appropriations), new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures, except that the estimates with respect to new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant program (or programs) to the appropriate levels under current law;

(7) the estimate of costs and comparison of such estimates, if any, prepared by the Director of the Congressional Budget Office in connection with such bill or resolution pursuant to section 402 of the Congressional Budget Act of 1974 if submitted in timely fashion to the Committee;

(8) a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding;

(9) a statement citing the specific powers granted to the Congress in the Constitution

to enact the law proposed by the bill or joint resolution;

(10) an estimate by the committee of the costs that would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and for its authorized duration or for each of the five fiscal years following the fiscal year of reporting, whichever period is less (see Rule XIII, clause 3(d)(2), (3) and (h)(2), (3)), together with—

(i) a comparison of these estimates with those made and submitted to the Committee by any Government agency when practicable, and (ii) a comparison of the total estimated funding level for the relevant program (or programs) with appropriate levels under current law (The provisions of this clause do not apply if a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report);

(11) a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

(12) the changes in existing law (if any) shown in accordance with clause 3 of House Rule XIII;

(13) the determination required pursuant to section 5(b) of Public Law 92–463, if the legislation reported establishes or authorizes the establishment of an advisory committee; and

(14) the information on Federal and intergovernmental mandates required by section 423(c) and (d) of the Congressional Budget Act of 1974, as added by the Unfunded Mandates Reform Act of 1995 (P.L. 104–4).

(15) a statement regarding the applicability of section 102(b)(3) of the Congressional Accountability Act, Public Law 104–1.

(c) *Supplemental, Minority, or Additional Views*.—If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than two subsequent calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such date) in which to file such views, in writing and signed by that Member, with the Majority Staff Director of the Committee. When time guaranteed by this paragraph has expired (or if sooner, when all separate views have been received), the Committee may arrange to file its report with the Clerk of the House not later than one hour after the expiration of such time. All such views (in accordance with House Rule XI, clause 2(1) and House Rule XIII, clause 3(a)(1)), as filed by one or more Members of the Committee, shall be included within and made a part of the report filed by the Committee with respect to that bill or resolution.

(d) *Printing of Reports*.—The report of the Committee on the measure or matter noted in paragraph (a) above shall be printed in a single volume, which shall:

(1) include all supplemental, minority or additional views that have been submitted by the time of the filing of the report; and

(2) bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under House Rule XII, clause 3(a)(1)) are included as part of the report.

(e) *Immediate Printing; Supplemental Reports*.— Nothing in this rule shall preclude (1) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by paragraph (c), or (2) the filing by the Committee of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

(f) *Availability of Printed Hearing Records*.—If hearings have been held on any reported bill or resolution, the Committee shall make every reasonable effort to have the record of such hearings printed and available for distribution to the Members of the House prior to the consideration of such bill or resolution by the House. Each printed hearing of the Committee or any of its subcommittees shall include a record of the attendance of the Members.

(g) *Committee Prints*.—All Committee or subcommittee prints or other Committee or subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the Chairman of the Committee or the Committee prior to public distribution.

(h) *Post Adjournment Filing of Committee Reports*.—(1) After an adjournment of the last regular session of a Congress sine die, an investigative or oversight report approved by the Committee may be filed with the Clerk at any time, provided that if a member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than seven calendar days in which to submit such views for inclusion with the report.

(2) After an adjournment of the last regular session of a Congress sine die, the Chairman of the Committee may file at any time with the Clerk the Committee's activity report for that Congress pursuant to clause 1(d)(1) of rule XI of the Rules of the House without the approval of the Committee, provided that a copy of the report has been available to each member of the Committee for at least seven calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the Committee.

(i) The Chairman is directed to offer a motion under clause 1 of rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

RULE IX.—OTHER COMMITTEE ACTIVITIES

(a) *Oversight Plan*.—Not later than February 15 of the first session of a Congress, the Chairman shall convene the Committee in a meeting that is open to the public and with a quorum present to adopt its oversight plans for that Congress. Such plans shall be submitted simultaneously to the Committee on Government Reform and to the Committee on House Administration. In developing such plans the Committee shall, to the maximum extent feasible—

(1) consult with other committees of the House that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction, with the objective of ensuring that such laws, programs, or agencies are reviewed in the same Congress and that there is a maximum of coordination between such committees in the conduct of such reviews; and such plans shall include an explanation of what steps have been and will be taken to ensure such coordination and cooperation;

(2) review specific problems with federal rules, regulations, statutes, and court decisions that are ambiguous, arbitrary, or nonsensical, or that impose severe financial burdens on individuals; and

(3) give priority consideration to including in its plans the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority; and

(4) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdiction are subject to review at least once every ten years. The Committee and its appropriate subcommittees shall review and study, on a continuing basis, the impact or probable impact of tax policies affecting subjects within its jurisdiction as provided in clause 2(d) of House Rule X. The Committee shall include in the report filed pursuant to clause 1(d) of House Rule XI a summary of the oversight plans submitted by the Committee under clause 2(d) of House Rule X, a summary of actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee and any recommendations made or actions taken thereon.

(b) *Annual Appropriations*.—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) *Budget Act Compliance: Views and Estimates* (See Appendix B).—Not later than six weeks after the President submits his budget under section 1105(a) of title 31, United State Code, or at such time as the Committee on the Budget may request, the Committee shall, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year (under section 301 of the Congressional Budget Act of 1974—see Appendix B) that are within its jurisdiction or functions; and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

(d) *Budget Act Compliance: Recommended Changes*.—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974 (See Appendix B).

(e) *Conference Committees*.—Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall, after consultation with the Ranking Minority Member, determine the number of conferees the Chairman deems most suitable and then recommend to the Speaker as conferees, in keeping with the number to be appointed by the Speaker as provided in House Rule I, clause 11, the names of those Members of the Committee of not less than a majority who generally supported the House position and who were primarily responsible for the legislation. The Chairman shall, to the fullest extent feasible, include those Members of the Committee who were the principal proponents of the major provisions of the bill as it passed the House and such other Committee Members of the majority party as the

Chairman may designate in consultation with the Members of the majority party. Such recommendations shall provide a ratio of majority party Members to minority party Members no less favorable to the majority party than the ratio of majority party Members to minority party Members on the Committee. In making recommendations of Minority Party Members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

(f)(1) The Committee, or a subcommittee, shall hold at least one hearing during each 120-day period following the establishment of the committee on the topic of waste, fraud, abuse, or mismanagement in Government programs which the committee may authorize.

(2) A hearing described in subparagraph (1) shall include a focus on the most egregious instances of waste, fraud, abuse, or mismanagement as documented by any report the committee has received from a Federal Office of the Inspector General or the Comptroller General of the United States.

(g) The Committee or a subcommittee, shall hold at least one hearing in any session in which the committee has received disclaimers of agency financial statements from auditors of any Federal agency that the committee may authorize to hear testimony on such disclaimers from representatives of any such agency.

(h) The Committee or a subcommittee, shall hold at least one hearing on issues raised by reports issued by the Comptroller General of the United States indicating that Federal programs or operations that the committee may authorize are at high risk for waste, fraud, and mismanagement, known as the 'high-risk-list' or the 'high-risk series'.

RULE X.—SUBCOMMITTEES

(a) *Number and Composition*.—There shall be such subcommittees as specified in paragraph (c) of this rule. Each of such subcommittees shall be composed of the number of members set forth in paragraph (c) of this rule, including ex officio members. The Chairman may create additional subcommittees of an ad hoc nature as the Chairman determines to be appropriate subject to any limitations provided for in the House Rules.

(b) *Ratios*.—On each subcommittee, there shall be a ratio of majority party members to minority party members which shall be consistent with the ratio on the full Committee. In calculating the ratio of majority party members to minority party members, there shall be included the ex officio members of the subcommittees and ratios below reflect that fact.

(c) Jurisdiction.—Each subcommittee shall have the following general jurisdiction and number of members:

Conservation, Credit, Energy, and Research (32 members, 19 majority and 13 minority).—Soil, water, and resource conservation, small watershed program, energy and biobased energy production, rural electrification, agricultural credit, and agricultural research, education and extension services.

Department Operations, Oversight, Nutrition, and Forestry (12 members, 7 majority and 5 minority).—Agency oversight, review and analysis, special investigations, food stamps, nutrition and consumer programs, forestry in general, and forest reserves other than those created from the public domain.

General Farm Commodities and Risk Management (20 members, 12 majority and 8 minority).—Program and markets related to cotton, cottonseed, wheat, feed grains, soybeans, oilseeds, rice, dry beans, peas, lentils, the Commodity Credit Corporation, risk management, including crop insurance, and commodity exchanges.

Horticulture and Organic Agriculture (12 members, 7 majority and 5 minority).—Fruits and vegetables, honey and bees, marketing and promotion orders, plant pesticides, quarantine, adulteration of seeds, and insect pests, and organic agriculture.

Livestock, Dairy, and Poultry (20 members, 12 majority and 8 minority).—Livestock, dairy, poultry, meat, seafood and seafood products, inspection, marketing, and promotion of such commodities, aquaculture, animal welfare, and grazing.

Rural Development, Biotechnology, Speciality Crops, and Foreign Agriculture (12 members, 7 majority and 5 minority).—Peanuts, sugar, tobacco, marketing orders relating to such commodities, rural development, farm security and family farming matters, biotechnology, foreign agricultural assistance, and trade promotion programs, generally.

(d) Referral of Legislation.—

(1)(*a*) *In General*.—All bills, resolutions, and other matters referred to the Committee shall be referred to all subcommittees of appropriate jurisdiction within 2 weeks after being referred to the Committee. After consultation with the Ranking Minority Member, the Chairman may determine that the Committee will consider certain bills, resolutions, or other matters.

(b) Trade Matters.—Unless action is otherwise taken under subparagraph (3), bills, resolutions, and other matters referred to the Committee relating to foreign agriculture, foreign food or commodity assistance, and foreign trade and marketing issues will be considered by the Committee.

(2) The Chairman, by a majority vote of the Committee, may discharge a subcommittee from further consideration of any bill, resolution, or other matter referred to the subcommittee and have such bill, resolution or other matter considered by the Committee. The Committee having referred a bill, resolution, or other matter to a subcommittee in accordance with this rule may discharge such subcommittee from further consideration thereof at any time by a vote of the majority members of the Committee for the Committee's direct consideration or for reference to another subcommittee.

(3) Unless the Committee, a quorum being present, decides otherwise by a majority vote, the Chairman may refer bills, resolutions, legislation or other matters not specifically within the jurisdiction of a subcommittee, or that is within the jurisdiction of more than one subcommittee, jointly or exclusively as the Chairman deems appropriate, including concurrently to the subcommittees with jurisdiction, sequentially to the subcommittees with jurisdiction (subject to any time limits deemed appropriate), divided by subject matter among the subcommittees with jurisdiction, or to an *ad hoc* subcommittee appointed by the Chairman for the purpose of considering the matter and reporting to the Committee thereon, or make such other provisions deemed appropriate.

(e) *Participation and Service of Committee Members on Subcommittees*.—(1) The Chairman and the Ranking Minority Member shall serve as *ex officio* members of all subcommittees and shall have the right to vote on all matters before the subcommittees. The Chairman and the Ranking Minority Member may not be counted for the purpose of establishing a quorum.

(2) Any member of the Committee who is not a member of the subcommittee may have the privilege of sitting and nonparticipatory attendance at subcommittee hearings or meetings in accordance with clause 2(g)(2) of House Rule XI. Such member may not:

(i) vote on any matter;

(ii) be counted for the purpose of a establishing a quorum;

(iii) participate in questioning a witness under the five minute rule, unless permitted to do so by the subcommittee Chairman in consultation with the Ranking Minority Member or a majority of the subcommittee, a quorum being present;

(iv) raise points of order; or

(v) offer amendments or motions.

(f) *Subcommittee Hearings and Meetings*.—(1) Each subcommittee is authorized to meet, hold hearings, receive evidence, and make recommendations to the Committee on all matters referred to it or under its jurisdiction after consultation by the subcommittee Chairmen with the Committee Chairman. (See Committee rule VII.)

(2) After consultation with the Committee Chairman, subcommittee Chairmen shall set dates for hearings and meetings of their subcommittees and shall request the Majority Staff Director to make any announcement relating thereto. (See Committee rule VII(b).) In setting the dates, the Committee Chairman and subcommittee Chairman shall consult with other subcommittee Chairmen and relevant Committee and Subcommittee Ranking Minority Members in an effort to avoid simultaneously scheduling Committee and subcommittee meetings or hearings to the extent practicable.

(3) Notice of all subcommittee meetings shall be provided to the Chairman and the Ranking Minority Member of the Committee by the Majority Staff Director.

(4) Subcommittees may hold meetings or hearings outside of the House if the Chairman of the Committee and other subcommittee Chairmen and the Ranking Minority Member of the subcommittee is consulted in advance to ensure that there is no scheduling problem. However, the majority of the Committee may authorize such meeting or hearing.

(5) The provisions regarding notice and the agenda of Committee meetings under Committee rule II(a) and special or additional meetings under Committee rule II(b) shall apply to subcommittee meetings.

(6) If a vacancy occurs in a subcommittee chairmanship, the Chairman may set the dates for hearings and meetings of the subcommittee during the period of vacancy. The Chairman may also appoint an acting subcommittee Chairman until the vacancy is filled.

(g) *Subcommittee Action*.—(1) Any bill, resolution, recommendation, or other matter forwarded to the Committee by a subcommittee shall be promptly forwarded by the subcommittee Chairman or any subcommittee member authorized to do so by the subcommittee. (2) Upon receipt of such recommendation, the Majority Staff Director of the Committee shall promptly advise all members of the Committee of the subcommittee action.

(3) The Committee shall not consider any matters recommended by subcommittees until two calendar days have elapsed from the date of action, unless the Chairman or a majority of the Committee determines otherwise.

(h) *Subcommittee Investigations*.—No investigation shall be initiated by a subcommittee without the prior consultation with the Chairman of the Committee or a majority of the Committee.

RULE XI.—COMMITTEE BUDGET, STAFF, AND TRAVEL

(a) *Committee Budget*.—The Chairman, in consultation with the majority members of the Committee, and the minority members of the Committee, shall prepare a preliminary budget for each session of the Congress. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee and subcommittees. After consultation with the

Ranking Minority Member, the Chairman shall include an amount budgeted to minority members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall take whatever action is necessary to have such budget duly authorized by the House.

(b) *Committee Staff.*—(1) The Chairman shall appoint and determine the remuneration of, and may remove, the professional and clerical employees of the Committee not assigned to the minority. The professional and clerical staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate. (See House Rule X, clause 9)

(2) The Ranking Minority member of the Committee shall appoint and determine the remuneration of, and may remove, the professional and clerical staff assigned to the minority within the budget approved for such purposes. The professional and clerical staff assigned to the minority shall be under the general supervision and direction of the Ranking Minority Member of the Committee who may delegate such authority as he or she determines appropriate.

(3) From the funds made available for the appointment of Committee staff pursuant to any primary or additional expense resolution, the Chairman shall ensure that each subcommittee is adequately funded and staffed to discharge its responsibilities and that the minority party is fairly treated in the appointment of such staff (See House Rule X, clause 6(d)).

(c) *Committee Travel.*—(1) Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of Committee members and Committee staff regarding domestic and foreign travel (See House rule XI, clause 2(n) and House Rule X, clause 8 (reprinted in Appendix A)). Official travel for any member or any Committee staff member shall be paid only upon the prior authorization of the Chairman. Official travel may be authorized by the Chairman for any Committee Member and any Committee staff member in connection with the attendance of hearings conducted by the Committee and its subcommittees and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(i) The purpose of the official travel;

(ii) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(iii) The location of the event for which the official travel is to be made; and

(iv) The names of members and Committee staff seeking authorization.

(2) In the case of official travel of members and staff of a subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such subcommittee to be paid for out of funds allocated to the Committee, prior authorization must be obtained from the subcommittee Chairman and the full Committee Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable subcommittee Chairman in writing setting forth those items enumerated in clause (1).

(3) Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the Committee Chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

(4) Local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds shall be expended for the purpose of defraying expenses of Members of the Committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to their use of such currencies;

(i) No Member or employee of the Committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law; and

(ii) Each Member or employee of the Committee shall make an itemized report to the Chairman within 60 days following the completion of travel showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and appropriated funds expended. All such individual reports shall be filed by the Chairman with the Committee on House Administration and shall be open to public inspection.

RULE XII.—AMENDMENT OF RULES

These rules may be amended by a majority vote of the Committee. A proposed change in these rules shall not be considered by the Committee as provided in clause 2 of House Rule XI, unless written notice of the proposed change has been provided to each Committee member two legislative days in advance of the date on which the matter is to be considered. Any such change in the rules of the Committee shall be published in the Congressional Record within 30 calendar days after its approval.

THE CONGRESSIONAL PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. My name is KEITH ELLISON, and we are here for the progressive message, the 1 hour when the Congressional Progressive Caucus will come to the American people and talk about what our agenda is.

Tonight it's important to specify, Mr. Speaker, that the Progressive Caucus is going to be on the floor for the next 60 minutes talking about America's economic picture, the landscape that we're facing, and what the progressive vision is for solving these problems.

I am joined tonight by some stellar members of the Progressive Caucus. We have with us tonight, Mr. Speaker, our outstanding, stupendous, colossal, fearless leader, none other than LYNN WOOLSEY, who just got through talking about the war. She has been a champion on many fronts. But I'm also joined by my classmate, a tireless fighter for all people across America, none other than YVETTE CLARKE, who never bends, never bows, and always stays strong for the American people. I think it's important for us to know that we're also joined by none other than DONNA EDWARDS, who is going to grab a mike in just a moment. And the four of us and other members of the Progressive Caucus for about the next 58 minutes are going to be talking about the stimulus package, the economic picture facing the American people, and what the Progressive Caucus believes we need to do about it. Your progressive voice on progressive issues.

So with that, I invite my colleagues to jump on in. We're going to have a colloquy over the next few minutes where we come in and out and share the ball, if you will, to talk about the stimulus package. And let me just kick it off with our chairperson.

Congresswoman WOOLSEY, how do you look at the stimulus package we passed today?

Ms. WOOLSEY. First of all, I would like to say to you, Congressman ELLISON, that, as the cochair of the Progressive Caucus with RAUL GRIJALVA, it's just an honor to be here tonight to talk about the economic recovery bill that we've passed in the House today. I really thought that's what we were talking about. I'd be glad to talk about everything that you want us to be working on with our Progressive Caucus, but I think that what we have done today shows that the Democrats are very much together, that we know where we're going. And this recovery package that was passed was very much in step with a letter that I sent, as the Chair of the Progressive Caucus, to President-elect Obama and to our leadership laying out what the Progressive Caucus wanted in this recovery bill. And 90 percent of what we asked for is in the recovery. We didn't get as much as we wanted on everything because we were looking at about $1 trillion and we weren't thinking of having the tax cuts in there. But we are very proud that most of what we looked for is in this bill.

Mr. ELLISON. So did the Progressive Caucus ask for things like extension of unemployment benefits, increasing food stamps, and infrastructure projects, things that are really going to have a big punch when it comes to stimulating the economy? Were those some of the things in the Progressive Caucus letter?

Ms. WOOLSEY. If the gentleman would yield, those were the top three asks on our list.

Mr. ELLISON. Reclaiming my time, I would like to direct the gentlewoman's attention to this graph, which an economist named Mark Zandi estimated the multiplier effect for various policy proposals.

Essentially, the higher the number is, the more punch; the lower the number is, the weaker the punch. And the things that the Progressive Caucus

asked for had, for example, at the bottom here it says increase infrastructure spending, 1.59. Now, that's pretty high. And also temporary increase in food stamps, 1.73. That's very high. Extend unemployment compensation benefits, 1.64. That's very high.

And, Mr. Speaker, I just want to toss it over to YVETTE CLARKE, and just ask, in your view, Congresswoman CLARKE, are the things that the Progressive Caucus asked for in this stimulus package, they're not only good and decent and demonstrate compassion, but they're also good economic sense. Was that your view?

Ms. CLARKE. You're absolutely right.

First of all, Mr. Speaker, I want to thank my distinguished colleague Congressman KEITH ELLISON for managing the time requested by the Progressive Caucus on the floor to speak about the economic recovery package.

You just pointed out, it's there in black and white, Zandi's estimates for the multiplier effect, the top three items that were requested by this caucus were in this recovery package.

When we talk about economic stimulus, we're talking about things that people need from our economy in order to stimulate it. People must meet the needs of their homes and families' ability to feed themselves. Hence the use of food stamps is something that is constantly churning in communities across this Nation.

Infrastructure repair, I remember the most demonstrative thing that I could see since I've been a Member of Congress was that bridge fall in Minnesota, a neglected infrastructure that, thank God, we didn't see much more harm done to the population of Minnesota. But life was lost, Commerce was disrupted. Infrastructure, the multiplier effect. Just think about all of those trucks that have got to move the goods and services across our Nation. Truck drivers are being employed. Let's talk about the folks who are going to do the bricks and mortar of it all. They're going to be able to meet their mortgage payments, do some savings, make sure that their kids can go get a great education, be responsible for their families and their communities. That's what it's all about.

So I want to commend our leadership in the Progressive Caucus, Ms. WOOLSEY and Mr. GRIJALVA, for having the vision to reach out to the administration, to make sure that they're aware that there are some easy matter-of-fact things we could do within this package that will make the difference almost instantaneously in communities across this Nation. And those three items that were discussed are the items that make the difference each and every day in every community in which we live.

Mr. ELLISON. Let's get our colleague DONNA EDWARDS from right next door in Maryland into this conversation.

Congresswoman EDWARDS, you've been an advocate for working people all of your life and have been fighting for justice. How do you see this stimulus package? Do you think that it was more or less what the Nation needed? Are you happy with some of the key elements of it, or do you think it really needed to bone up on some parts?

Ms. EDWARDS of Maryland. Let me just say, Mr. Speaker, today wasn't just a good day for the House of Representatives. It was a great day for the American people.

I know sometimes people may not know what a stimulus is, but we know what a job is. And this bill that we passed today created jobs. Three to four million jobs across this country will be created, and they're created because people will be put to work. They're being put to work not just for the jobs that have to be done today, rebuilding all of our infrastructure, our roads, our bridges, our sewers, our water mains that are all falling apart, laying in broadband for the future, but also investing in some of those jobs that really are the future, science and technology jobs, investing in research so that we can get from here to there. So the American people may not quite understand that word ''stimulus,'' but we all understand the word ''jobs.'' And at the rate we have been losing jobs in this country, I think on Monday, just this past Monday, we lost 55,000 jobs in this country in 1 day. And so we needed to create jobs. And I think what we've done here is exactly that.

I know that in my neighborhood just in front of my house I had a water main break a couple of weeks ago. Well, our water mains across this country, that water infrastructure is falling apart. So we need those water mains repaired. We had people going without water, without potable water, right outside the District of Columbia in Maryland in my district because of a water main break. So it's not acceptable that we continue in this vein in this country, and what we have done is we have created jobs for today and jobs for the future.

Mr. ELLISON. A very important observation.

I think it's important to point out that H.R. 1, the American Recovery and Reinvestment Act, does spend about 75 percent of the money within the first 18 months. Much of it is on infrastructure. It will create 3 to 4 million jobs. It does give about 95 percent of American workers a tax cut. Not the people who already get one but the folks who often don't get a tax cut.

If I may, I don't want to spend time on gloom and doom, but I would ask my colleagues to spend maybe 10, 20 minutes or so talking about what got us here. I don't know if you want to go back there, but I think it's important to say it is the absence of a progressive vision that got us to this point. We're talking about years of deregulation and tax cuts for the wealthy. We're talking about an economic philosophy that said that poor people have too much money and rich people don't have enough money; so what we're going to do is take from them and give to the ones upstairs. We're talking about tax cuts in the middle of a war, and we're talking about a war that never, ever, ever, ever should have been started. We're talking about an economic philosophy that really was not in favor of the average working family. And we know that when the average working family is doing well, then everybody does well, and when they're not doing well, then we get what we got. The fact is it is an economic philosophy that has been driving us.

What's needed is a progressive vision for our country, an economy that is inclusive, an economy that helps lift all boats because we do believe a rising tide lifts boats but you've got to raise that tide. It's not the ocean liner but the dinghies that need to be rising up.

So with that I invite you all, if you would, just to talk a little bit about what you believe got us here and what the situation is we're confronting. I think it's important for the American people to know that we are not just spending $825 billion on a whim. We're in serious financial trouble. We're talking about the loss of 2 million jobs and change last year.

This is an unemployment chart in 2007 and 2008. The blue is 2007 numbers. The red is 2008 numbers. Now, if you can see, every red bar is longer than every blue bar. Can you see that? That means we had a dramatic jump in unemployment in nearly every State. Minnesota's right here, California, Florida, Illinois, Iowa. Every State has had a dramatic leap forward in unemployment, a very serious issue, and I think that it's important to point out that we are here to do something about it.

□ 1900

Ms. EDWARDS of Maryland. If the gentleman would yield?

Mr. ELLISON. Congresswoman EDWARDS.

Ms. EDWARDS of Maryland. You know, you raise a really interesting point, because with the job loss at just at 2.6 million jobs just in 2008, what we have seen here is 8 years of a history of providing tax cuts for the very top and nothing for everybody below; and that's really played out in the worst way in this economy. And, you know, what's really shocking is that even today, even in the face of this economy, there were still those who are arguing that we should give more tax cuts to the wealthiest, even in this environment.

So the American people actually came out on top today because we created jobs, we provided tax cuts for working people. We made sure, for example, there are people in my district who are asking for food stamps and energy assistance who have never asked the government for anything ever before, but they have to in this economy. And so we have made sure that we take care of those folks, too, even extending

health care coverage. When you lose a job, you lose your health care coverage and you really do worry about your families. So we have been able to create jobs in every sector where we have lost jobs, and we have made sure that we keep that bottom line for family that is really in need.

Mr. ELLISON. Very important point.

Ms. WOOLSEY. If the Congressman would yield?

Mr. ELLISON. Congresswoman WOOLSEY.

Ms. WOOLSEY. One of the things we have to be particularly proud of in this stimulus package today, first of all, for every $1 billion we are spending on infrastructure, we are creating 40,000 jobs; so we did a very good job with that today. But we are also investing in programs that create jobs that also are needed and necessary in our country.

We talked about the crumbling bridges and the infrastructure of the sewer pipes and all of that, but when we talk about the energy program, we have been supporting, as progressives, we have been supporting at least an Apollo-size energy program that not only provides jobs but will help us with our security so that we are not dependent on foreign fuels. Actually, green technology is jobs for the future. I mean, it's the industry of the future that the United States has to capture, and we are investing in our global warming, undoing the problems we have caused. And all of that costs money, but it makes jobs, and it makes jobs that leave behind projects that we need desperately in this country.

Mr. ELLISON. Yes, so in other words, we are not just giving $825 billion out, we are getting real value for these kinds of things, as Chairwoman WOOLSEY has said.

I just want to say that I am very proud, Chairpersons, of our Progressive Caucus have been communicating with our leadership and the administration on the things that the American people who are progressive really want.

Congresswoman CLARKE.

Ms. CLARKE. You know, as we are all just too keenly aware, the current economic environment that we are in the midst of was a gift left to us by the Bush administration. And I really want Americans to focus on the fact that we have had 8 years of neglect, destruction, of total malfeasance when it comes to the economy of this Nation.

And we have just begun today, less than an hour ago, just minutes ago, to, you know, sort of begin to address in a very substantive way the impact of a mismanaged economy and, by extension, a mismanaged nation. We are excited about what is taking place, the level of enthusiasm that our Progressive Caucus had for this particular piece of legislation, H.R. 1, the Democratic Caucus has had, that the American people have had. And we are supporting our newly elected President, our newly installed, sworn-in President and his vision for taking us out of what is a very dramatic downturn in our economy, and it's going to take some time.

We are at the advent of that, and, I mean, I think for each of us who is here tonight, there are many more things that we know will have to be done. We are at a good place, at a good starting point, for our communities and the turnaround of these economies, the investments we are making. Because these are truly investments, these are not just giveaways; we inherited a World War II infrastructure, if you will. If it weren't for those folks who, you know, sacrificed during the World War II generation, you know, the subway systems we enjoy today, the mass transit, the technology, all of that was invested during that period of time, and use of the benefit of mobility and economy and took us to this point. We kind of coasted off of that generation's innovations.

It's our generation's time to step up. Barack Obama has led the way by being on the Hill, working in a bipartisan manner and making it unequivocally clear to the American people that it's our time now. And H.R. 1 speaks to its being our time now.

And I am just really proud to be here at this moment to have the Progressive Caucus in lockstep recognizing that we are not going to get everything we want, but if you don't put it out there, you are not going to get anything of what you want. So you put out there everything that you think is needed to make your community strong, solvent again, to help small businesses, which are really the major employers in many of our communities.

And it's all in here, the benefits and tax cuts and tax deductions for small business are phenomenal. They will be the ones that, when the contracts are broken down, we need those nails and those hammers, they will be the ones who can provide those, who can supply those. When their workers need to move goods from one place to another, the small businesses and our employers in our local communities will benefit from the work that we just did moments ago.

So I want to thank you for that, Progressive Caucus members.

Mr. ELLISON. Yes, well, let me thank you again, Congresswoman CLARKE. You are right on the mark with everything that you have said.

I just want to let everybody know we are the Progressive Caucus, we are here for 1 hour. It is our plan to be here week in, week out to come project a progressive vision, whether it's on economics, whether it's on war and peace, whether it's on civil rights.

We talked about civil rights last week, we are talking about the economy this week. But this is the Progressive Caucus, and we are here tonight with our chairperson, LYNN WOOLSEY, with my colleague, Representative CLARKE and my colleague, Representative DONNA EDWARDS from Maryland.

Congresswoman EDWARDS, I am sure that some thoughts were occurring to you as Congresswoman CLARKE was stretching forth on her ideas.

Ms. EDWARDS of Maryland. Well, you know, today was a great day. When I think about what we have done on education, we provided $300 million for Job Corps centers. These are training, you know, young people who may have fallen through the cracks, but they need the skills to participate in this economy and in the 21st century economy.

We have provided the resources for our Job Corps centers to train up those people, not just in my home State of Maryland, but in every single State. I think that there are something like 125 Job Corps centers around the country, $300 million, train them for a green economy. Get those workers out into the workforce. They are weatherizing our homes, they are maintaining and building solar panels and wind turbines and learning how to lay broadband and do the construction jobs that we need throughout the economy.

So I think it's a really great day for young people who want to go to college and whose parents may have lost a job, or not quite had the job that they had before this economy went into the tank. Those young people will be able to qualify for Pell Grants because we increased the opportunity for that. And so we will have our young people going into college, getting those 2- and 4-year degrees so that they can come out to be really full participants in our economy.

So I am excited about what we have done, and I agree with my colleague from New York, YVETTE CLARKE, because we couldn't do everything in this bill, but we sure got a good start for January, 2009, for this new President and this new Congress.

When I think about what it means to be a progressive and part of the Progressive Caucus, it means that we are making progress for the American people, and that's what we have started with this bill.

Mr. ELLISON. Well, if I may turn to our chairwoman here, you know, Congresswoman WOOLSEY, we are the Progressive Caucus. A stimulus package was passed through the House today.

Does the Progressive Caucus still have a vital and essential purpose, given that we have a President that we happen to like nowadays? What is our role in the Congress? What do we do? Now that we have a Democratic President and a majority, what should the Progressive Caucus take on as its mandate? What's our role?

Ms. WOOLSEY. Well, our role, KEITH, is to support our new President in every way we can, particularly when he is doing what we think ought to be done, and certainly we are going to have a much easier time of it with Barack Obama, President Obama, than the last 8 years.

But when it isn't going the way it ought to go from our perspective and with our progressive promise of things, the equality of all people, and the

things we hold near and dear, then it is our job to pull him in our direction.

We have to be very clear that if the moderates—and there is nothing wrong with being a moderate person, I just don't happen to be one—when the moderates become the left edge of our politics, then imagine what happens with the right wing.

Mr. ELLISON. Then the center becomes the right.

Ms. WOOLSEY. Then the center becomes the right, and then it just goes off the chart.

It is our job to remind our President that, indeed, the progressives actually represent the core of the Democratic Party, and we are very proud of it.

When people ask, Oh, we love him, I mean, he just has the heart of this country. And when they talk to me about it, I always say, I don't envy our new President. He has a lot to do. He is going to be going forward while he's trying to dig out from this hole that this past administration left.

And you know what, it didn't have to have happened. It could have been avoided. For one thing, the lax regulations on Wall Street led us right to where we are today.

Another thing is this war of choice—amazing, I haven't said anything about it so far tonight, but it will cost us at least $1 trillion when we should be investing here at home in the people of the United States of America.

Mr. ELLISON. That's right, that's right.

Well, thank you, Madam Chairman, for pointing out what the role of the Progressive Caucus is. I invite my colleagues to weigh in on that subject as well, as we talk about the stimulus package and our economy tonight.

I think it's important that the American people know that they have a progressive voice, projecting a progressive vision. We will never lay down our role as a coequal branch of government.

You know, we happen to like this President, and we will probably agree with him on a number of things, but it's not our job to agree with him. It's our job to represent the American people, to project an inclusive vision in which every American feels they can be successful where their rights are protected and where they can make a living for their family.

So, with that, I would just like to throw it back to my colleagues.

Ms. CLARKE. You know, I would like to ask about this progressive agenda. You know, we also have to be forward thinking; we can't just settle with this opening salvo in what will be a protracted struggle to realign our economy in this Nation, and our voices are going to be imperative because so many have been left out of the economy that was driven by deregulation, that was driven by greed, that was driven by policies that excluded such a significant part of our human resource in this Nation.

You know, patience is really going to be a virtue for a lot of us, and it's in short supply, unfortunately, because people are experiencing real pain in this current economy. But patience is going to be what's required as we recraft, reshape, recalibrate the economy in which we operate, and we now know that our economy is not just an American economy, but is an essential component of a global economy.

□ 1915

And as we make America stronger, there are going to be global implications in what we do and what happens with regards to the whole realignment of our market system.

I want to make sure that there's always going to be a voice coming from our caucus that talks about human resource development. Human resource development. More productive Americans are in their skill and talent and ability, the stronger our Nation will be.

So I would like to see us in the future, in the very near future, really look at how Community Development Block Grants can be utilized for rural and urban and suburban development. I know that it has been very successful in programs like the empowerment and enterprise zones of rural and urban communities. I think there may be a time within very short order where something similar will have to be engaged in order to make sure that we capture all of the human resource productivity that we can.

Our productivity quotient has to really rise as a result of us stimulating our economy. And as we stimulate our economy and our companies begin to buzz again, as it begins to grow, we need to make sure that all of our talent, skill, and ability is applied, all shoulders to the wheel to, as you say, making the rising tide lift all ships.

I yield back.

Mr. ELLISON. Congresswoman EDWARDS, I'm sure you have some thoughts on this. As Congresswoman CLARKE talked about building the resource development, the workforce development, the skill of our people, I'm really happy that the Green Jobs Act, which we authorized the last session of Congress at $125 million, has now been put through and appropriated at $500 million, which is a significant increase, and we have about $4 billion in job training and workforce development.

That goes to the point you were making a moment ago, Congresswoman CLARKE. We are investing in our people, and it is something we have to continue to do.

Congresswoman EDWARDS, any thoughts on this?

Ms. EDWARDS of Maryland. You know, this is really a terrific start, but it really is just a start. We are in the process now of creating and saving 3 million to 4 million jobs, but it's the beginning. And I think that we have a President, President Barack Obama, who understands that this is a start. Of course, we have to create jobs, stabilize our economy, get our credit and lending system functioning again so it works for our small businesses, so that it works for our students who are trying to get student loans, so that it really works for homeowners in this economy.

But we have a lot of work to do. We have additional work to do. And our job in the Progressive Caucus, and I think the President would agree with this, is to challenge him to be the best President that he can be. I know that we can do that as a Progressive Caucus by focusing on the needs of working people, of focusing on bringing more people into low- and moderate-income housing, into reinvesting in our disinvested communities, and to making sure that people have health care that is quality, affordable, and accessible to all of us. These are things that we can do.

We have to be smart and deliberate about it and we have to be very strategic about it, but I think that we have a President who's on the same page, and our job is to lay out an agenda that all of us can come around.

I know that we can do that as a Progressive Caucus. I feel it and I hear it and I see it. You see threads of it in this recovery and reinvestment package that we passed today. You can see threads of a progressive agenda throughout this package that we need to build on over this next Congress.

And so when I look, for example, at our push to expand low-income heating assistance, expand LIHEAP, what that does for us is also says we are going to invest in weatherization of some of our older homes. Many of these homes are occupied by our low-income families, occupied by our senior citizens, and we will do that, but we also create jobs in the process.

So there are a number of elements of this reinvestment and recovery package that will get us to where we need to be in this current economy but will put us on a foot forward moving forward with this new President.

Mr. ELLISON. Congresswoman EDWARDS, I want to thank you for pointing out that this stimulus package has been heavily influenced by the work of the Progressive Caucus. But for our efforts, it wouldn't be the great document that it is. Though it may not be all that we want it to be, it's much better than it would have been without our input.

It's important for people to know that the role of the Progressive Caucus is to put forth a progressive agenda to help our leadership stake out a progressive policy, and if we are not pushing, if we are not agitating, if we are not arguing for that case, then the case simply won't be made.

So it's critical that the Progressive Caucus come before the American people and talk about what we are doing, talk about what we are up to, but also we do some of the work that is our job as Members of Congress to do, which is to push that agenda right in here.

Congresswoman CLARKE.

Ms. CLARKE. When the American people called for change, Congressman ELLISON, they were really calling for progress. We were stuck in a rut. The morale of your average, everyday citizen was being diminished with each and every hour that the Iraq war was raging, that the Dow Jones was dropping, that they were receiving letters about foreclosure at their doorsteps, as they were receiving pink slips from their former employers. I mean it was an all-time low.

The one area where people saw sort of like a glimmer of hope was in the change in administration, a new leadership that spoke to progress, that spoke to the need to turn the page and get things going again.

Today, our act on H.R. 1 was turning that page. It's the advent of something new, something progressive. As my colleague, DONNA EDWARDS has said, it's sewing that thread together of innovation, of progress, of understanding the needs and the desires of the average, everyday American.

These are not the wealthy people who can afford the lobbyists. These are not the wealthy people who can jet off to another location and put their sorrows behind them. These are the folks who wake up every morning and wonder, Will I have enough dollars left in my pocket to make sure that my children eat this weekend?

So what we did today was we brought dignity back to those who were struggling and who have been left out of the equation of our common humanity for quite some time.

Mr. ELLISON. Congresswoman CLARKE, are you talking about those people who work so hard and struggle so much to make this country really go, that this Congress needs to respond to them when they need a hand? Are you talking about those people?

Ms. CLARKE. Those are the people I'm talking about.

Mr. ELLISON. Those people who are trying to wonder whether they need to put some cardboard in their shoes to go another couple of weeks or whether they can get some shoes, whether they can get lunch money for the children. Those are the folks you have got in mind?

Ms. CLARKE. Those are the seniors who were just about to retire when the market went down and their 401(k)s went down the drain, who now have to choose between a mortgage payment and purchasing their medication.

Mr. ELLISON. Right.

Ms. CLARKE. Those people.

Mr. ELLISON. So, the Progressive Caucus, that is who we are for. Because we know that the war makers and the big dogs, they have people who look out for them around here. They're paid to do so, as they wear their monogrammed shirts and fly their jets here. Sometimes they fly three different jets from the same industry here.

But, Congresswoman EDWARDS, how do you feel about the people we are here to fight for?

Ms. EDWARDS of Maryland. You know, we are fighting for those people every day. I'm am talking about working people. I'm taking about people who get up in the morning and they get on the public transportation, they get on the trains every morning, they ride the buses to work, and then they come home and take their children to the basketball game and soccer practice and sitting down and doing the homework, and they are struggling.

And these are working people who are struggling in this economy. And then some people who had a job yesterday but don't have a job today. These are the people that we are fighting for, that the Progressive Caucus is fighting for.

If the gentleman would continue to yield, I want to point out to you that I know that in my home State of Maryland—my State is just like a lot of States—where the budget of the State is being cut. In our case, it's being cut by about $2 billion this year because our State has to balance its budget.

And so what we were able to do in this reinvestment and recovery package is to provide some help for the State so they don't have to cut vital services for people who work every single day. And I think that that is really important for the American people to know because we are out there fighting for them. And when it's all said and done, there will be those who will complain about this provision or that provision or other, but the reality is we have created jobs here. And we are going to protect and preserve those jobs and we are going to create better jobs for the future.

It was because of a progressive voice in that fight, working with this President and this Congress and our leadership, making sure that we passed something that really will make a difference, not just in the lives of the people in my home State of Maryland, but some of those other States where the unemployment is skyrocketing to double-digit unemployment.

Mr. ELLISON. If the gentlelady yields back, I'd just like to point out that on this chart that Mark Zandi noted—a conservative economist, quite frankly—in his study he showed that the revenue transfers to State governments have a pretty high multiplier effect of 11.36, which is pretty high.

If you notice nonrefundable rebates, they're pretty low. Some of these things extend—the alternative minimum tax, that is very low. Less than one. Make income tax cuts expiring in 2010 permanent. That's extremely low. And reduce corporate tax rates. That's pretty low too.

So if you really want to get the economy moving, if you want to help small business, help the average person, and help those States that you just mentioned a moment ago, Congresswoman, revenue transfers to State governments.

If I may just point out, you mentioned your State, and I am glad you did, because it's important for people across all the States to know that we are in this thing together; Maryland, New York, Minnesota. We are in this thing together.

In my State of Minnesota the impact of this recovery bill will be State fiscal relief in a significant amount, which is actually over $1 billion, which is quite a lot of money. Title I education, $117 million; special education—always fighting for every penny—$216 million. Very happy to point out Workforce Employment Services, $19 million. That is a lot of money. That makes a big difference.

Weatherization. We like to get up to zero in Minnesota. If it got to be zero, it would be a heat wave in Minnesota. Weatherization is important for us. $210 million. A very important program.

Of course, as you pointed out, when you lose your job and you lose your health care, so our Medicaid funding of $737 million is a significant amount of money. All told, Minnesota is going to be able to benefit $3.3 billion from the stimulus package. We have a State budget deficit of about $5 billion. It won't cover everything, but it's going to help an awful lot, and there will be vital services that will not be cut because the Federal Government, with the influence of the Progressive Caucus, responded to the needs of the people in a real way.

Let me yield to the Congresswoman from New York.

Ms. CLARKE. I'm just thinking about what a pressure valve this piece of legislation is for so many States. We can probably count the number of States that are currently not in deficit and not cutting services on both hands. This Nation is really rocked by the devastation of an economic downturn, like your State, like the State of Maryland, the State of New York.

We were here just before our significant break before we came in for the new session to deal with the automobile industry. Prior to that, we did the TARP. The TARP for New York City and New York State was like saving and industry that was a free-fall in terms of being an economic engine not only for our city, not only for our State, but for our Nation.

So I can really relate to what so many of my colleagues from across this Nation, whether they are from the Midwest, the far West, the Atlantic region, the Southwest, have been experiencing when manufacturing has been leaving all these years, when so many other industries have faltered and we were not there responsibly addressing those unemployment issues.

This ripple effect has hit home for every single American. If you have not personally been touched by what is happening in this economy, you are not breathing on this earth right now. You either know someone who's been impacted or you are yourself have been impacted, whether it's your home

being foreclosed on or it's that company that has left town and has not been replaced in any form or fashion.

All of these issues are at the premium right now in everyone's minds, everyone's hearts, and everyone's pockets.

□ 1930

And so H.R. 1 to the rescue. We are here, and we have opened the door with the advent of something new, something progressive, and we are supporting it 110 percent.

Mr. ELLISON. We have about 15 more minutes left in our hour, so start thinking about what we want to leave the folks with tonight. But I just want to point out that one of the progressive values that we share is that we have an inclusive vision; so that we don't engage in regionalism, we think about what all Americans need. And so we are concerned. When I see an unemployment number in New York at 7 percent, that sends chills through my spine because in Minnesota we have got 6.9 percent, which is pretty much the same. And we look at Michigan really hurting.

So we know that we need those workforce development dollars there to help get people trained. And the year before that they were at 7.4. So they have been hurting for a long time. And Rhode Island people are really taking a hit, and in North Carolina as well.

One of our values as the Progressive Caucus is that we stand for the American people as a whole. And Congresswoman EDWARDS, again, here we are moving forward on this stimulus package, and we are going to continue over the course of the year to project a progressive vision and a progressive economy.

I guess one of my questions to you is, how critical is it that we continue to keep up the struggle to project a progressive vision for our Congress and for our Nation?

Ms. EDWARDS of Maryland. I thank the gentleman for yielding.

I think that our job is to make certain that we project a vision that is about the future and that we ensure and say to the American people—and I know that I am going to say this to the people in my home State of Maryland, in the Fourth Congressional District of Maryland—that every day I want to listen to them so that we are articulating here in this body, in this Congress, in this House of Representatives, what is important for them.

When they get up in the morning, I want them to know that we are thinking about them. I want them to know that we want them to have a job, that we want their children to have an opportunity, that in retirement we want to make sure that they are safe and well taken care of, and that our senior citizens have the benefit of all those golden years that they have worked up to. And I know that we can do that. And we have to say to the rest of the world that we are leaders and not just followers.

And when I think about a progressive vision for this country, I think that we didn't realize until the bubble burst out of our housing market how much of a deep impact that had on the rest of the world economy.

And so we are in a global economy, but part of that carries a responsibility. It carries a responsibility for oversight, it carries a responsibility for accountability, and we have to make sure that we are investing our money in our families, in our working families, and in our communities. And I think if we have that kind of progressive vision, that we are going to be able to not just convince the President of the United States, but we are going to bring him along and the rest of our colleagues in that same direction.

Mr. ELLISON. Thank you for yielding back.

Let me say tonight that it is important for us to realize that this stimulus package really is emergency surgery. It is a crisis, and we are addressing a crisis. But when we talk about a progressive vision, we are not just talking about dealing with this crisis; we are talking about setting forth a new way of doing business, saying that the market will not be allowed to run amuck, that the market does not answer our questions, that the market has market failure, and that there is a critical and indispensable role of government. Government is not the problem, but when government doesn't monitor people at the SEC and at other agencies, then we see problems arising. It is a vision of saying that the government has a responsibility to make sure that our economy is fair, that our economy is inclusive, that everybody matters, that everybody counts, and people are just not going to be left out.

It is a vision that says America should be at peace with the rest of the world, that we should pursue peace, we should promote peace, we should engage in dialogue and diplomacy and negotiation, and that war is the enemy of the poor. Not only is war dangerous to people on the business end of a missile, but it is the enemy of the poor in our country because it saps what poor people need.

And we also understand our progressive vision is that our country, a caring nation, a loving nation, should be concerned about the health of its people. And because of that, we need to have universal health care. And one of the best things we could do for the auto industry is to have universal health care, and they would have a lot of problems taken off of their shoulders.

So it is important to talk about that as we move into the final minutes of our special hour as we talk about a progressive vision that we are today dealing with a crisis, but that crisis is not the end of the story; that we are going to be moving into the future, and that we are going to be laying down a progressive vision for quite a long while.

Let me yield to Congresswoman CLARKE.

Ms. CLARKE. I thank you very much.

I just want to close by thanking you, Congressman ELLISON, for organizing this special order with members of the Progressive Caucus this evening.

I think we have pretty much driven home that we are at the advent in the passing of H.R. 1 of the remaking of America, as our President, Barack Obama, likes to state it; that the things that we need to do have just been putting in place fundamentals, sort of the railing on which our economy will roll out from in the next 18 months to the next 4 years.

There is a lot of work to be done, a lot of human resource development to take place, a lot of training, and a lot of stimulating of our economy. And I want to take my hat off to all of my colleagues who voted in favor today of supporting the Reinvestment Act that we passed today, the economic stimulus and Reinvestment Act. And I look forward to getting back to my district and working with the folks in the community to be able to make sure that they access and hold accountable this Congress for making sure that this measure works for them.

We all have to be engaged in this for it to work. If anyone is sitting back thinking that someone is going to come and hand something to them, I think that they missed the whole point of why we voted for change. The change is that we are going to stay engaged, that we are going to ask for accountability in government, that we are going to demand it, and that we are going to see it come to fruition in the same way that we saw a new President become elected and installed.

Mr. ELLISON. Thank you, Congresswoman CLARKE. And I just want to say thank you for yielding back. You do a wonderful job. And I want you to know that it is an honor to be serving with you. I admire the work you do, and just stand in awe of the way you just go about fighting for the people.

And the last word and the closing is going to be carried forth by our colleague, DONNA EDWARDS. But before I yield back to her, I just want to say I was proud to vote for the American Recovery and Reinvestment Act. This bill creates 3 million to 4 million jobs, gives 95 percent of Americans an immediate tax cut; 75 percent will be spent in the first 18 months. And this bill is designed to get America working again. I am proud to vote for it, and honored to be able to be here with the Progressive Caucus.

With that, I yield to my distinguished colleague from Maryland, the gentlelady from Maryland.

Ms. EDWARDS of Maryland. I thank the gentleman, and thank you for organizing this discussion. I too am very proud to have supported the American Economic Recovery and Reinvestment Act, H.R. 1.

This is about creating jobs in this tough economy and moving us forward.

And I know that, like many of my colleagues, I will be proud to go back home to Maryland and say to the folks in my State, we are bringing $782 million in transportation and infrastructure funding to our State. I will be proud to say we are bringing $1 billion back to Maryland to help offset that horrible $2 billion deficit that we are facing. And to 89,000 students, you are going to be able to get your average award of $3,000 for Pell Grant assistance. Those are the kinds of things: elderly nutrition programs, real job creations, investment in science and technology.

I mean, our district houses some of the labs that are on the forefront of development in this country for science and technology and research, and we are going to be bringing dollars home to create jobs and make those investments for the future. And so like my colleagues around the States, we are going to go home to our folks and we are going to say we are bringing jobs back home.

And then we will come back into this Congress, and we will work for working people. We will fight for working people. We will do that every single day. And as members of the Progressive Caucus, our job will be every day to come here and fight for the American people.

And so it is an exciting time, but it is just a first step. And our job will be to work with this President to make sure that we take this first step into the next step for the American people.

And we've created jobs, don't forget that. We have created jobs today for the American people, 3 million to 4 million jobs created or saved today for the American people.

And I thank my colleague, and I yield the balance of my time.

Mr. ELLISON. So let me just close it out and say that it has been a pleasure coming to you with this special order with a progressive message with my colleagues, Congresswoman WOOLSEY, Congresswoman CLARKE, Congresswoman EDWARDS. And this has been the progressive message here. Thank you.

I yield back the balance of my time.

AMERICA'S FINANCIAL CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, I appreciate your patience in working with us here and allowing us to have this time to talk about something which is a very important and serious topic which has captured the attention, I believe, of most Americans: the work of the House of Representatives in Washington, D.C., today on the floor of the House. We have in a way created history here in a unique way.

We have heard for the last 6 or 7 years, depending if you are talking about the war in Afghanistan or the war in Iraq, about the tremendous costs of these two wars, particularly the war in Iraq. Year after year we hear from all different sources, all different political stripes, that these were very, very expensive wars. And yet, if you were to add up the total cost of the war in Iraq over the past 6 years and add that to the cost of the war in Afghanistan for the last 7 years, adding those two numbers together, in one fell swoop this afternoon we spent more money than that, in excess of $800 billion.

I want to repeat that, because this is a fact that I think people are starting to add it up and say this is what is going on, but I don't know if that has sunk into people's minds:

Today, on this floor, we voted on a bill which will spend more money than the war in Afghanistan and the war in Iraq added up.

Now, how did we get to this strange position where we are so concerned about our economy, so concerned about deficits, so concerned about the government overspending? We have heard that from both political parties for some period of time. How do we get to the point where, in one fell swoop, we just passed $800-plus billion?

Well, in order to try to put that in perspective, what I am planning to do tonight, and I am going to be joined with a number of my colleagues of very great reputation from all over the country; what I am going to be doing tonight is talking about how this developed, what is the nature of the problem, how did it occur; and then, how do we scope how big the problem really is, and what are the natures of the different ways that people might want to solve the problem?

The bill that we passed today was theoretically to solve a problem, and so let's go back just a little bit and say, how did we get into this particular mess that we are in?

Well, it goes back quite a ways to the Jimmy Carter years when we created various programs to try to help people to be able to get loans on houses, people that lived in areas where certain particular geographic areas were hard to get loans. And so the Carter administration put together the Community Reinvestment Act, and it was originally saying that when we are doing these different home loans, that we need to have some mechanism so that we can create some way for people that live in some more difficult areas to get loans in, for them to try to be able to get loans. I would suppose you would call it the economically disadvantaged areas. Well, that was under the Carter years.

Now, when we move forward in time, under President Clinton what was done was it changed this Community Reinvestment Act and it said that and it increased the percentages of the loans that had to be made from a banker's point of view to people who were not as good risks. In fact, it demanded that there were loans made to people who were just flat a bad risk and very likely would not be able to pay the loan.

□ 1945

At the same time in the 1970s, we created Fannie Mae and Freddie Mac, and these were two quasi-governmental agencies, and the purpose of them was also to provide loans for people in the sort of middle-income type bracket of housing so they could get loans at a reasonable rate. So Freddie and Fannie were born. They were really not quite government and they were not quite private. They were in the in-between zone, and they started more and more to make real estate loans, to the point that a few years ago when Freddie and Fannie got into trouble, more than half of the home loans in America had been made through Freddie and Fannie. So they had grown over the years to tremendously large quasi-governmental organizations.

What happened under the Clinton administration was Clinton forced Freddie and Fannie to take a whole lot of loans, loans that were not going to be very good loans, and he said you have to take them along with the other loans that you are taking. So the government, as a matter of policy, forced Fannie and Freddie to make loans to people who were going to have a hard time for some of them to pay back.

This starts to go along at the same time with Greenspan reducing the interest rates, so there was a whole lot of money available for people to put into houses. And probably many realize now when we talk about 2001, 2002, everybody's home values were going up like a skyrocket. Everybody was happy as their house was getting more and more valuable. Just in the 2000s alone, they doubled. And many people took secondary loans on their homes.

So this easy money in combination with the fact that you have now got all of these different speculators jumping into this housing market, and what happened was because of the fact that Freddie and Fannie were playing very, very loose with their rules and regulations, were taking loans. And they wouldn't ask anybody how much money they made. And they wouldn't ask whether they were able to pay or whether they were going to make a downpayment. They said, you want a loan, fine, we will give it to you, because the assumption was that you and I and the American taxpayer would back these Freddie and Fannie loans. But more and more loans were being made to all kinds of people, including speculators, where there was no way they would be able to pay those loans back.

So as the housing bubble burst. All of a sudden these loans started coming due and people were defaulting on their loans, and there were cries of crisis on Wall Street.

An additional fact that was going on here, you have the rating agencies, one of them is known as Standard & Poor's

and the other was Moody's, and I believe there was another major rating agency, what they would do, they would look at all of these loans that came to them, and they would rate them as to how good the loans were. Well, they wouldn't be asked to do any rating if they rated the loans not very good, so these loans were all rated AAA. That means this is good stuff, you can afford to invest in it.

So these loans were sliced and diced. They were sold all over the world, and many different banks and institutions held these loans on their books as an investment.

Well, what started to happen, these investments became of no value. People couldn't pay the loans. They started to realize what had happened was there was an absolute runaway on the loan process and the people that had gotten the loans didn't really have jobs and couldn't really pay off the loans. And so you started to have all of these mortgage-backed securities started to seize up, and the entire credit market started to seize up.

That was last fall, and it was that time when Secretary Paulson approached Members of Congress and said we have a huge crisis on our hands. It is a disaster, and what you all have to do is you have to give me $700 billion. And I would like it in a brown paper bag in unmarked currency, and I would like it in a hurry, too, please. A lot of congressmen were going: $700 billion? So you have the cycle of the first bailout.

Today we come to the second. We have already spent $350-plus billion of that $700 billion, and people could argue whether it has had any significant effect. Certainly it was not spent in a transparent way. Most people don't know if we got anything for our money, but it was a tremendous amount of money that was spent.

So today we come to the floor with the economy still in bad shape. Why is it in bad shape? Well, it is in bad shape for a couple of reasons. First, of these bad loans, only about half of them have come down and different institutions have had to write them off. There is still another half of what are called Alt-As or ARMs, there are two different kinds, that will probably also in the next 2 years be defaulting as well. So we have only drunk about half of the cup of poison of bad loans that were created by liberal policies and an unwillingness to regulate these quasi-governmental agencies.

I would like to call to your attention a New York Times article, not exactly a right-wing oracle, and this article is dated September 11, 2003. It says, ''New agency proposed to oversee Freddie Mac and Fannie Mae.'' So it wasn't like everybody was asleep at the switch. People were starting to wake up in 2003 that Freddie and Fannie were out of control.

The beginning of this article, ''The Bush administration today recommended the most significant regulatory overhaul in the housing finance industry since the savings and loan crisis a decade ago.''

The Bush administration called on Congress to get these wild and woolly loans under control. And so what happened? Well, the Republican Congress passed a bill to do what the President was asking for, to put much tighter regulations on these loans so we are not making a whole lot of loans that are not going to be paid and create a huge crisis as the savings and loan crisis of a decade ago.

Here is an interesting quote in the same article, September 11, 2003. ''These two entities, Fannie Mae and Freddie Mac, are not facing any kind of financial crisis.'' Who said that? Well, ''said Representative Barney Frank of Massachusetts, the ranking Democrat on the Financial Services Committee.''

Who is it that is overseeing this bill that we passed today? It is one and the same.

So in 2003, the Democrat Party, the Democrat ranking Financial Services Committee chairman, he is saying that Freddie and Fannie are not facing any kind of financial crisis. Now there are people who want to say that the economic problems that we are facing show that capitalism isn't any good. This has nothing to do with capitalism. This has everything to do with the practice of telling financial organizations that you must make loans that we know are going to fail. That is not a very smart thing and is not looking very smart now, but this is where we were in 2003.

And the article goes on to say that the opposition to the bill that we passed in the House and Senate was the Democrat Party, and the bill was not passed because we didn't have 60 votes, and so we didn't oversee Freddie and Fannie until the train wreck actually occurred.

So how did we get into the crisis? Well, the simple answer is we got into the crisis because we started to demand that financial institutions accept and make loans to people that really couldn't afford to pay for them.

Now that raises an interesting question. How compassionate is it, how compassionate is it really to be making loans to some family that can't afford their mortgage payments? You have a mom and dad and some kids in some house, and they start arguing and fighting because the mortgage payment is too much for them. And so they get the credit card and the credit card has a high debt level. And so they start to say you shouldn't have spent money because we have this big loan. So how is it compassionate to put someone in a house they can't afford? Yet that is what we were defending and doing, and that is what caused this financial problem.

Now the interesting thing is that people say when America catches cold, the world catches pneumonia. And so this little oversight in assuming that the American taxpayer was going to bail out loans that were made irresponsibly has had worldwide implications and has caused all kinds of trouble in major Wall Street corporations closing up, and banks hunkered down worried about more of these loans that are going to be coming due in the next 2 years.

People are very mad at the banks. They say we gave you all of this bailout money. Why aren't you using it to get the financial service markets up and going? The answer is because we are afraid that when the rest of these things come down, we are going to need this money to cover all of the bad debts that are made.

So that is really the nature of where we are. This is something that is a result of active decisions on the part of people in Congress who are supposed to be, among other things, responsible for keeping an eye on our currency and the solvency of our economy, and we just basically have ignored what was our responsibility.

Now this is not something that you can dump at the feet of Republicans. The President, and once again I want to read this, this was 2003, the article says, ''The Bush administration today recommended the most significant regulatory overhaul in the housing and finance industry since the savings and loan crisis a decade ago.'' This was something that we saw coming and it was something that the other party was unwilling to deal with. So that is how we got to where we are.

Now today, today we adopted spending over $800 billion. Now as I said before, $800 billion, it is hard for many of us to think about how much that is. But we have heard how expensive the Iraq war was, all these past 6 years: ''We can't afford this war in Iraq. We can't afford Afghanistan. That is bleeding us dry.''

So now facing this crisis, what are the solutions we have because it seems like a very dire thing and it certainly is very serious, something that deserves our full attention. What are the different tools that we have to deal with this big mistake that we have been dealt?

Well, there are basically two theories of economics, and one of them is called the Keynesian approach. It is older and has been around since the Great Depression. And the Keynesian approach says that the Federal Government needs to spend some money. If the Federal Government spends a whole lot of money, that will stimulate demand and people will want things and therefore somehow or other we are going to get out of this recession or depression if we just spend enough money with the Federal Government. Well, I guess that was an interesting thought when the budgets were closer to balanced.

But if that were true, we have already spent way more money than we have as a country. We are already in debt. We should have a great economy if that theory were true because we have already been spending a whole lot

of money. But that is the Keynesian approach. It seems by some degrees like the idea of grabbing your shoelaces and lifting up and flying around the room. If we just spend enough, everything will go okay. Can you imagine any American family that would dare to try such a strategy if they were in financial trouble with their family budget? Are they going to spend a whole lot of money and hope that it will make everything okay? I don't think so.

History seems to indicate the same result. When FDR used that approach with the first big recession that came along, he turned it into the Great Depression. He spent a tremendous amount of money on public works projects, and some of them might have been useful, but the net result in the economy was that the recession just kept going year after year after year, and we called it the Great Depression.

Now, he wasn't the only one who tried this. The Japanese tried this in the 1990s, and they basically had an entire decade of lack of productivity and complete stagnant economy in Japan because they did one massive spending bill after another thinking it was going to work to pull them out of a recession, and it just made matters worse and worse and worse.

In contrast to that economic approach is another thing that is typically called supply-side economics, and that is the theory that government really cannot stimulate the economy at all.

□ 2000

The only thing the government can do is tax or not tax. And when it does tax, it can slop money around. But the government cannot actually create wealth whatsoever. It merely can take wealth away from citizens and redistribute it or refuse to take the wealth.

Instead, the supply-side model suggests that the best way to deal with a recession is to try to allow the people who are the inventors, the investors and the various risk-takers and entrepreneurs, allow them to have money to spend on new ways of doing things to build productivity in America. Particularly targeted with this approach would be the small business people, because small business people provide about 80 percent of the jobs in America. So if you have small businesses going strong, people investing in new ways and better ways to do things in small businesses, obviously some of those ideas will succeed or fail. But the result is you drive numbers such as unemployment and the overall productivity of the economy. And this is called a supply-side model.

We have had several examples of the supply-side approach. One of the earlier ones was done by JFK, who was a Democrat, of course. He did a major tax cut. And he did the tax cut in the right areas, and the economy snapped back and responded very favorably. He was followed another number of years later by Ronald Reagan, who did the same thing. He did a very large tax cut. But he made sure that the money got into the hands of the people that are going to be able to create the productivity. And we had a decade of fantastic financial success and productivity in America as a result of Ronald Reagan's tax policies. People made fun of it at the time. They scoffed at him. But the reality was that the economy was very strong.

It was tried again just a few years ago when I was fairly new here in Congress, and that was in the second quarter of 2003. I have some charts here which show what happened. What we did in the second quarter of 2003, which is the vertical black line on a couple of these charts, what we did was, we reduced the taxes of capital gains and dividends. Now what that was calculated to do was to allow the people who were the small business investors, the small business owners and the entrepreneurs, it allowed them to keep more of their money that they earned and plow it back into the small businesses.

And so what was the result of this particular tax cut in the second quarter of 2003? Well, as you can see, this is a picture of gross domestic product. Now we had done some tax cuts in the first couple of years of the Bush administration. But you can see that the gross domestic product averaged about 1.1 percent, but was also up and down. It was pretty spotty. What you see happening here then, as a result of dividends and capital gains where we are pumping money into the small business, into the investors, you see this tremendous increase in gross domestic product running out to 2007 of 3.06 as opposed to 1.1.

Now this tax cut is set to expire before long. But you can see the impact of the supply-side model. We're not the only people who have tried this. The Irish did this. They dropped their taxes on businesses and small businesses, and Ireland has just been booming and is almost an exact opposite model of what happened in Japan.

You might ask, well, what happened with this gross domestic product? That sounds like some sort of a boring government number. How about telling me something about jobs? This is the same time period. You have got May of 2003. These lines going down are job losses. The average loss of jobs per month was 99,000 jobs a month during these earlier years of 2001 and 2002.

Now you take a look at when we do the dividends and capital gains and take a look at the jobs gained. We went from a loss of 99,000-plus jobs lost per month to a gain of 147,000 jobs gained per month. This is an example of the supply-side kind of model. What it is saying is that government should not be spending tons of money.

Government should be cutting back what it's doing. And, in fact, what government should be doing is allowing productivity to take place in the marketplace and allowing the people that own small businesses to make those investments which result then in employment, and it results in better gross domestic product.

But last of all, and this is kind of an interesting idea, take a look at the effect of Federal revenues. Now, it seems to almost make water run uphill when you say, hey, we're going to cut taxes. What would you expect would happen to Federal revenues? Well, you would expect the revenues to go down. If you lower the taxes, you're not going to collect as much money. But that is not what happens. Why is that not what happens?

Well, this is actually the result of Federal revenues. Take a look at where they turned around. Again, the beginning of 2003 and after 2003, after these tax cuts went into place, Federal revenues are going up even though we cut taxes. Now how could that be? How could that happen? How could that be true?

Well, think about it for a minute. Let's just say you are king for the day. And your job is to try and raise as much government revenue as you can to pay for the cost of government. And you're allowed to tax loaves of bread. Now you start to think in your mind, let's see, I could tax 1 penny per loaf and it would hardly be noticed. But then you start adding it up. And you say, I wouldn't get very much money that way.

Then you think, a-ha, I will charge them $100 a loaf. By golly, that will get a lot. But if you tried it, you would say, no, what is going to happen is nobody is going to buy a loaf of bread if you have a $100 tax on it. I will get something else instead.

So common sense would say to tax somewhere between $100 a loaf and a penny a loaf. There is some optimum point where you adjust the tax and you are going to get the maximum amount of revenue.

So what has happened here is that we have taxed our citizens so much money that when we reduce taxes, the result is the economy surges and we end up with actually more tax revenue, which is what actually happened here following 2003. So this is the other approach.

There are two approaches. One is the Keynesian approach, spend tons and tons of money and somehow it is going to make everything better. Or the other one is, no, don't spend a lot of money. Let the money work in the hands of people that can be productive to build productivity, to build jobs, to build GDP and to allow the Federal revenues to increase.

And so we have these two approaches. Now, today, we had to take a choice, which approach are we going to use? And it was a straight party line vote, at least from the Republican side. Not one Republican supported this Keynesian idea of just slopping a tremendous amount of Federal spending—the money that we don't have, by the

way—as if that is going to fix this problem.

So our problem with it is, it was very courteous of the President to stop and pay us a visit yesterday, talk to us about what he wants to do with the economy and plead with us not to make it political. And it is not our objective to make it political. But the President said, but if you think it's not going to work, that is a different matter.

And so I stood up and talked to him. And I said, Mr. President, you have been very courteous talking with us today, but I think you made a couple of bad assumptions; and so my belief is that the package that you are proposing will not work. It is not only not going to work. We can't afford it, and not only can we not afford it, it's going to make matters worse; and here is why.

And so today we had a choice. We had a choice between the Keynesian model of spending a ton of money or the other model, which we proposed, which was not to spend a whole lot of money, but make sure that the money gets back in the hands of the small businessman and to allow American productivity to take place.

Well, as I said in my introduction at the beginning of my comments here tonight, what happened was we just passed an $800-plus billion. That is, once again, take all of the money for the cost of the war in Iraq, take all of the money for the cost of the war in Afghanistan over the past 6 and 7 years, and you put that together, and what do you end up with? You end up with the fact that this bill costs us more than all those wars. And that is on top of this big bailout from just a couple of months ago.

Can our economy handle that? What that does is it puts us more into debt than we were during World War II. As a percentage of our overall budget, we're getting close to 10 percent debt, whereas in World War II, we were looking at 6 percent.

I'm joined here by a good friend of mine, my colleague from just over in Iowa, just a State or so away from the great State of Missouri, and he is going to be joining us in just a minute to talk a little bit about his perspective on this absolutely incredible bill that we have just passed today.

So I would yield to the gentleman from Iowa.

If you would like to jump in here and tell me, what do you think about the fact that we just—I mean, I almost have to pinch myself, gentlemen, to think that just standing here a couple of hours ago, we just voted to spend $800 billion more than the cost of the war in Iraq and Afghanistan. There are other ways to look at that number.

Would you like to jump in?

Mr. KING of Iowa. I would like to thank the gentleman from Missouri for taking the lead on this and giving me the privilege to join with you here on the floor to say a few words.

I would take that $825 billion, and I would add to that the number, which I believe is $347 billion, which are interest costs as we calculate here over the next 10 years; and it takes this cost to $1.1 trillion plus another more than $1.1 trillion. And as I look at this—and I heard some of the gentleman's remarks—I would just submit this question that I can only come to one conclusion when I ask it, and that is, what is the most colossal mistake the United States Congress has made in the history of America? And how would we measure that?

Have they passed a policy that sends us down a path that we couldn't get back from? Have we declared an unjust war? Have we spent so much money or created so many government programs that there is no way to ever set up the politics to repeal them again, nor is there a way for a free-market economy to ever fund them? And has it done so much as diminish the independent spirit of the American people that they slow down or cease to produce?

And I can come to only one answer on that. The most colossal mistake in the history of Congress that I can come up with in a quick inspection of my recollection of history is this mistake made today, this very idea that we can spend money, and we can spend our children's and grandchildren's money and, for all we know, our great-and great-great-great grandchildren's money. There is no prospect of ever getting out of this debt. And the proponents of this, as it is described, ''stimulus plan,'' neither will they predict a result that will come if they follow through on the spending that is designed.

We know that a minimal amount of this money will be spent in this fiscal year or this calendar year. I think the number is 12 percent. As it happens it's a coincidental number. I remember it because there were some of FDR's programs that of the millions that were invested there during the New Deal, only 12 percent made their way actually to the ground into projects, and the balance of that, the balance of the 88 percent was just sucked up and drained out for the cost of government administration and inefficiencies to come.

One of the theories that I think has some validity to it, and I subscribe to it almost totally, and that is that if the private sector doesn't do it, chances are it is not a viable economic model. So how can government come along and take an unviable economic model and prop it up with the fruits of someone's productive labor—because that is what taxes are, they are the fruits of someone's productive labor—and drain them off and take them away from the producer and put them into government programs that have already been demonstrated not to work?

And they can't describe for me an historic model of this Keynesian approach of being able to stimulate economy by massive government spending and show me the results. And the most obvious one is the Great Depression.

Mr. AKIN. Of course, in the Great Depression, you took a recession and turned it into a Great Depression and it just kept going and going and going.

Because what they are doing is they are vacuum cleaning all of the money out of the economy for Federal jobs programs, supposedly creating jobs and starving the very productive sector of the economy that could be solving the problem.

Mr. KING of Iowa. And as an engineer, you understand this analytically. If the gentleman from Missouri were a trained economist, you might just understand it esoterically. For me, I understand it from the perspective of one who has started a business with no capital, a negative net worth. For 28 years, I ground my way through establishing a business in a free-market economy. And I made my living off of low bids in the construction business. We know what it's like to compete, but government doesn't seem to understand this.

Look back at the track record of the New Deal in the 1930s. And I represent the State from which Herbert Hoover originated. He was a brilliant man. And I will defend him on a lot of fronts.

□ 2015

But his success, I think, at some point gave him a level of overconfidence where he started us down a path of Smoot-Hawley, trade protection, tax increases, and the barriers to free market that set the stage for FDR to be elected in almost the same scenario as President Obama was elected in an economic crisis situation.

And then, we see almost the same scenario with President Obama as we have seen with FDR, create and grow huge government programs under the belief that there's going to be a solution there. And I would challenge this administration—now, maybe in the thirties FDR didn't have the model, he couldn't look back on the Great Depression and see where somebody else really went wrong. But I would challenge this administration to point to this Great Depression and show me where the New Deal actually did anything to help our economy recover. I'll say that can't be proven, even by the Keynesian economist, even by those people that voted for this classic boondoggle today.

Mr. AKIN. If you allow me—

Mr. KING of Iowa. I yield back.

Mr. AKIN.—to just reclaim my time for just a minute, it seems that we have quite a number of different historic models to look at now where the Keynesian approach of big government spending has fallen on its face. It was not just the Great Depression, it was also Japan. And if you really want to say that, you could also quote America right now, because we have spent way more money than we should have spent, and yet our economy is not so strong. So if the theory is spend a whole lot of money you don't have, it

should have worked by now because we've been practicing that more than I wish we had as a Republican conservative.

And so there are models. And yet at the other end there are models showing what you're saying, that productivity of the businessman in America is what really works. It happened that productivity of businessmen in Ireland really worked very well. You could almost contrast Ireland and Japan using the two different approaches. And as you know, gentlemen, you've had the responsibility of meeting payroll and running a small business, the discipline that's required to do that. And you also have the satisfaction of seeing a worthwhile product that is added to the market and is there for some period of time because of the fact that you have enriched Americans through the work of your business.

Mr. KING of Iowa. If the gentleman would yield. In the last visit I made to take a look at the economics in Ireland, they informed me that there were 560 American companies that were domiciled to do business in Ireland. Many of them were attracted there by a 10-year suspension of corporate income tax which the EU found to be a little bit too difficult to compete against, and so they used leverage and took it up to—I believe the number is 13.5 percent. But still, many foreign companies took their business and set their operations up in Ireland for the favorable tax scenario.

Mr. AKIN. If the gentleman would yield, are you saying that originally Ireland was going to get rid of all income taxes on corporations to encourage them to locate there and to work their free enterprise magic there, if you would; is that what you're saying?

Mr. KING of Iowa. Is the gentleman yielding?

Mr. AKIN. Yes, I do yield.

Mr. KING of Iowa. That the policy in Ireland some years ago, as I recall it, was that they would suspend income tax on a company that would move to Ireland for a period of 10 years, get them established and in order to track them. And it worked very well. And it turned something around that Ireland's greatest export 25 years ago were young, well-educated people. They would raise their children, send them off to school and college—many of them with graduate degrees—then they would go across the rest of the world to apply their trade because the economy in Ireland was a shrinking economy.

And business and labor understood that you have to have profitable corporations or otherwise there won't be jobs for the skilled employees or the blue collars. So they came together in agreement, both the unions and business, to propose this policy which then was leveraged into—I'll call it a flat corporate tax by the EU's leverage that they used.

I yield back.

Mr. AKIN. Well, it's just a treat to have you here and to bring that free enterprise perspective that you have. And there is something that just seems kind of amazing to me in a way, the irony in a way, of the fact that this whole problem with the economy that we're dealing with, even now and for the last couple of years, is the result of people that were liberal Democrats unwilling to regulate Freddie and Fannie. And that's recorded right on the old New York Times. The President says, You've got to get these wild-and-woolly loans under control. They said we're not going to do it. And boy it hit the fan.

And it seems to me there's an ironic twist that this quote that I put up earlier, the chairman, the current chairman of the Financial Services Committee—who is now tasked with getting us out of this problem—there's a certain irony in the fact that this is the guy that makes the quote, ''These two entities, Fannie Mae and Freddie Mac, are not facing any kind of financial crisis,'' said Representative BARNEY FRANKS of Massachusetts, the ranking Democrat on the Financial Services Committee. It seems ironic to me that he makes that statement, the whole top blows off everything, and now he's in charge of fixing this thing. The thing that concerns me is is the way he's going to fix it is going to make it worse. And what we've done here today is we've spent more money than we spent in Afghanistan and in Iraq over the last 6 and 7 years, and we did it hardly with a blink of an eye.

Mr. KING of Iowa. If the gentleman would yield.

Mr. AKIN. Yes, I do yield.

Mr. KING of Iowa. I thank the gentleman.

And looking at the poster there of September 11, 2003, second anniversary of the attack on the United States, and then 2 years later and a few days, October 26, 2005, Congressman Jim Leach offered an amendment on the floor on a Financial Services bill that would have required Fannie Mae and Freddie Mac to undergo the same kind of capitalization requirements of other lending institutions and the same kind of regulatory requirements of other lending institutions. And the same individual, the chairman of the Financial Services Committee here today, came to the floor and right over here challenged that amendment and argued that no one was saying that Fannie and Freddie were in trouble, that they needed to be regulated, that there was a problem with their liquidity, that this was simply an attack on Fannie and Freddie, and he was successful in his debate. That amendment failed. And so you know that there have been several efforts in this Congress to try to bring Fannie and Freddie under a regulatory guideline by Republicans, fought off consistently by Democrats in this House of Representatives. And I yield back.

Mr. AKIN. And of course the Democrats are in charge. They got 60 percent of the votes today. They passed a really historic—it puts America into uncharted waters. And it was a very bold stroke on their part, but I'm arguing not as a Republican, but simply as an American, that the stroke that was taken is going to cause a whole lot of trouble.

I really appreciate if you could stick with us. We are joined also by a very respected Congressman, Congressman CASSIDY from Louisiana. And we're just delighted to have you here with us this evening and talking about some really boxcar size numbers, really some unprecedented times that we are going through here.

And this particular solution that was passed today without any Republican votes in favor of it just makes the Marshall Plan look like child's play, even when you adjust it for current value of money.

But Congressman CASSIDY, please jump in. I yield.

Mr. CASSIDY. You know, I was just kind of sitting in my office, kind of sitting there staring at the Capitol dome, kind of frustrated. And I came to Washington—I'm a freshman, this is my first talk—and I came not to oppose what Democrats do automatically because they're Democrats, I came to try and do something good for my country.

And the remarkable thing is there is an incredible amount of agreement between the two parties. We agree the economy is in trouble. We agree that the government can do something to make it better. We agree that tax cuts and infrastructure can create jobs. And I'm sitting there thinking, man, we've got so much we agree on, why don't we just pull it together and pass a bill? And yet, where we disagree is whether or not discretionary spending—you know, stuff that doesn't create jobs, but folks want to get it—whether that should be included in the bill.

And so I'm sitting there thinking, wait a second, we can consider that in a spending bill, why do we have to put it in this? And as a Republican, I have to say that I don't think we should, and I don't think we should for at least three reasons. First, we said we're going to have a bill that creates jobs, and this is about discretionary spending. The second thing that just kind of disturbs me, as you have spoken about so——

Mr. AKIN. Congressman CASSIDY, I think you're going pretty quickly here, and I think there may be some that aren't catching the implications of what you're saying.

What you're saying is, this bill is not really stimulus at all, it's simply putting more money into things that we normally budget anyway. Is that what you're saying?

Mr. CASSIDY. You know what this bill is like? When my wife sends me to Wal-Mart and tells me to buy bread and milk, and instead of coming home with bread and milk, I come home with CDs, I come home with DVD players, and I come home with all this stuff

that actually I've had my eye on for a long time. And when she finally sends me to Wal-Mart, I get to get what I want. And yet, really what's important to my family is that I come home with bread and milk.

Mr. AKIN. Excuse me to the gentleman. The parallel then would be, what we should be coming home with is not bread and milk, but jobs for the economy; is that right?

Mr. CASSIDY. Exactly. And we should not be running up our credit card bill to get the DVD player and the iPod and that other stuff that is purely discretionary. You know, we have a credit card debt here which we're eventually going to have to address.

And so, there are three reasons why I don't think we should do this. One, we said we're going to do a job bill and we're doing something more than that. Two, there's going to be a $1.2 trillion price tag on much of which is not related to job stimulation. And you know what the third thing is? I'm 50 years old, but I'm still kind of a young idealist. I thought those people at home heard ''a change you can believe in'' and ''yes, we can,'' and they thought that this was a new era of politics. And yet, if I may point out to the gentleman, it almost seems as if we've taken those two phrases, which hold so much promise, and we're making them out to be nothing but cheap political slogans. We say we're going to give you a job bill, and instead we give you a discretionary spending bill. We say we're going for jobs, and instead we go for that which is—maybe important, but certainly not related to job creation.

Mr. AKIN. Could I reclaim my time on that point?

One of the things that you might think of is, if you're talking about jobs, one thing that might occur to you is that, depending on what you call a small business, 50 percent of the jobs are companies that have less than 100 employees, or if you consider a small company bigger than that, 80 percent of the jobs in America are small business. So wouldn't you think, if you were really coming home—using your analogy with the bread and the milk, if you're really coming home with jobs for America, don't you think you would have some provision in there for particularly small businesses? And yet this bill, for every dollar in there for small businesses they've got $4 for seeding and sodding the Capital Mall. That seems like a weird set of priorities. And I see your analogy to the DVDs, and I would yield back to my good friend from Louisiana.

Mr. CASSIDY. Yes. I think that, again, what we agree on is that tax cuts—particularly for individuals and small businesses—infrastructure, that can create jobs. If we could just focus on that, we would have a bipartisan bill that all of America could sign onto, and no one would wake up and suddenly feel like there's been a bait and switch; rather, they would say this is what we asked for, this is what we've been given, now let's see the benefit.

And as a personal observation of my very first speech, I would ask that we, as both parties, give the American people what we truly said we would as opposed to something which is more than we said we are.

Mr. AKIN. Well, reclaiming my time, I believe the people of Louisiana are probably watching one of their newest sons with his experience on the floor. You know, there's something fresh about somebody coming in here that hasn't been, in a way, influenced by all of the pressures and everything that Washington may try to exert on someone. And it sounds to me like you're talking just plain old American common sense. And I think an awful lot of Americans don't want Republicans and Democrats and all that stuff going on, they want solutions to problems.

What we have today is basically a 10-year-old shopping list that has nothing to do with real genuine stimulus because that has to come from the private sector. And this bill does everything to harm that because it's taking money out of the economy, it's spending money at an unprecedented rate. And I just think that you are so much on target and your common sense—obviously you may be new to Congress, but you're not new to what's going on in the world. And it's just a treat to have you here. I hope you will stick with us, and we will continue this as a little bit of a dinner table kind of conversation.

I notice that we're also joined by a good friend of mine from Georgia, a medical doctor, someone that has already risen to be highly respected among Congressmen. And I would yield to the gentleman from Georgia.

Mr. BROUN of Georgia. Well, I thank the gentleman for yielding.

You know, Mr. AKIN, as we dealt with this issue, I think there are a lot of Democrats around this country who want the same thing that we do, and that's jobs. But I think they've been sold a bill of goods by Speaker PELOSI and the liberal leadership in this House and in the Senate too, as well as what President Obama is promoting. Because, in my opinion, this bill is not going to create jobs.

□ 2030

It may create some government jobs, but, actually, as you said, what it actually does is take money out of the economy. It takes away from those who are producing and it gives to government. And what it does is it creates a bigger government that's not going to ever go away.

This is a huge leap towards socialism in our country. To give my picture of this, this is a steamroll of socialism. It's a steamroll of socialism that's being forced down the throats of the American people and down the throats of most Democrats and Republicans alike in this House.

Mr. AKIN. If I could reclaim my time for just a minute, those are strong words that you're saying, and yet there is an element of truth to what you're saying because, first of all, we're taking advantage of a crisis that people know is a crisis and we're exploiting the crisis to push a solution which is a big government solution. This money is being placed into places in the budget which once those things are jacked up, nobody is willing to touch. So basically what you're doing is you're taking these entitlement programs and you're inflating them and you're increasing the rate at which essentially the government is going to grow beyond the ability of the American taxpayer or the economy to finance it. Essentially, when the government gets that big, we start to think in terms of words like ''socialism,'' even though that's a strong expression.

But I yield back. I just thought you were making some interesting points.

Mr. BROUN of Georgia. If we were to engage in a colloquy, I would enjoy doing that if the gentleman will agree.

I use those words not unguardedly because I see this as a huge leap towards socialism as a Nation. It's creating new government programs. It's creating new government jobs that don't have any sunlight to those programs, to those jobs. It expands programs that are already there.

Some of the tax relief, I believe and hope the gentleman will agree with me, actually just furthers, through the refundable tax credits, a dependency upon government. My friend Star Parker wrote a book one time that she called ''Uncle Sam's Plantation.'' And what this does is it economically enslaves people, and that's what we see happening.

I agree that this is strong, but I believe that it is appropriate. I believe it is absolutely correct because I see this as a huge grab of power away from the private sector, away from small business, small business that creates jobs. I see this as a huge grab of dollars from the producers to bring it here to Washington and put it in the hands of government so that they can dole it out as they please.

I appreciate your leadership in bringing this to the floor tonight, but don't you think that the American people are wise enough that they can see really what's happening here? We all know that we have to do something about our economy.

Mr. AKIN. Reclaiming my time, I think you've raised an interesting question, and I think the American public is probably watching this far more closely than a lot of Washington insiders may think. And when the American public understands the size and the scope of what we are dealing with, we're looking here, this bill is 33 percent larger than all of our spending on Social Security.

Mr. BROUN of Georgia. This is the biggest grab of social spending, our biggest budget bill we have ever faced in the Congress, I believe. Do you know of any bigger?

Mr. AKIN. This is 33.4 percent more than we spend on defense in this country. There's a reason for us to have a sense of urgency and to use strong language. To me, this is a bridge to bankruptcy is the way I would put it.

I yield to the gentleman from Georgia.

Mr. BROUN of Georgia. I think you're exactly right, Mr. AKIN. I think it is a bridge to bankruptcy. In fact, I believe in my heart, without question, that this is going to delay a recovery. I think it very potentially is going to force us into a deep depression in this Nation because of this so-called stimulus bill. I call it a nonstimulus bill because I don't think it's going to stimulate the economy.

Let me ask you a question. I know in my office, I'm not sure we had even one call supporting this bill, and I think most offices got a lot of calls in their office.

Mr. AKIN. Reclaiming my time, that's a good question. We received hundreds of calls. Almost all of them were completely against this massive, massive spending.

I note, though, that we've also been joined by the very distinguished judge from Texas noted for his wit and his good common sense.

Congressman GOHMERT, I would yield to you if you have a comment that you would like to make.

Mr. GOHMERT. I appreciate the gentleman's yielding. Obviously he was mistaking me for TED POE, but I appreciate the comments.

Mr. BROUN of Georgia. Judge CARTER too, Judge.

Mr. GOHMERT. That's right.

One of the things that really breaks my heart, though, about all of this, we can talk about it from a lofty level here in the second floor of the U.S. Capitol, but the truth is during the Bush terms of office, Republicans went from a time when they were the ones that balanced the budget in the 1990s, and they moved to a time when there was just euphoria. Yes, tax cuts happened, and as a result, record revenues just poured into the U.S. Treasury in greater amounts than ever before. It wasn't the tax cuts that were a problem. It wasn't the record revenue coming in. We, and it was before I got here, but we were spending too much money. In my first 2 years here beginning in January of 2005, we were spending too much money. It was a problem. We were not reining in money. And as a result, by November of 2006, people were sick of it. It was irresponsible, and it was so grossly unfair to our children and the generations to follow us, we got voted out of the majority. And Democrats talked about our irresponsible spending, that we were running up the deficit and it was so unfair to the children, according to the Democrats at that time. And the voters said, you're right, these Republicans have lost their way, get them out of the majority.

And now here we've seen with the Democratic majority, about an 80-vote margin in the House, a Democrat majority in the Senate, in a week's time, there has been $1.2 trillion in allocations above the budget. That's the same amount that all American income taxpayers will pay in for personal income tax for 2008. We'd have been better off telling everybody that paid individual taxes in America for the whole year you get all your money back.

Mr. AKIN. Reclaiming my time for just a minute, what you were just saying is today—it wasn't quite the snap of a finger. It was 15 minutes. It was a 15-minute vote. We spent the entire money that's going to be collected in tax revenue from America for the year 2008.

I yield to the gentleman.

Mr. GOHMERT. I appreciate the gentleman's yielding. When you add the $350 billion that was just last week, then that gets you there.

But the thing is, as a judge, my friend Judge CARTER, Judge POE, we have sentenced people who have done irresponsible and just really unconscionable things to their children. We have sent them to prison. And here in this body has so loaded up our children and our grandchildren with debt that it is unconscionable. We're out here just throwing money around, and they're going to have to take care of that debt.

They didn't get the message. They told America, you put us in the majority and we will be more responsible. And what they have done is multiplied the irresponsibility, and it's heartbreaking.

The only reason we don't already have a runaway inflation with the kind of money that's been spent and printed and borrowed is because fuel went down by more than 50 percent. As fuel goes up for the summer, we're going to have runaway inflation, and nations have fallen for that reason.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. AKIN. I yield to the gentleman from Georgia.

Mr. BROUN of Georgia. I just want to ask a question.

I know you introduced a bill that I was a cosponsor of that would give people a 2-month tax holiday that would actually put money back in the hands of people.

Did you get any positive response from the Speaker, from the Democratic majority to allow that to even go forward?

Mr. AKIN. I yield to the gentleman from Texas.

Mr. GOHMERT. I appreciate the gentleman's yielding.

Actually, I got a number of positive inquiries from some of our Blue Dog friends. But as far as from the Speaker, there has been no interest in bringing it to the floor.

When I met President Obama yesterday, I brought it up to him and I said, This does everything you promised, giving a tax cut to everybody. I said, It doesn't have the $250,000 cap on income. We could add that. It does what you promised better than anything.

He said, Wow, have you talked to Larry? He was talking about Larry Summers, who was standing right there.

I said, No, I haven't.

He said, You guys need to talk.

Mr. AKIN. Gentlemen, I think we are done with our 1 hour. I'd also like to recognize the good judge from Texas and appreciate your stopping in. We will try to fit people in again. We will have this discussion, I believe, next week.

Mr. BROUN of Georgia. And Congressman WESTMORELAND is here also. He was here to join us also.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a Concurrent Resolution of the House of the following title:

H. Con. Res. 26. Concurrent resolution providing for an adjournment of the House.

The message also announced that pursuant to Public Law 96–114, as amended, the Chair, on behalf of the Majority Leader, appoints the following individual to the Congressional Award Board:

Rodney Slater of the District of Columbia.

The message also announced that pursuant to sections 276h–276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senator as Chairman to the Mexico-United States Interparliamentary Group conference for the One Hundred Eleventh Congress:

The Senator from Connecticut (Mr. DODD).

INCOME TAXES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes.

Mr. CARTER. Mr. Speaker, I appreciate being recognized.

I sure enjoyed hearing from my colleagues talking about the work of the day in, I think, a very accurate way.

I'm here tonight to talk about, I think, correcting some potential inequities.

I'm very blessed in my life. I spent 10 years practicing law in the town of Round Rock, Texas, in Williamson County, at that time a small town where a lawyer in that town pretty well did anything that walked in the door, from criminal cases all the way down to property tax cases. And I had a lot of clients back in those days that were in small businesses or who might be individuals who sometimes, I would say, unintentionally failed to pay some of the taxes they owed to the IRS. And inevitably when those things would

happen, they would receive from the IRS a notice that they had failed to pay their taxes or failed to file their income tax or failed to pay payroll taxes that they should have paid. And these clients would come running to a lawyer.

At that time I was only one of two lawyers in town and never claimed to be a tax expert. But I could read the form that told us what they needed to do, and we could get them with a CPA, and they would get their taxes filed. And they would receive a notice from the IRS which would tell them that they would have to pay penalties and interest on this particular sum of money, whatever it may be. It might have been relatively small. But if the time period had been long, the penalties would be very horrendous. They would be very fierce. Sometimes over a period of time of, say, 8 or 10 years of failure to pay, you might see the penalties and interest be two, three, four times what the actual taxes were that were owed by the individual.

If it happened to be payroll taxes, I will tell you that, by my experience in those days, they would threaten to padlock businesses and put people in prison for that, for failing to pay payroll taxes, because, actually, that was other people's money that they withhold held and didn't pay and didn't pay their matching share. So the IRS would get very mad about failing to pay payroll taxes.

But they would also be a little bit upset about failing to pay income taxes and threaten similar actions, mostly padlocking businesses and seizing assets.

It was possible to go talk with the IRS, and you could sometimes negotiate those penalties and interest. But I never saw them not assess them in my period of time that I did that.

After the 10 years of practicing law, I spent 20 years as a general jurisdiction district judge in Texas, which is the highest trial court in Texas, and I tried a wide variety of cases, some of which was family law. I tried a tremendous amount of family law cases, somewhere in the neighborhood of 20,000 over that 20-year period of time.

□ 2045

I also tried criminal cases and so forth. In many family law cases, one of the issues when you are trying to guide assets, you would also be dividing liabilities, and one of the liabilities you would inevitably see would be failure to pay taxes or being late on taxes or failing to file taxes. So we dealt with this same issue, and I can report to this body that by my experience, the failure to pay those taxes always seemed to result in a letter from the IRS assessing penalties and interest for failure to pay.

Now, I raise this issue because I think it's important that we have fairness that everyone be treated fairly in this country. And so many will recall that it was reported by a Member of Congress on this House floor about 4 or 5 months ago, one of our Members, a very well respected, highly respected Member of this body, told us that he had failed to pay his taxes for a period of 10 years on a rental property in the Dominican Republic. And he reported that he was going through his people, he was going to discuss with the IRS the payment of these taxes, and he was going to pay his taxes.

He has since reported that he has paid his taxes to the tune of somewhere near the sum of $10,000. He also has reported that he has not paid any penalties and interest because no penalties and interest have been assessed.

Now, this struck me as very strange. By my experience and having dealt with it, I am not saying I did this full time every day, but you know, I think most Americans know, if they have been through anything, they have dealt with the IRS, the IRS is pretty proud of assessing penalties and interest. They like that a whole lot.

And so, to me, it was at first curious that this person, who is very directly related to the taxing system of the United States, has, in fact, not been even assessed any penalties and interest. I thought, you know, we serve in this body here because a bunch of people back home actually said we would like you to represent us in Washington, and we think you think like we do, and so they vote for you, and they give you this job.

But at least in my personal opinion, that makes us no different from them, other than we are kind of hired to speak for them up here as the best we can, and I think that's what we are here for. But we certainly, by the nature of our employment in the House of Representatives, should not receive any special treatment above and beyond the same special treatment that would be available to every American citizen, every American taxpayer.

So I have introduced a bill today which would basically say that because no penalties and interest were assessed against a Member of this House, that, in fact, we have equal treatment under the law, which is one of our constitutional rights. We would allow people to claim that same right not to pay penalties and interest if they hadn't paid their taxes.

This bill has got a name, and we call it the Rangel rule.

I would hope that people would take it in the light that it is set. It is not criticism in any way of any Member of this House. In fact, if it's criticism of anything, it's criticism of the IRS of the United States for failure to treat people equally under the law. And so I raise this issue because, in fact, that's what I seek here by this legislation, equal treatment under the law.

That club owner that I was well aware of back in the 1970s who constantly was having trouble with the IRS—and he is dead now, so I am not going to use his name; but I represented him before the IRS a half a dozen times, and we battled tooth and nail and borrowed money to pay that principal, interest and penalty that he had to pay.

He, if there is someone that's given special consideration, then that man should have been given special consideration. And that's why I have introduced this bill which basically says that if you have failed to pay your taxes and you are willing to pay the taxes, and you don't want penalties and interest assessed against you, then you can claim the Rangel rule, and you won't have penalties and interest assessed against you, according to the law.

That's what we are doing here today. We are not doing it out of any malice, we are only doing it because we think it's fair for the American people.

I am joined by some of my colleagues here. I will first yield, I think, to my friend from Iowa (Mr. KING) since he is down on the floor and let him give us some comments.

Mr. KING of Iowa. I thank the gentleman from Texas, one of the stellar judges that come from Texas and the only State I know that delivers judges into this body, but I am glad to have you all as my allies. As I listened to his presentation, I know that it's delivered from the voice of experience, in having dealt with those kinds of inequities, and I just think that the language in this bill is so clean and so pure that it's important, Mr. Speaker, that the public actually hear it with this level of clarity.

Any individual who is a citizen of the United States—and it's important that citizens are the ones that take advantage of this—and who writes ''Rangel rule'' on top of the first page of the return of tax imposed by chapter one for any taxable year, shall be exempt from any requirement to pay any interest and from any penalty, addition to tax, or additional amount with respect to such return.

Very simple. Our Founding Fathers could have written something like this, and everybody can read it and understand it. It arises from the situations that have been discussed in that there seems to be one set of laws for one set of people and a set of exemptions for other folks that are very well and highly collected. And the list of things that have been raised from an ethical standpoint question in this House is getting longer and longer.

I remember the effort in 2003, 2004, 2005, 2006 that this was going to become, under the new majority, which now is more than 2 years old, the most ethical Congress in history, the most open, the most democratic Congress in history. That would be the current Speaker of the House, Mr. Assigned Speaker.

I don't know that that has emerged, but I can tell you what has emerged: a dysfunctional Ethics Committee that doesn't take up anything, won't address anything. And by lack of virtue of such lack of action, we end up with

a body that's continuing to pick up more and more cases that the public needs to hear about because the Ethics Committee is not, or at least they are not dealing with it.

A question that comes to me as I listen to this presentation from Judge Carter from Texas is that, should this bill become law—and I am a cosponsor of this bill; I certainly support it, I support the concept behind it. Should this bill become law, would it be, then, something that the Secretary of the Treasury could take advantage of when he finds that he wasn't thorough enough when he examined his taxes on TurboTax.

Mr. CARTER. Actually, I point that out in the spirit of bipartisanship and working together, yes, very much, although I understand that the now-Secretary of the Treasury, designee of the new administration, has, in fact, paid the interest on this amount, but no penalties have been assessed. Yes, he could claim this very rule to have the penalties waived should this be enacted into law.

Of course, I would urge the committees of jurisdiction to move forward on this very quickly, so we can treat every American citizen fairly under the rule. In fact, even Mrs. Kennedy's issues on her nanny, that seemed to prevent her to being a possible candidate for the United States Senate, that also might fall under the Rangel rule and those issues could also be addressed.

So, yes, certainly we, some of our colleagues on the other side of the aisle could benefit from this.

Mr. KING of Iowa. I appreciate that perspective and the accuracy from that. It seems as though our Secretary of the Treasury, Mr. Geithner, was able to establish a negotiated settlement on his back taxes, too.

His negotiated settlement was that if he would pay—under the course of the audit, if he would pay the back taxes and the interest, then there was a waiver of the penalty. And I am hearing that if you haven't had a lot of experience with the waiver or the penalty when it comes to dealing with the IRS—and I know that they can come along and be a Monday morning quarterback about at any time, and they can make some subjective decisions about what you should or should not have claimed for your income or expenses; and then if you are not able to lay out the payment in a timely fashion, they can do a lot of things.

Your house is not preserved for that kind of protection, they can assign a new title to your car and sell it and apply it to your tax liability.

But in the case of our Treasurer, he was able to apparently negotiate a waiver of the penalty and just pay the principal and the interest and, indeed, having been, in advance, reimbursed for the taxes that he knew he had liability. So as he signed the form and agreed that he would pay the taxes—and there were several notices; I believe the notices came out quarterly—that he would be liable for his own payroll taxes, but if he applied for their reimbursement, he would receive a check for reimbursement for his payroll taxes, took the check for the reimbursement for the payroll taxes, cashed the money and didn't pay the taxes on the payroll taxes.

There isn't any deniable argument that can be made—you had to be thoroughly aware of that—and yet he got a pass from the IRS; and my recollection on the years is, that audit was for 2003 and 2004. The statute of limitations didn't go back to 2001 and 2002, but the vetting process did go back to 2001 and 2002, and even only then did he go back to pay those taxes and interest, not penalty.

And we have the situation now where we have a Secretary of the Treasury who has been—what's the nicest word—''resistant'' towards paying taxes that he has actually been paid in advance to pay. And we have a chairman of the Ways and Means Committee that has a whole stream of tax situations that are unanswered, unaddressed; and we are going to ask the American people to pay more taxes and off the floor of this House today, $1.1 trillion and maybe the largest, the most colossal, mistake made by the United States Congress.

We have got to go back, I have got to ask my constituents, you have to write a check to pay your income taxes, but that isn't something that the chairman of the Ways and Means Committee feels the obligation to do, or the Secretary of the Treasury who runs the IRS feels the obligation to do; and neither is there anybody there to grant a pardon to the folks from my district who are locked up in Federal penitentiaries today for failure to do similar things and not complying to the letter of the IRS law.

So I have a significant amount of frustration that builds, and I appreciate the judge's approach to this in that we are all equal under the law, and if we don't have a law that addresses each of us equally with a reasonable prospect of that enforcement on any one of us, that any American has the same excuse. That's why the Rangel rule is a good proposal that treats us all the same.

Mr. CARTER. I would like now to hear from my friend from Georgia (Mr. WESTMORELAND) who has been patiently here waiting to speak. I yield such time as you might consume.

Mr. WESTMORELAND. I thank my good friends from Texas and from Iowa. I could listen to you all night because you bring a lot of common sense to this floor. I think the American people were looking for a change in Washington and thought maybe they had gotten one. I don't know.

To go back, Judge, to what you were talking about, the most open, honest, ethical Congress is what Speaker PELOSI and the Democratic-then-to-be, soon-to-be majority in the 2006 election cycle promised the American people.

But, you know, I watch Scooby-Doo sometimes with my grandchildren, and when Scooby-Doo runs into some type of expected challenge or something, he goes ''ruh roh.'' Well, there have been some ''ruh rohs'' lately at what's been going on here, because this most open, honest, ethical Congress has hit several ''ruh rohs.''

This is just one of them, because I think you were being kind of candid, the gentleman from Texas was being kind of candid when he said this certain gentleman has some influence over the IRS. He is actually chairman of the Ways and Means Committee who writes all the tax laws for this House. So that's a little bit of a significant position.

I, like the Judge and the gentleman from Iowa have known cases where, or at least every case I have ever heard is when you get a bill for your back taxes, it includes not only the taxes that you owe, but the penalty that they are charging or assessing you and the interest.

Now, I am not to say that that's not negotiable at some point in time, that you can't work something out, but I have never just seen, after forgetting that you own something for 10 years, and not realizing that you need to pay tax on it, and not understanding the tax laws that you are responsible for writing, that they just go, Oh, well, don't worry about it. Just pay the back taxes.

But I wanted to speak, if I could, Judge. There have been a couple more ''ruh rohs'' that we have run into.

President Obama, in 2007, in November, was campaigning in Orangeburg, South Carolina. He made a statement, ''I have done more to take on lobbyists than any other candidate in this race. I don't take a dime of their money, and when I am President, they won't find a job in my White House.''

□ 2100

''Ruh roh.'' Because we have got to look at Mr. Geithner because he had a little tax problem too. But this tax problem that he had, the new Secretary of the Treasury, was actually a self-employment tax trust.

But he also hit a little ''ruh roh'' with his nominee for Deputy Secretary of Defense, the gentleman that was a lobbyist for Raytheon. Raytheon does about $18 billion worth of business a year with the Pentagon. This gentleman owns about anywhere from $500,000 to $1 million in stock. He has unvested restricted stock of about $250,000 to $500,000. But he was given a waiver for this rule about lobbyists not working in the White House. President Obama gave him a waiver.

So you can think well, you know, maybe once you need a waiver. But then we come up on Mr. Geithner's Chief of Staff, Mr. Patterson. ''Ruh roh.'' A registered lobbyist. Is he going to get a waiver? His company, Goldman Sachs, is a firm that has gotten a bunch of money in the bailout. He has

reportedly made quite a large sum of money. He has lobbied Congress on legislation including energy tax credits, Indian gaming. Wasn't that the same thing that Jack Abramoff—Indian gaming. That was a big problem. And those were according to his own financial reports.

And I will yield back to the gentleman from Texas, but there are many more of these ''ruh rohs'' that we have hit already, and I think that we are going to continue to hit them the more that we find out because it seems to be that some of the cover is coming off of some of this stuff and some of the hope and change is getting to be more like business as usual.

The most ethical Congress is turning into something totally different. Hope and change is turning into something different than what the American people thought that they were promised.

So I will yield back to the gentleman from Texas.

Mr. CARTER. I thank you for your comments. Your ''ruh rohs,'' this was very interesting. One of the things I was thinking about too, we had a very unusual procedure take place. When the gentleman I was describing was speaking on the floor, he announced that he was going to turn himself in to the Ethics Committee.

Well, so that we understand exactly what the Ethics Committee is, they are very noble people who serve a very tough job in this House because they have to look into issues concerning their colleagues. I have a high respect for people who are willing to serve on the Ethics Committee.

But the reality of the Ethics Committee in this House is that it has an equal number of Republicans and Democrats on that committee. So if everybody just sticks with their party, then things seem to have a deadlock time quite often in the ethics committee. In fact, for most of the time since I have been in Congress, the Ethics Committee has been deadlocked. I am going into my fourth term in Congress.

So I would say that turning yourself in to the Ethics Committee would be sort of like someone turning themselves in to the grand jury when the grand jury is not going to function. And so that shouldn't be a defense. We shouldn't have that kind of defense for actions that take place in this House, that, Oh, I will step up in front of everybody and say this is what happened. I am turning I myself in to the Ethics Committee. And then it's going to be business as usual for their act.

The American people don't have that kind of dark hole to dump things in. That shouldn't be an issue. This should be an issue of ethics and morals that touch the hearts of these people who serve in this Congress.

The judiciary in Texas has a rule that not even the appearance of impropriety against the person who serves on the bench. It's very tough, strict, because you have to think, What does this look like when I do this? And if you think somebody thinks that there's something improprietous about what you just did or said, you better not do it, because you can be severely sanctioned by those who police up our judiciary in Texas for giving the appearance of impropriety.

That is not the standard of this House. I would argue it maybe should be because it makes you police your conscience, to some extent. But it's not. So I do not want anybody to get the misconception that I'm saying that is the standard that we meet here. But we certainly should realize and be humbled by issues that go before the Ethics Committee. I am not saying that the Ethics Committee is the ''do-all, see-all,'' or that they do anything wrong. I think they actually are courageous people who have a tough job.

We need a functioning Ethics Committee, and I think we will get one because NANCY PELOSI has told us we will get one. And so I take my Speaker at her word that we will get one. And I'm hoping that we can do that.

I would ask Mr. KING if he would like to make a comment.

Mr. KING of Iowa. I thank the gentleman from Texas. I just thought I would call up that specific quote from Speaker PELOSI and make sure that we had this down in the RECORD precisely the way it was delivered. This is a quote that was from her own press release dated November 16, 2006, Speaker PELOSI, and I quote, ''This leadership team will create the most honest, most open, and most ethical Congress in history.''

I don't think there's been a delivery on that promise. In fact, I will look back at the circumstances of the Ethics Committee that we have and, Mr. Speaker, I point out that the former chairman of the Ethics Committee has stepped down, and stepped down under a cloud of an FBI investigation, and was subsequently appointed by the Speaker to become the chairman of Justice Appropriations, where he today holds the gavel and the purse strings to control the agency that is reportedly in the news, and not denied by him, to be investigating him.

Now if that isn't something that is an ethical challenge. We talk about conflicts of interest, talk about appearance of impropriety. Isn't there an appearance of impropriety if you happen to be the chairman of the committee that appropriates the funds to the agency that is investigating you?

To point out something that is beyond hypothetical, thoroughly reported in the news and reported as the reason for the step-down from the Ethics Committee and a sideways promotion to take over the people investigating. That is not the most open, most ethical Congress, Mr. Speaker. That is a sign of the exact opposite.

I expect that we are going to see more and more of this balled up in the Ethics Committee, that will not move because of a number of reasons, one of them being it's a committee that is balanced with an equal number of Democrats and Republicans. But to throw yourselves on the mercy of the Ethics Committee is a shield, it's not a solution.

The scrutiny that needs to come from the media and from the public—the American people need to understand what is going on here. We have got to eliminate the appearance of impropriety, eliminate the impropriety, and the people who find themselves crossways with the law, it isn't enough to say, I'm sorry. It isn't good enough to say, I will pay the tax liability, maybe even some interest on that.

In the case of Tim Geithner, the numbers that I saw were $34,000 versus $43,000. I took that to mean that his tax liability was $34,000 and the interest was an additional $9,000 dollars. That came to $43,000.

Now, wouldn't you notice if they wrote you a check for $34,000, admittedly over a period of roughly 4 years, and you cash that check. Wouldn't you wonder where it came from? Any time I get that money, I'm certainly going to know where it came from, especially if I'm signing documents that I will pay my taxes and especially if I wanted to be the head of the IRS and especially if I was presented as a financial guru, especially at a time when we need stability in the Secretary of the Treasury's Office, when the previous Secretary of the Treasury has demonstrated—I will say there has been an erosion in confidence in his judgment, as the previous Secretary came to this Capitol September 19, and it wasn't chicken little, but he did say the sky is falling. Since that time, the sky has begun to fall. The economic sky has begun to fall.

I'd also point out that on September 19, Mr. Speaker, one who maybe will accept that coincidences can happen from time to time, there was another issue that arose that changed the result of the elections in 2006 that arose here on September 19, 2006. I'm very curious as to what might come to visit us on September 19, 2010, Mr. Speaker.

But this needs to be cleaned up. The American people must demand it. There's got to be open sunlight on all that we do. We have got to provide the most open, ethical, and honest Congress in history.

I'd yield back.

Mr. CARTER. I thank the gentleman for yielding back. My friend from Georgia had some comments, I think.

Mr. WESTMORELAND. To my friend from Texas, I just wanted to talk about a few more things that may be happening in the administration because the hope and the change that was promised to the American people and I think a lot of people were looking forward to and I think the change that they were wanting to see was some honesty and some transparency in somebody that really meant business of coming up here and trying to take this country in a new direction.

I will read, again, President Obama's November, 2007, speech, campaign trail speech, in Orangeburg, South Carolina. ''I've done more to take on lobbyists than any other candidate in this race. I don't take a dime of their money, and when I'm President, they won't find a job in my White House.''

I want to bring up one other—a couple of other people. My friend from Texas has talked about what has been going on in this House and it's time to look at what may be becoming a pattern of maybe saying one thing and doing something else.

Bill Corr, President Obama's nominee for Deputy Secretary of Health and Human Services, has been a registered lobbyist working on health-related issues since 2000. President Obama has given Bill Corr a waiver to his ethics rule, just as he did Mr. Lynn.

Cecilia Munoz, President Obama's new Director of Intergovernmental Affairs, has been issued a waiver to the President's ethics rules because she was a registered lobbyist with the National Council of La Raza, a Hispanic advocacy organization, much like ACORN, too. So she has been issued.

Now I don't know if Ron Kirk, President Obama's nominee for U.S. Trade Representative, has been given a waiver or not, but he was a registered lobbyist that took in more than $1 million in lobbying revenue for financial and energy firms in the last 2 years.

Of course, we know Tom Daschle, former Senator that has been, I guess, nominated or may be sworn in as new Secretary of Health and Human Services. Of course, he was an individual or advisor to the lobbying firm of Austin Byrd.

So this seems to be a pattern. Patrick Gaspard, President Obama's new White House Political Director, was a registered lobbyist with the Service Employees International Union to work on health care issues, including expansion of funding for children's health care, which you know we just passed the SCHIP bill out of this House.

There's some other things that are starting to unfold that will become more and more to light as far as the digital transition for digital TV. There has been some rumor that some of the people in the administration may be connected with that.

Of course, these are things that are just starting to come out in the news, but these things are starting to surface to the top. So I think the American people are disappointed. I think they are disappointed in the fact that the chairman of the Ways and Means Committee in this House seems to have gotten some preferential treatment.

And to my friends from Texas and Iowa, I would dare to recommend that our citizens go ahead and try to apply the Rangel rule to any tax problems they have. But it may be a start. If you are negotiating with the IRS now, see if you can't get the same deal that somebody in Congress may have gotten, that you want that same kind of deal that they have got, and we will see if it works.

If you're in trouble right now with the Internal Revenue Service about not sending in the withholding tax for your employees, or maybe some self-employment tax, you might want to try to go the Geithner way and say, Look, just tell me what I owe and I'll pay you. Don't really see that I need to give you any penalty or interest.

□ 2115

So I am not a lawyer and I am not giving legal advice, but that might be something that you might want to try.

But, anyway, it does seem funny and I do think the American people are going to get tired of this, of being told one thing and then something else happening, and then seeing special treatment coming out of this body. And that is not what they expect; they want people to be honest, open, transparent, forthcoming with them. And I think that is what they want. I think that is the real change that they want, the hope that they had, because politicians have very little credibility.

In fact, I was a real estate agent when I was involved in politics, and I had somebody tell me one time that the two worst professions were real estate agents and politicians. And he didn't know I was a politician at the time, but he kind of hit me right in the head with both of them.

So we don't get a lot of credibility already, and the things that we just seem to keep piling on ourselves give us less and less and less. And we wonder why people don't go out to vote. We wonder why the voting percentage is down so low. Because, I think, most Americans have just thrown up their hands and said it is going to be the same old, same old.

This election was a little different. We had a lot of people who voted that had never voted before, who had not voted in a long time, thinking they were voting for a difference, a change. But I think now they are beginning to see that it is just the same old Washington attitude, and it is going to continue to be the same old Washington attitude, and their hopes have been dashed.

Mr. CARTER. I thank you for your comments, and I think it is very important that we talk about these things.

I think it is important that we do what—I want to praise my colleagues for doing this. We do this, we make these critical statements and we talk about these issues, and we are not being venomous and we are not trying to be mean. We are trying to lay out the facts and the issues that concern ethical conduct that we are concerned about. We are concerned about it because, quite frankly, we all get painted with the same brush, and we should think about that.

We work daily with our colleagues that are on the floor of this House. We should, and do, respect each one of our colleagues for their service to the United States; and by our ethical behavior, we can paint our colleagues with a brush that shouldn't be there. And so we raise these issues in the good spirit of saying these are issues this body needs to address so that we don't taint others.

In the past, there have been people who have created slogans that taint the whole body. That is not our purpose here today. Our purpose here today is to point out fairness and equality in our system, so that Members of Congress are not treated any differently than any other taxpaying American citizens. And that is what this legislation that I have introduced is all about. I have written a letter to the chairman of the Ways and Means Committee asking him to support it, and I did it in good spirit.

So I am anxious to go forward with this concept. And I like what you say about people that are facing this issue. They ought to at least talk to somebody about being treated at least as well as a Congressman gets treated in Washington, D.C.

Mr. KING, I will yield you some more time if you need some.

Mr. KING of Iowa. I thank the gentleman for yielding. I agree with the presentation here, of course; and as a cosponsor of the bill, I agree with the policy.

It occurs to me to expand this discussion just a little bit, and that is that as the public sits out there and watches what goes on here, Mr. Speaker, on the floor of Congress. They are frustrated. They are rightfully frustrated. Some of them are angry. More will need to get angry before anything is going to change, because as George Will probably more than once said, democracy functions under the lash of necessity. Many Members of Congress understand that necessity to be what it takes for them to maintain their seat in this Congress.

I believe this: that we should be the most honest, the most open, the most ethical Congress in history, as NANCY PELOSI said. And we should follow through on that by allowing full access to our finances, for example.

We have a situation today where we file our financial disclosure forms under the guise of giving the public access so they can see if there is any conflict of interest, any ethical violation, any one of us that is taking advantage of our position and rolling in some equity out of any other sources that might come. But it is a flawed process, and one of the reasons that it is flawed is because it allows Members to put down their assets within a range of dollars in a category.

Now, for me, I am in the narrower category. Say, for example, I might have some assets there, real estate, between, let's say, a quarter of a million and a half million dollars or less, or other categories between $100,000 and $250,000. But when you get into the

larger amounts of the assets, you can have assets there listed between, you just say, it fits my townhouse investment across the river in Virginia—not mine, but a hypothetical Member's—is valued between $5 million and $25 million, and you put that down.

And then this other real estate that might be an island in North Carolina is valued at between $5 million and $25 million. And I have some liabilities against them that could be between $5 million and $25 million. Pretty soon, you add this all up, and the only way you can figure out what is going on here, you say, well, the assets will be the aggregate total at a minimum of, and you add the small amount. Or, they could be in the aggregate total of the maximum amount. You add the large amount.

And the same with the liabilities. And when you are done and look at this, there is no way in the world to determine what has happened with the net worth of a Member, and they can game this system.

And then we have a Member who has filed at least 261 false statements on his finances, and after it was brought to his attention, then he filed an amendment to these statements, without any repercussions—a different set of laws for him, at least as far as I know.

What I have is a bill that I introduced in the last Congress, and I don't believe I have actually dropped it in this one. I don't expect it is going to get past this gatekeeper of the most honest, open, ethical Congress in history. But this bill is this: The Sunlight Act, and it just puts sunlight on all things that we do. On our finances, it requires us to file the exact dollar amount of our assets and our liabilities in every category, and to file them in a searchable, sortable, down-loadable database and make them available online so that anybody that can go to the public library and access a computer can go in and take a look.

Now, if we are going to be honest and open and ethical, let's give 300 million Americans the opportunity to examine our finances, examine our transactions; and they can be out there and they can raise the issue. And I think that, in itself, will keep us a little more honest because the restraint will be there. Kind of like random drug testing: There is somebody out there watching you, so don't take the risk.

That is one piece that we could take, and those with a lot of assets and a lot of liabilities are in a position to not necessarily provide the most full information. The lower your assets are and the lower your liabilities, the more specific they will be.

That is something we can do. And I think all of our records that we have here, when an amendment is filed, it should be available on the Internet. You post that thing immediately, stick it up there, and let the public follow it.

It is a shame that the public can come into the Gallery here and not know what is being debated on the floor of the House of Representatives and not be able to find out or figure it out. A Member can have that happen, walk across, and in 2 minutes in the tunnel have the subject change, come out on the floor. And there is no light up on the ends that says, we are debating bill X and amendment Y. It is simply something you have to pick up by knowing whom to ask here on the floor.

We haven't moved into the modern world is my point. And I think all that should be electronically posted on the wall, the subject matter of the debate and the amendment, if we have one, so that the people in the Gallery and those folks, Mr. Speaker, that are watching on C–SPAN can look and instantly know the discussion here on the floor.

I think when an amendment is filed, if it is in an open rule down here, it should be scanned and immediately posted on the Internet. And when amendments are filed before the Rules Committee, they should be available for everybody in America to see, so they can understand how this is not an open process, how many of those amendments never see the light of day because they are balled up in the Rules Committee, and when we are looking for those recorded votes, so we can find out why was an amendment denied.

Or a bill like SCHIP that can come to the floor; and I believe the number is bigger, but at least a $40 billion bill on SCHIP came to floor in the 111th Congress without a single hearing in this Congress, without a subcommittee markup, without a full committee markup, without any amendments being allowed all along the way, and without any amendments being allowed on the floor—not an open, honest, ethical approach, but a Draconian, top-down, cram-down approach to legislation.

The public, if they had sunlight on all of our operations, then they can understand that there really is a high degree of ethics on the part of almost everybody in this Congress. And, on both sides of the aisle there are dedicated public servants that watch their finances and would not trade a vote for anything, that follow their convictions and listen to their constituents and follow the rules. That goes on in most cases. But we only see the egregious ones when they come up after they have gotten to the point where something has to be done.

We have talked about some of those tonight, Mr. Speaker, and I would like to see the sunlight every day so that as soon as somebody bounces off of a guard rail, they can be reminded: Get back on track here. Because we do need to create the most open, honest, and ethical Congress in history.

I yield back.

Mr. CARTER. I thank the gentleman for yielding back.

I think those are some very interesting ideas that you have put forward. I have always wondered how some poor person sitting in the Gallery can figure out what in the heck is going on without sitting here for a couple of hours until finally it kind of soaks in that maybe they are talking about taxes or maybe they are talking about soldiers. But it can take a while to figure that out. Those are some interesting concepts.

I very quickly yield to my friend from Georgia for some additional comments.

Mr. WESTMORELAND. I just wanted to comment on something my friend from Iowa said about confusion in the process.

You know, Leader BOEHNER brought a privileged resolution about asking the chairman to step aside until there could be some resolve in the questions in front of the Ethics Committee. And, of course, the first thing the majority party did was move that that motion or that resolution be tabled. So what it does, it keeps people from having to vote on whether to go through with the resolution or not. And so you are right when you talk about open.

And I was real excited—well, I have got to be honest. I wasn't excited that we had got a new majority, but I was excited to hear that it was going to be an open Congress; and I thought that meant that we were going to have more open rules, and we would be able to offer more amendments, and let all 435 members, if they wanted to, offer amendments that would be important to their district or to their constituents.

It has been just the opposite. We have had more closed rules than ever.

We just passed a new rule at the start of the 111th Congress that changed the rules from the 110th about motions to recommit. And I am not going to go into all that tonight because we understand it, but it is so complicated to go in. But, basically, the rules were changed to prevent the majority, some of their vulnerable Members, from having to take very tough votes on specific language that we would put in the motions to recommit or our alternatives that we wanted to see put in this bill. And it's really a shame that we had to do it in that procedural way because we couldn't offer the amendments.

And so when people do hear that word ''open,'' I think they think about something different than what is really going on here.

This is not an open process. The People's House is the body where I think most of the deliberations should go on. This is the government that is closest to the people here in Washington, this body. We are all elected by roughly 700,000 people, some a little more, some a little less. But it is not a statewide election; we are from specific districts as a republic.

It is a representative form of government, yet, probably at any time three-fourths of us are denied the opportunity to be part of that process. And I think that goes along with getting special treatment up here on the one hand

depending on who you are and what chairman you are the committee of, and then, too, what party you belong to or where you are at in the pecking order in the majority party as to what kind of opportunity you will have to put your opinion or your constituent's thoughts into a bill.

We need to do better with that. We need a transparency. You know, sunshine is the best disinfectant in the world, and we need to let light into this body. We need to let sunshine shine in here.

And what is so bad about making somebody vote on something? That is the question I always have is, well, we are sent up here to vote. That is our job. Why don't we vote on the tough issues? Nobody wants to vote on the tough questions because they are afraid they will not get reelected if they have to make those decisions in the light that shines on what they do up here versus what they say at home.

□ 2130

That is the reason our constituents are so disgusted with this system. They are tired of hearing people say one thing and do something else.

I appreciate the opportunity the gentleman from Texas (Mr. CARTER) has given me tonight. I know that I have gotten off the subject a little bit on some of these things, but I do think that people want to hear that some of us are aware of the frustrations and the disappointments that they have had with their government. And I wanted to make sure that they understand that there is a group of us who want to flush some of these things out and bring it into the light and try to put some sunshine on it so people can tell what is really going on up here.

My good friend from Iowa who is in the construction business has suffered many of the things that I have suffered through in business, and I thank him for his dedication and service.

Mr. CARTER. It is true we got off the subject matter, and the subject matter here is equal treatment under the law. But, quite frankly, I think a good title, we may have just created a good title for people who want to lay things out in the sunshine for the American people to look at, without calling names, which is not what we have experienced in this body in previous Congresses, but just lay it out there. We are not going to say culture of anything. We are just going to say let's let some sunshine on the process, and let's let the common sense of the American people make that decision.

I trust the common sense of the American people. I think that there is no better common sense than the folks back home. I did a telephone town hall last night and I heard the best assessment of the bill we passed today, spending $825 billion from the folks back home, because they looked at it with common sense and said this is ridiculous.

I am proud of those people back home that take the commonsense view. We are going to be, and I'm not going to say sunshine boys because we have some ladies that are going to join us, too, but maybe the sunshine group. We will shine light on what is going on in the Congress, and I think that is a good thing to do. I think we ought to expose warts and all.

But having served 20 years in the judiciary and in the law for almost 40 years, I think the oath, the original oath I took when I became a lawyer and then the oath that I continually took for five terms as a judge and the oath I take in this Congress requires me to stand up for equal protection under the law as part of our Constitution of the United States. I think we are all required to seek for every American equal protection under the law.

And that is why we have raised this issue. It may be a small issue to some people. It may be something that they say I don't care anything about that. They will care when the IRS sends them their penalties and interest. I can guarantee you they will care because they will look at that check and say holy cow, where did that come from. When you are talking about 10 years of failure to pay taxes, you are talking about what could potentially be a large number of especially penalties.

So, you know, all we are asking is let everybody take a look at it and see if we can't all agree to give equal protection under the law; and, therefore, step up and tell the IRS if they are wanting penalties and interest that you are going to claim the Rangel rule and you hopefully will get the same equal treatment that is available in Washington, D.C.

I yield to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentleman from Texas for yielding, and the phrase that I hear ring true from you is that everyone deserves equal protection under the law.

As reflecting upon a State of the Union Address that was delivered to this Congress by Thomas Jefferson in his early years as President, he said, ''The minority possesses their equal rights which equal law must protect and to violate would be oppression.'' That is Thomas Jefferson in his first inaugural March 4, 1801. I happened to have run across it because it was included in Speaker PELOSI's document titled ''A New Direction for America.''

I think that is quite instructive for tonight's discussion. The most open, honest, ethical Congress in history, quoting Thomas Jefferson's inaugural address in the case of requiring equal protection under the law and the rights of the minority, feeling a little trampled here in the 111th Congress.

Mr. CARTER. Reclaiming my time, we operate under a variation of Jefferson's original manual for the operations of this House. So he is the one who wrote the original rules for the operation of this House. Although there are variations and amendments that have been done to it, they give you a copy of Jefferson's Manual because it is the Bible, if you will, of the United States House of Representatives.

So that is a good quote and one we should repeat to ourselves both in the minority and ultimately when we get back into the majority. I think that is where we should be, and I think that is where all of the minority and majority should be.

We are about to run out of time. I want to thank my colleagues for coming here. I hope you will join me as we put sunshine on other issues that need to have sunshine shining upon them.

We would encourage the new media that is out there to start interacting and discussing this because I think this is something that the public needs to talk about. I am not sure whether it is going to be talked about with the big boys, but the bloggers can talk about this and other folks can get a common discussion about are we putting sunshine on issues that are important and is fairness under the law important to all Americans.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. COHEN, for 5 minutes, today.

(The following Members (at the request of Mr. OLSON) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, February 3 and 4.

Mr. POE of Texas, for 5 minutes, February 4.

Mr. JONES, for 5 minutes, February 4.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. PETERSON, for 5 minutes, today.

ADJOURNMENT

Mr. CARTER. Mr. Speaker, pursuant to House Concurrent Resolution 26, 111th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 36 minutes p.m.), the House adjourned until Monday, February 2, 2009, at 2 p.m.

RULES AND REPORTS SUBMITTED PURSUANT TO THE CONGRESSIONAL REVIEW ACT

Pursuant to 5 U.S.C. 801(d), executive communications [final rules] submitted to the House pursuant to 5 U.S.C. 801(a)(1) during the period of May 16, 2008, through January 3, 2009, shall be treated as though received on

January 28, 2009. Original dates of transmittal, numberings, and referrals to committee of those executive communications remain as indicated in the Executive Communication section of the relevant CONGRESSIONAL RECORD.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

293. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Farm Loan Programs (RIN: 0560-AH82) received January 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

294. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Milk Income Loss Contract Program and Price Support Program for Milk (RIN: 0560-AH83) received January 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

295. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Standards for Mortgagor's Investment in Mortgaged Property: Compliance With Court Order Vacating Final Rule [Docket No.: FR-5087-F-05] (RIN: 2502-AI52) received January 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

296. A letter from the Counsel for Legislation and Regulation, Department of Housing and Urban Development, transmitting the Department's final rule — Consolidated Returns; Intercompany Obligations [TD 9442] (RIN: 1545-BA11) received January 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

297. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List, Final Rule [EPA-HQ-SFUND-2007-0685, EPA-HQ-SFUND-2007-0686, EPA-HQ-SFUND-2007-0687, EPA-HQ-SFUND-2007-0688, EPA-HQ-SFUND-2007- 0689, EPA-HQ-SFUND-2006-0242, EPA-HQ-SFUND-2007-0691, EPA-HQ-SFUND-2007-0692, EPA-HQ-SFUND-2007-0693, EPA-HQ-SFUND-2007-0694, EPA-HQ-SFUND-2007-0695, EPA-HQ-SFUND-2007-0696; FRL-8543-9] (RIN: 2050-AD75) received January 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

298. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting a Memorandum of Justification for the waiver authority provided by Pub. L. 103-236, Sec. 565(b); to the Committee on Foreign Affairs.

299. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report on competitive sourcing activities for fiscal year 2008, pursuant to Public Law 108-199, section 647; to the Committee on Oversight and Government Reform.

300. A letter from the Deputy Director for Management, Executive Office of the President Office of Management and Budget, transmitting the Office's report of competitive sourcing efforts for fiscal year 2008, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

301. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's report for fiscal year 2008 on competitive-sourcing efforts, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

302. A letter from the Deputy Under Secretary for International Affairs, Department of Labor, transmitting the Department's first biennial report prepared in accordance with section 403(a) of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR) Implementation Act; to the Committee on Ways and Means.

303. A letter from the Acting Under Secretary, Department of Defense, transmitting notification of funding transfers made during fiscal year 2008; jointly to the Committees on Armed Services and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RANGEL: Committee on Ways and Means. Supplemental report on H.R. 598. A bill to provide for a portion of the economic recovery package relating to revenue measures, unemployment, and health (Rept. 111–8, Pt. 2).

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the following action was taken by the Speaker:

[Omitted from the Record of January 27, 2009]

The Committees on Ways and Means, Education and Labor, and Science and Technology discharged from further consideration. H.R. 629 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. TOWNS (for himself, Mr. BISHOP of Georgia, Mr. BOOZMAN, Mr. CARNAHAN, Mr. ELLISON, Mr. FILNER, Mr. HARE, Mr. HINCHEY, Mr. LATHAM, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mrs. MALONEY, Mr. MCDERMOTT, Mr. PASTOR of Arizona, Mr. PRICE of North Carolina, Mr. RUPPERSBERGER, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SESSIONS, Ms. SHEA-PORTER, Mr. STARK, Mr. STEARNS, Ms. WASSERMAN SCHULTZ, Mr. WITTMAN, Mr. YOUNG of Alaska, Ms. BORDALLO, Mr. NADLER of New York, Ms. BERKLEY, Ms. CORRINE BROWN of Florida, Ms. HARMAN, Mr. MORAN of Virginia, Mr. MCINTYRE, Mr. COHEN, Mr. WALZ, and Mrs. LOWEY):

H.R. 734. A bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation; to the Committee on Energy and Commerce.

By Mr. CARTER:

H.R. 735. A bill to amend the Internal Revenue Code of 1986 to provide that penalties and interest will not be imposed on individuals who are citizens of the United States; to the Committee on Ways and Means.

By Mr. HOEKSTRA (for himself, Mr. ROGERS of Michigan, Mr. MCCOTTER, Mr. GALLEGLY, Mr. PAUL, Mr. WILSON of South Carolina, and Mr. LINDER):

H.R. 737. A bill to authorize a State to transfer or consolidate funds made available to such State under certain transportation, education, and job training programs after the United States experiences economic growth at an annual rate of less than 1 percent for 2 calendar quarters; to the Committee on Education and Labor, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia:

H.R. 738. A bill to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes; to the Committee on the Judiciary.

By Ms. ROYBAL-ALLARD (for herself and Mr. POE of Texas):

H.R. 739. A bill to promote the economic security and safety of victims of domestic violence, dating violence, sexual assault, or stalking, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 740. A bill to amend title 10, United States Code, to take reasonable steps to prevent avoidable disasters related to seismic activity in connection with the lease and development of non-excess property of military departments, and for other purposes; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 741. A bill to amend section 8 of the United States Housing Act of 1937 to provide for rental assistance payments to assist certain owners of manufactured homes who rent the lots on which their homes are located; to the Committee on Financial Services.

By Mr. JONES (for himself and Mr. ABERCROMBIE):

H.R. 743. A bill to prohibit the President or any other executive branch official from knowingly and willfully misleading the Congress or the people of the United States, for the purpose of gaining support for the use of the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 744. A bill to provide for the treatment of service as a member of the Alaska Territorial Guard during World War II as active service for purposes of retired pay for members of the Armed Forces; to the Committee on Armed Services.

By Ms. ESHOO (for herself, Ms. GINNY BROWN-WAITE of Florida, Mrs. CAPPS, Mr. CUMMINGS, and Mr. PLATTS):

H.R. 745. A bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ADLER of New Jersey:

H.R. 746. A bill to provide for economic recovery payments to recipients of Social Security, railroad retirement, and veterans disability benefits; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself, Mr. WATT, Mr. THOMPSON of Mississippi, Mr. BISHOP of Georgia, Mr. JOHNSON of Georgia, Mr. SARBANES, Mr. ROTHMAN of New Jersey, Mr. GRIJALVA, and Ms. MCCOLLUM):

H.R. 747. A bill to amend the Social Security Act to provide health insurance coverage for children and pregnant women throughout the United States by combining the children and pregnant woman health coverage under Medicaid and SCHIP into a new All Healthy Children Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SCOTT of Virginia (for himself and Mr. GOHMERT):

H.R. 748. A bill to establish and operate a National Center for Campus Public Safety; to the Committee on the Judiciary.

By Mr. JONES (for himself and Mr. EHLERS):

H.R. 749. A bill to amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate; to the Committee on House Administration.

By Mr. BACA (for himself, Mr. MILLER of North Carolina, Mr. MEEKS of New York, Mr. MICHAUD, Ms. CORRINE BROWN of Florida, Mr. CAPUANO, Mrs. MCCARTHY of New York, Mr. HASTINGS of Florida, Mr. CUMMINGS, and Mr. WEINER):

H.R. 750. A bill to allow postal patrons to contribute to funding for gang prevention programs through the voluntary purchase of certain specially issued postage stamps; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARRETT of South Carolina:

H.R. 751. A bill to eliminate automatic pay adjustments for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 752. A bill to require the Secretary of Homeland Security to conduct a program in the maritime environment for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York (for himself and Mr. LOBIONDO):

H.R. 753. A bill to amend the Federal Water Pollution Control Act to ensure that publicly owned treatment works monitor for and report sewer overflows, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BUTTERFIELD:

H.R. 754. A bill to provide for the issuance of a commemorative postage stamp in honor of George Henry White; to the Committee on Oversight and Government Reform.

By Mr. CALVERT:

H.R. 755. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the gain from the sale or exchange of certain residences acquired before 2013; to the Committee on Ways and Means.

By Mrs. CAPPS (for herself and Mr. ROGERS of Michigan):

H.R. 756. A bill to amend the Public Health Service Act with respect to pain care; to the Committee on Energy and Commerce.

By Mr. CONAWAY (for himself, Mr. BRADY of Texas, Mr. CARTER, Mr. OLSON, Mr. MARCHANT, Mr. LUCAS, Mr. KLINE of Minnesota, Mr. BOUSTANY, Mr. CUELLAR, Mr. ROONEY, Mr. FLEMING, Mr. HARPER, Ms. GRANGER, Mr. THORNBERRY, Mr. NEUGEBAUER, Mr. POE of Texas, Mr. HALL of Texas, Mr. WALDEN, Mr. HOEKSTRA, Mr. BARRETT of South Carolina, Mr. CULBERSON, Mr. SESSIONS, Mr. MCCARTHY of California, Mr. BURGESS, Mr. BARTON of Texas, Mr. HENSARLING, Mr. PRICE of Georgia, Mr. MCCAUL, Mr. HINOJOSA, Mr. GENE GREEN of Texas, Mr. REYES, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. GONZALEZ, Mr. SMITH of Texas, Mr. SAM JOHNSON of Texas, Mr. GOHMERT, Mr. PAUL, Mr. AL GREEN of Texas, Mr. EDWARDS of Texas, and Ms. JACKSON-LEE of Texas):

H.R. 757. A bill to redesignate the Federal building and United States Courthouse located at 200 East Wall Street in Midland, Texas, as the ''George H. W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building''; to the Committee on Transportation and Infrastructure.

By Ms. DEGETTE (for herself, Mr. KING of New York, Mrs. CAPPS, Mr. CAPUANO, Mrs. EMERSON, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. JACKSON of Illinois, Mr. KIRK, Ms. SCHAKOWSKY, and Mrs. SCHMIDT):

H.R. 758. A bill to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Mr. STUPAK, and Mr. PALLONE):

H.R. 759. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food, drugs, devices, and cosmetics in the global market, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ESHOO (for herself, Mr. THOMPSON of California, and Mr. MARKEY of Massachusetts):

H.R. 760. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit to holders of bonds financing new advanced broadband infrastructure, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 761. A bill to amend title 38, United States Code, to provide for the eligibility of parents of certain deceased veterans for interment in national cemeteries; to the Committee on Veterans' Affairs.

By Mr. HELLER (for himself, Ms. BERKLEY, and Ms. TITUS):

H.R. 762. A bill to validate final patent number 27-2005-0081, and for other purposes; to the Committee on Natural Resources.

By Mr. HELLER:

H.R. 763. A bill to promote conservation and provide for sensible development in Carson City, Nevada, and for other purposes; to the Committee on Natural Resources.

By Mr. HELLER:

H.R. 764. A bill to require that ballots used in Federal elections be generally printed only in English and to amend the Voting Rights Act of 1965 to modify the requirement that certain jurisdictions provide ballots and other voting materials in languages other than English, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HELLER (for himself, Ms. BERKLEY, and Ms. TITUS):

H.R. 765. A bill to establish the Nellis Dunes National Off-Highway Vehicle Recreation Area, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 766. A bill to encourage States and units of general local government to use amounts received under the community development block grant program and the community mental health services and substance abuse block grant programs to provide housing counseling and financial counseling for individuals before their release from inpatient or residential institutions for individuals with mental illness and periodic evaluation of the appropriateness of such counseling after such release; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. MCGOVERN, Mr. FILNER, Mr. HARE, Mr. CUMMINGS, Mr. COHEN, and Mr. BISHOP of New York):

H.R. 767. A bill to provide incentives to encourage financial institutions and small businesses to provide continuing financial education to customers, borrowers, and employees, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Ms. DELAURO, Mr. MURPHY of Connecticut, Mr. HIGGINS, Ms. KILROY, Mr. MEEK of Florida, Mr. DOYLE, Mr. PASCRELL, and Mr. BLUMENAUER):

H.R. 768. A bill to establish a commission on the tax and fiscal implications of the regulation of financial products and arrangements and to study the current financial crisis, its causes and impact on the Federal deficit and tax revenues; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H.R. 769. A bill to amend title II of the Social Security Act to credit prospectively individuals serving as caregivers of dependent relatives with deemed wages for up to five years of such service; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 770. A bill to amend title II of the Social Security Act to repeal the 7-year restriction on eligibility for widow's and widower's insurance benefits based on disability; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 771. A bill to amend title II of the Social Security Act to eliminate the two-year waiting period for divorced spouse's benefits following the divorce; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 772. A bill to amend title II of the Social Security Act to provide for full benefits for disabled widows and widowers without regard to age; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 773. A bill to amend title II of the Social Security Act to provide for increases in widow's and widower's insurance benefits by reason of delayed retirement; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. CROWLEY, Mr. WEINER, Mr. HIGGINS, Mr. HINCHEY, Mr. ACKERMAN, Mr. NADLER of New York, Mr. MCHUGH, Mr. SERRANO, Mr. ENGEL, Mr. TOWNS, Mrs. MCCARTHY of New York, Mrs. LOWEY, Mr. ISRAEL, Mr. RANGEL, Mr. HALL of New York, Mr. LEE of New York, and Mr. KING of New York):

H.R. 774. A bill to designate the facility of the United States Postal Service located at 46-02 21st Street in Long Island City, New York, as the ''Geraldine Ferraro Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. ORTIZ (for himself, Mr. WILSON of South Carolina, Ms. BORDALLO, Mr. EDWARDS of Texas, Mr. BROWN of South Carolina, Mr. JONES, Ms. BERKLEY, Mr. HOLT, Ms. CORRINE BROWN of Florida, Mr. MORAN of Virginia, Mr. KENNEDY, Mr. HINOJOSA, Mr. SMITH of Washington, Mr. PASTOR of Arizona, Mr. HONDA, Mr. REYES, Mr. LARSEN of Washington, Mr. ROGERS of Alabama, Mr. BOUCHER, Ms. KAPTUR, Mr. ROHRABACHER, Mr. CALVERT, Mr. GALLEGLY, Mr. BACHUS, Mr. FILNER, Mr. WALZ, Mr. RODRIGUEZ, Mr. GONZALEZ, Mr. CARNEY, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. TAYLOR, Mr. MARSHALL, Ms. ROS-LEHTINEN, Mrs. MALONEY, Mr. YOUNG of Alaska, Ms. WOOLSEY, Mrs. MCMORRIS RODGERS, Mr. BARTLETT, Mr. WOLF, Mr. SESTAK, Mr. SMITH of New Jersey, Mr. COURTNEY, Mr. BOOZMAN, Mr. CONNOLLY of Virginia, Mr. LOEBSACK, Mr. BOSWELL, Ms. SHEA-PORTER, Mrs. TAUSCHER, Mr. WITTMAN, Mr. BUCHANAN, Mr. PERRIELLO, Mr. COHEN, Mr. BRADY of Pennsylvania, Mr. WAXMAN, Mr. HOLDEN, Ms. ROYBAL-ALLARD, Mr. MOORE of Kansas, Mr. BERMAN, Mr. HINCHEY, Mr. ISRAEL, Mr. NUNES, Mr. GOHMERT, Mr. WILSON of Ohio, Mr. GRIJALVA, Mr. CARTER, Mr. JOHNSON of Georgia, Mr. KLEIN of Florida, Mr. MCNERNEY, Mr. NYE, Mr. KAGEN, Ms. KILPATRICK of Michigan, Mr. MCINTYRE, Mr. MILLER of Florida, Mr. LANGEVIN, Ms. SCHWARTZ, Mrs. BLACKBURN, Mr. KILDEE, Mr. WU, Mr. MASSA, Mr. PLATTS, Mr. KINGSTON, Ms. NORTON, Mr. SCOTT of Virginia, Ms. FOXX, Mr. SCALISE, Ms. DELAURO, Mr. CUMMINGS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TIM MURPHY of Pennsylvania, Mr. GENE GREEN of Texas, Mr. MURPHY of Connecticut, Mr. ROONEY, Mr. BRIGHT, Mr. CONAWAY, Mr. PUTNAM, Mr. LATOURETTE, Mr. FALEOMAVAEGA, Mr. BRALEY of Iowa, and Mr. MICHAUD):

H.R. 775. A bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan to offset the receipt of veterans dependency and indemnity compensation; to the Committee on Armed Services.

By Mr. PALLONE (for himself, Mrs. CAPPS, Mr. PAYNE, Ms. SCHWARTZ, Mr. LEVIN, Mr. BLUMENAUER, Ms. BORDALLO, Mr. SIRES, Mr. GRIJALVA, Mr. ACKERMAN, Mr. WEINER, Mr. MORAN of Virginia, Mr. FILNER, Ms. MCCOLLUM, Mr. DOYLE, Ms. HARMAN, Ms. SCHAKOWSKY, and Mr. GENE GREEN of Texas):

H.R. 776. A bill to amend the Emergency Planning and Community Right-to-Know Act of 1986 to strike a provision relating to modifications in reporting frequency; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 777. A bill to prohibit the Administrator of the Federal Management Agency from updating flood maps until the Administrator submits to Congress a community outreach plan, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 778. A bill to authorize the interstate traffic of unpasteurized milk and milk products that are packaged for direct human consumption; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 779. A bill to amend the Internal Revenue Code of 1986 to provide that tips shall not be subject to income or employment taxes; to the Committee on Ways and Means.

By Mr. PUTNAM:

H.R. 780. A bill to amend the Elementary and Secondary Education Act of 1965 to promote the safe use of the Internet by students, and for other purposes; to the Committee on Education and Labor.

By Mr. PUTNAM (for himself and Mr. LEE of New York):

H.R. 781. A bill to develop a national system of oversight of States for sexual misconduct in the elementary and secondary school system; to the Committee on Education and Labor.

By Mr. RYAN of Wisconsin (for himself, Mr. HENSARLING, Mr. CAMPBELL, Mrs. BACHMANN, Mr. PRICE of Georgia, Mr. SESSIONS, Mr. BARTLETT, Mr. LAMBORN, Mr. HERGER, Mr. GARRETT of New Jersey, Mr. RADANOVICH, Mr. FLAKE, Ms. FOXX, Mrs. MYRICK, Mr. KLINE of Minnesota, Mr. AKIN, Mrs. LUMMIS, and Mr. SHADEGG):

H.R. 782. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on individuals and replace it with an alternative tax individuals may choose; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself, Mr. GALLEGLY, Mr. PETRI, Mr. DREIER, Mrs. MYRICK, Ms. ZOE LOFGREN of California, and Mr. OLSON):

H.R. 783. A bill to amend the Internal Revenue Code to make permanent the credit for increasing research activities; to the Committee on Ways and Means.

By Ms. TSONGAS (for herself and Mr. MICHAUD):

H.R. 784. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to submit to Congress quarterly reports on vacancies in mental health professional positions in Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

By Ms. TSONGAS (for herself and Mr. MICHAUD):

H.R. 785. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program to provide outreach and training to certain college and university mental health centers relating to the mental health of veterans of Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROTHMAN of New Jersey (for himself, Mr. KIRK, Mrs. MYRICK, Ms. BERKLEY, Mr. BURTON of Indiana, Mrs. TAUSCHER, Mr. ENGEL, and Mr. GARRETT of New Jersey):

H. Con. Res. 29. Concurrent resolution expressing the sense of Congress that the United Nations should take immediate steps to improve the transparency and accountability of the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA) in the Near East to ensure that it is not providing funding, employment, or other support to terrorists; to the Committee on Foreign Affairs.

By Mr. FILNER:

H. Con. Res. 30. Concurrent resolution urging the President to authorize the return to the people of the Philippines of two church bells that were taken by the United States Army in 1901 from the town of Balangiga on the island of Samar, Philippines, and are currently displayed at F.E. Warren Air Force Base, Wyoming; to the Committee on Foreign Affairs.

By Mr. FILNER:

H. Con. Res. 31. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor law enforcement officers killed in the line of duty and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Oversight and Government Reform.

By Mrs. CAPPS (for herself, Mr. FARR, and Ms. WOOLSEY):

H. Con. Res. 32. Concurrent resolution expressing the sense of Congress that the 40th anniversary of the oil spill off the coast of Santa Barbara, California, should be remembered as an ecological and economic disaster that triggered major environmental legislation and helped launch the modern environmental movement, and for other purposes; to the Committee on Natural Resources.

By Mr. CONYERS (for himself, Mr. DINGELL, and Ms. KILPATRICK of Michigan):

H. Con. Res. 33. Concurrent resolution honoring and saluting Motown Records of Detroit, Michigan, on its 50th anniversary; to the Committee on Oversight and Government Reform.

By Mr. FORBES:

H. Con. Res. 34. Concurrent resolution calling upon the Capitol Preservation Commission and the Office of the Architect of the Capitol to place the Lincoln-Obama Bible on permanent display upon the Lincoln table at the Capitol Visitor Center for the benefit of all its visitors to fully understand and appreciate America's history and Godly heritage; to the Committee on House Administration.

By Mr. AL GREEN of Texas (for himself, Mr. JOHNSON of Georgia, Mr. CLAY, Mr. TOWNS, Mr. BUTTERFIELD, Mr. WATT, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Mr. ELLISON, Mr. DAVIS of Illinois, Mr. GENE GREEN of Texas, Mr. DOGGETT, Mr. OLVER, Ms. KILPATRICK of Michigan, Ms. KAPTUR, Ms. EDWARDS of Maryland, Mr. HINOJOSA, Mr. LANGEVIN, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEK of Florida, Mr. RUSH, Mr. RANGEL, Mr. CLYBURN, Mr. CONYERS, Mr. CLEAVER, Mr. LEWIS of Georgia, Mr. THOMPSON of Mississippi, Mr. SCOTT of Georgia, Mr. DAVIS of Alabama, Mr. SCOTT of Virginia, Ms. CLARKE, Mr. PAYNE, Mr. CUMMINGS, Mr. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. FATTAH, Mr. BISHOP of Georgia, Ms. WATERS, Ms.

LEE of California, Mr. CAPUANO, Ms. BORDALLO, Mr. GUTIERREZ, Mr. SNYDER, Mr. HOLT, Mr. VISCLOSKY, Mr. BACA, Mr. WAXMAN, Mrs. MILLER of Michigan, Mr. CALVERT, Mr. STARK, Mr. DINGELL, Mr. YOUNG of Alaska, Mr. ROSS, Ms. ZOE LOFGREN of California, Mr. HOLDEN, Mr. HARE, Mr. COURTNEY, Mr. GRIJALVA, Mr. SERRANO, Ms. WOOLSEY, Ms. WASSERMAN SCHULTZ, Mr. MORAN of Virginia, Ms. SCHAKOWSKY, Ms. BERKLEY, Mr. NYE, Mr. TEAGUE, Mr. MCMAHON, and Mr. HONDA):

H. Con. Res. 35. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 100th anniversary; to the Committee on the Judiciary.

By Mr. LARSON of Connecticut:

H. Res. 96. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Ms. SLAUGHTER:

H. Res. 97. A resolution changing the size of the Permanent Select Committee on Intelligence; considered and agreed to.

By Mr. BARRETT of South Carolina:

H. Res. 98. A resolution amending the Rules of the House of Representatives to require a vote each year on whether to increase Members' pay; to the Committee on Rules.

By Mr. POE of Texas (for himself, Mr. SCOTT of Virginia, Mr. COHEN, Ms. EDWARDS of Maryland, Mr. HINCHEY, Mr. SARBANES, Mr. CUMMINGS, Mr. MCGOVERN, and Mr. HINOJOSA):

H. Res. 99. A resolution recognizing Edgar Allan Poe for his literary contributions to American history on the 200th anniversary of his birth; to the Committee on Oversight and Government Reform.

By Mr. PUTNAM:

H. Res. 100. A resolution amending the Rules of the House of Representatives to provide for earmark reform; to the Committee on Rules, and in addition to the Committee on Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIRES (for himself, Ms. SCHWARTZ, Mr. MOORE of Kansas, Mr. CROWLEY, Mr. CHANDLER, Ms. PINGREE of Maine, Mr. HOLT, Mr. BRADY of Pennsylvania, Mrs. MALONEY, Mr. MCGOVERN, Ms. SUTTON, Ms. MOORE of Wisconsin, Mr. WILSON of Ohio, Mr. BURTON of Indiana, Mr. GRIJALVA, Mrs. CAPPS, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. WOOLSEY, Mr. SHERMAN, Mr. DRIEHAUS, Mr. COURTNEY, Mr. HALL of New York, and Mr. CARNEY):

H. Res. 101. A resolution expressing the sense of the House of Representatives that the United States Postal Service should discontinue the practice of contracting out mail delivery services; to the Committee on Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FILNER:

H.R. 736. A bill for the relief of Aluisa Zace and Ledia Zace; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 742. A bill for the relief of Flavia Maboloc Cahoon; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mrs. BONO MACK, Mr. GALLEGLY, Mr. MCCAUL, Mr. SENSENBRENNER, Mr. GARY G. MILLER of California, and Mrs. BLACKBURN.

H.R. 23: Mr. WAMP and Mr. BOYD.

H.R. 24: Mr. BRADY of Pennsylvania, Mr. WILSON of South Carolina, Mr. HUNTER, Ms. BORDALLO, Ms. ZOE LOFGREN of California, Mr. POE of Texas, Mr. PAUL, Mrs. MILLER of Michigan, Mr. CALVERT, Mr. WHITFIELD, Mr. COBLE, Mr. BARRETT of South Carolina, Mr. ROGERS of Alabama, Mr. MICA, Mrs. BIGGERT, Mr. BARTLETT, Mr. TANNER, and Mr. ABERCROMBIE.

H.R. 31: Mr. DEFAZIO, Mr. DOYLE, Mr. HOLDEN, Mr. MURTHA, Mr. SCHIFF, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MOORE of Kansas, Mr. EDWARDS of Texas, Mr. BROWN of South Carolina, Mr. YOUNG of Alaska, Mr. WEINER, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Mr. ROTHMAN of New Jersey, Mr. WILSON of South Carolina, Mr. COBLE, Mr. BRADY of Texas, Ms. BERKLEY, Mr. WAXMAN, Mr. CARDOZA, and Mr. PAYNE.

H.R. 101: Mr. BURTON of Indiana.

H.R. 106: Mr. SCHIFF and Mr. DAVIS of Alabama.

H.R. 111: Mr. FOSTER.

H.R. 116: Mr. ROYCE and Mr. MORAN of Kansas.

H.R. 124: Mr. GARY G. MILLER of California, Mr. CALVERT, and Mr. GOODLATTE.

H.R. 131: Mr. CALVERT.

H.R. 138: Mr. GARY G. MILLER of California and Mr. CALVERT.

H.R. 143: Mr. GOODLATTE.

H.R. 148: Mr. MILLER of Florida, Mr. KLINE of Minnesota, Mr. LUETKEMEYER, Mrs. EMERSON, Mr. BLUNT, Mr. TERRY, Mr. KING of Iowa, Mr. COLE, and Mr. SOUDER.

H.R. 151: Mr. GONZALEZ and Mr. POMEROY.

H.R. 154: Mr. JONES.

H.R. 155: Mr. REHBERG and Mr. MILLER of Florida.

H.R. 176: Mr. BRADY of Pennsylvania and Ms. SUTTON.

H.R. 179: Ms. KILPATRICK of Michigan.

H.R. 182: Mr. HINCHEY.

H.R. 213: Mr. MCHUGH, Mr. OLSON, Mr. DUNCAN, Mr. SOUDER, Mr. TERRY, and Mr. WAMP.

H.R. 216: Mr. HOEKSTRA.

H.R. 223: Mr. HONDA, Ms. HIRONO, Ms. FUDGE, Ms. RICHARDSON, Ms. WATERS, Mr. STARK, Ms. WATSON, Ms. ROYBAL-ALLARD, Ms. HARMAN, Ms. LINDA T. SÁNCHEZ of California, Mr. DEFAZIO, Ms. JACKSON-LEE of Texas, Ms. MCCOLLUM, Mr. BISHOP of New York, Mr. HASTINGS of Florida, Mr. MCDERMOTT, Mr. OLVER, Mr. MCINTYRE, Mr. SNYDER, Mr. WATT, and Mr. ELLISON.

H.R. 226: Mr. OLSON, Mr. ROGERS of Kentucky, Mr. YOUNG of Alaska, Mr. KING of Iowa, Mr. NUNES, and Mr. CASTLE.

H.R. 267: Mr. HINCHEY.

H.R. 272: Mr. PAUL.

H.R. 294: Mr. WILSON of South Carolina and Mr. NYE.

H.R. 295: Mr. NYE and Mr. BROWN of South Carolina.

H.R. 297: Mr. NYE.

H.R. 305: Mr. HINCHEY and Mr. FOSTER.

H.R. 336: Mr. MASSA, Mr. STARK, Mr. HONDA, Mr. DRIEHAUS, and Ms. MCCOLLUM.

H.R. 391: Mr. CARTER, Mr. CONAWAY, Mr. SAM JOHNSON of Texas, Mr. HERGER, Mrs. Lummis, Ms. FALLIN, Mr. KLINE of Minnesota, Mr. ISSA, Mr. MARCHANT, Mr. AKIN, Ms. FOXX, Mr. BROWN of South Carolina, Mr. SCALISE, Mr. PITTS, Mr. COLE, Mr. LATTA, and Mr. BARTLETT.

H.R. 393: Mr. MCCAUL.

H.R. 398: Mr. GUTIERREZ, Mr. FARR, Mrs. LOWEY, Mr. GENE GREEN of Texas, Mr. ISRAEL, Mrs. MALONEY, Mr. VAN HOLLEN, Mr. MCGOVERN, Mr. RUPPERSBERGER, Ms. SHEA-PORTER, Mr. ACKERMAN, Mr. WEINER, Mr. KIND, Mr. BISHOP of Georgia, Mr. HONDA, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. KENNEDY, Mr. HOLT, Mr. MEEKS of New York, Mrs. NAPOLITANO, Mr. SCOTT of Virginia, Mr. ENGEL, Mr. SHERMAN, and Mr. BOUCHER.

H.R. 406: Mr. STARK, Ms. SCHAKOWSKY, Mr. LOEBSACK, Mr. BERMAN, and Mr. WAXMAN.

H.R. 430: Mr. TIM MURPHY of Pennsylvania and Mr. ROGERS of Kentucky.

H.R. 433: Mr. TIM MURPHY of Pennsylvania.

H.R. 444: Ms. MCCOLLUM, Ms. CASTOR of Florida, Mr. GENE GREEN of Texas, Mr. BOSWELL, Mr. MCHUGH, Ms. CORRINE BROWN of Florida, Ms. GIFFORDS, Ms. SUTTON, Mr. TERRY, Mr. BOUCHER, Mr. HIGGINS, Mr. MORAN of Kansas, and Mrs. NAPOLITANO.

H.R. 470: Mr. THOMPSON of Pennsylvania, Mr. TIAHRT, Mr. BARTON of Texas, Mr. AUSTRIA, Mr. MCHENRY, Mr. RYAN of Wisconsin, and Mr. COLE.

H.R. 479: Mr. BISHOP of Georgia and Mr. SNYDER.

H.R. 482: Mr. TIM MURPHY of Pennsylvania.

H.R. 490: Mr. MICHAUD.

H.R. 502: Mr. CALVERT and Mr. SOUDER.

H.R. 503: Mr. BILIRAKIS and Mr. HOLT.

H.R. 510: Mr. THOMPSON of California.

H.R. 515: Mr. RUSH, Mr. HOLDEN, Mr. MASSA, and Mr. BLUMENAUER.

H.R. 528: Mrs. DAHLKEMPER and Ms. KAPTUR.

H.R. 529: Ms. WASSERMAN SCHULTZ.

H.R. 548: Mr. PETRI, Mr. LATTA, and Mr. HOLT.

H.R. 550: Mr. RYAN of Ohio.

H.R. 574: Mr. GENE GREEN of Texas, Mr. FILNER, and Mr. SMITH of New Jersey.

H.R. 610: Mr. SERRANO, Ms. LINDA T. SÁNCHEZ of California, Ms. BERKLEY, Ms. LEE of California, Mrs. CHRISTENSEN, and Ms. MATSUI.

H.R. 613: Mr. HELLER, Mr. BRADY of Pennsylvania, and Mr. FILNER.

H.R. 624: Mr. KLEIN of Florida, Mr. MARKEY of Massachusetts, Mr. MCINTYRE, Ms. ESHOO, Mr. CLAY, and Mr. FARR.

H.R. 648: Mr. BRADY of Pennsylvania.

H.R. 649: Mr. HUNTER, Mr. TIAHRT, Mr. RADANOVICH, Mr. AKIN, Mr. ROE of Tennessee, Mr. FRANKS of Arizona, Mr. PUTNAM, Mr. NEUGEBAUER, Mr. WAMP, Mr. CALVERT, Mr. ROGERS of Kentucky, and Mr. SOUDER.

H.R. 662: Mr. MINNICK and Ms. MARKEY of Colorado.

H.R. 664: Mrs. BLACKBURN.

H.R. 666: Mr. COFFMAN of Colorado.

H.R. 676: Mr. FRANK of Massachusetts, Mr. POLIS of Colorado, and Mr. TIERNEY.

H.R. 688: Mrs. LUMMIS.

H.R. 702: Ms. BERKLEY, Mr. BERRY, and Mr. ALTMIRE.

H.R. 704: Mr. CARTER, Ms. BALDWIN, Mr. BURTON of Indiana, Mr. WOLF, and Ms. SUTTON.

H.R. 707: Ms. SCHAKOWSKY, Ms. NORTON, Mr. STUPAK, Mr. CONNOLLY of Virginia, Mr. MURTHA, Mr. GENE GREEN of Texas, Mr. MCNERNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Ms. FUDGE, Mr. WALZ, Mr. OLVER, Mr. BOUCHER, Mr. INSLEE, Mr. MCGOVERN, Mr. HIGGINS, Mr. THOMPSON of California, Ms. WATSON, Mr. HARE, Mr. BRALEY of Iowa, Mr. FALEOMAVAEGA, Mr. GRIJALVA, Mr. SIRES, Mr. BROWN of South Carolina, Mr. BOREN, Mr. NEAL of Massachusetts, Mr. ETHERIDGE, Mr. LOEBSACK, Mr. PAYNE, Ms. MCCOLLUM, Mr. KUCINICH, Mr. MATHESON, Mrs. CAPITO, Mr. DAVIS of Illinois, Mr. COSTA, Mr. PETERS, Mr. SCOTT of Virginia, Mr. BERMAN, Ms. ROYBAL-ALLARD, Mr. STARK, Mr. PERLMUTTER, Mr. MITCHELL, and Mr. SOUDER.

H.R. 708: Mr. AKIN, Mr. ALEXANDER, Mrs. BACHMANN, Mr. BARTLETT, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOOZMAN, Mr. BURGESS, Mr.

BURTON of Indiana, Mr. CARTER, Mr. CHILDERS, Mr. COLE, Mr. EHLERS, Mr. FORBES, Ms. FOXX, Mr. FRANKS of Arizona, Mr. INGLIS, Mr. JOHNSON of Illinois, Mr. JORDAN of Ohio, Mr. MACK, Mr. MARCHANT, Mr. MCCAUL, Mr. PLATTS, Mr. RYAN of Wisconsin, Mr. SCALISE, Mr. SMITH of Texas, Mr. TIAHRT, and Mr. WILSON of South Carolina.

H.R. 716: Ms. KILROY.

H.R. 728: Mrs. BACHMANN.

H.J. Res. 1: Mrs. BONO MACK, Mrs. CAPITO, Mr. CARTER, Mr. CASTLE, Mr. COLE, Mr. CRENSHAW, Mr. DUNCAN, Mr. LANCE, Mr. ROONEY, Ms. ROS-LEHTINEN, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. YOUNG of Florida, Mr. KING of Iowa, Mr. HARPER, and Mr. WHITFIELD.

H.J. Res. 11: Mr. BOOZMAN.

H.J. Res. 18: Mr. BERMAN, Ms. MOORE of Wisconsin, Mr. FILNER, Mrs. LOWEY, Ms. SCHAKOWSKY, Mr. STARK, Mr. ISRAEL, Mr. KIRK, Mr. WAXMAN, and Ms. LEE of California.

H. Con. Res. 20: Mr. MCMAHON.

H. Res. 22: Ms. ESHOO, Mr. MCNERNEY, and Mr. VAN HOLLEN.

H. Res. 36: Mr. JOHNSON of Georgia, Mr. PIERLUISI, Mr. BRADY of Pennsylvania, Mr. GONZALEZ, Mr. ACKERMAN, Mr. MCNERNEY, Mr. DAVIS of Alabama, Mr. BACA, Mr. PAYNE, Mr. INGLIS, and Mr. DOGGETT.

H. Res. 45: Mr. CALVERT.

H. Res. 55: Ms. BEAN, Mr. SESSIONS, Mr. BERMAN, and Ms. ZOE LOFGREN of California.

H. Res. 67: Mr. BRADY of Pennsylvania.

H. Res. 69: Mr. GENE GREEN of Texas.

H. Res. 75: Ms. PELOSI, Mr. CALVERT, and Mr. FOSTER.

H. Res. 77: Mr. BOUCHER and Mr. MORAN of Virginia.

H. Res. 81: Mr. ROGERS of Kentucky, Mr. MCINTYRE, and Mr. CHILDERS.

H. Res. 89: Mr. KENNEDY, Mr. GORDON of Tennessee, and Mr. LYNCH.

H. Res. 93: Mr. MCKEON.

H. Res. 94: Mr. MICHAUD and Ms. BORDALLO.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 557: Mr. COHEN.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, WEDNESDAY, JANUARY 28, 2009 No. 17

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Creator God, whose breath is like the dawn of a new day, Your hands hold the paths of our steps and Your call gives direction to our lives. Direct our Senators during today's labors. Lead them to know Your power and to experience the joy of surrendering to Your purpose. Help them, Lord, to turn their ears and eyes and hearts toward You, as they approach the critical moments of decision. Remove the distractions from their hearts so that they will love You more dearly and make room in their lives for fellowship with You. As they follow Your lead, empower them to be steadfast, always abounding in Your love.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE
PRESIDENT PRO TEMPORE,
Washington, DC, January 28, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following the remarks of the two leaders, the Senate will resume consideration of the Children's Health Insurance Program. The time until 11 a.m. will be for debate on the McConnell substitute amendment, with the time equally divided between the two leaders or their designees. I designate Chairman BAUCUS to handle the work on this side of the aisle. At 11 a.m., the Senate will proceed to vote in relation to the amendment. Additional rollcall votes are expected throughout the day as we continue to work through amendments to the bill.

Because of the Finance Committee and Appropriations Committee being heavily involved in the economic recovery bill yesterday, we perhaps did not get as much done as we normally would have. I expect today to be a day of work done on this underlying legislation. Amendments to the bill should be offered as soon as people feel it appropriate to offer them.

We would like to complete this legislation no later than tomorrow. With a little bit of good luck, we can finish it today, but it likely will be tomorrow. I am confident we will not have to file any procedural roadblocks on either side, and we can move forward on this legislation.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

STATE CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. MCCONNELL. Madam President, let me say I share the view of the majority leader that we debate and vote on a number of amendments today. That certainly is our plan on this side of the aisle.

With regard to the SCHIP legislation, I do think we had a good day of debate yesterday, in spite of the interruptions the majority leader referred to in relation to the Finance Committee and the Appropriations Committee action on the stimulus package. I know Members of both parties were participating in that business most of the day. I particularly compliment Senators COBURN and BURR for the outstanding job they did managing the Republican time while our colleagues were occupied at that markup.

Republicans are committed to making sure every child has access to affordable health insurance. But there are some pretty important differences between Republicans and Democrats in how we get there.

Today the Senate will vote on our Republican alternative, the Kids First Act. To remind our colleagues, the Kids First Act refocuses SCHIP on its intended purpose, which is providing insurance to low-income, uninsured children.

The Kids First Act closes a number of loopholes and gimmicks that are being used to expand the definition of ''low income'' to families making up to $88,000 a year. I don't know anyone in Kentucky who would characterize $88,000 a year as low income.

Some States have used SCHIP to cover adults—remember, this is a program for children—even when thousands of eligible low-income children

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

are still lacking coverage. It is worth repeating. Insurance for children is being used instead for adults. That is wrong, and the Kids First Act would ban such practices.

The CBO reports that our legislation will provide coverage to nearly 2 million low-income children who currently lack health insurance, and it does so in a fiscally responsible manner without raising taxes.

I know many of my Republican colleagues have other commonsense ideas to improve this legislation, and those will be offered. Republicans understand taxpayer resources are too scarce to be squandered away by waste, fraud or abuse. And Republicans are prepared to offer amendments to fix those problems and make the bill better.

For example, one provision of the bill allows a select few States to expand coverage to more than three times the Federal poverty level. Let me say that again. One of the provisions in the underlying bill allows a few States to expand coverage to more than three times the Federal poverty level. We don't think it is fair to provide special treatment to certain States, and we expect an amendment to address that situation.

The bill also provides Government health insurance to 2.4 million kids who already have health insurance, providing Government-paid insurance to kids who already have health insurance. Republicans believe those kids should be able to keep the coverage they have, and we will have amendments to let kids who already have health insurance keep that coverage, freeing more resources for kids who are actually in need.

Just as working families are trying to get the most out of every dollar, Republicans believe Government needs to do the same thing by rooting out waste, fraud, and abuse in all programs, including Medicaid and SCHIP.

These are a few of the ideas we will be discussing today and tomorrow as the Senate continues this very important debate.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate shall resume consideration of H.R. 2, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

Pending:

McConnell amendment No. 40 (to amendment No. 39), in the nature of a substitute.

Grassley amendment No. 41 (to amendment No. 39), to strike the option to provide coverage to legal immigrants and increase the enrollment of uninsured low-income American children.

Mr. MCCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 40

Mr. BAUCUS. Madam President, the amendment before us is the amendment offered by the Senator from Kentucky, Mr. MCCONNELL. It is a substitute amendment to the bill before us. The bill before us is an expansion of the Children's Health Insurance Program. It is very similar to the two bills that were taken up by Congress in 2007. Both were vetoed by President Bush. Both bodies had more than a majority. Both bodies passed the program. But the House did not get enough votes to override the President's veto.

The point is this is a very popular expansion of children's health insurance. The fact is we would add approximately 4 million more low-income, uninsured children who currently do not have health insurance.

Today about 6.7 million low-income kids have health insurance. Clearly, in this very difficult time of recession, parents are losing their jobs, their incomes are not what they once were. They have a hard time getting health insurance for their kids.

We took the same bill—actually, there were two bills last year, but they are very close—and mixed and matched a little bit, essentially the same bills that passed in 2007 which President Bush vetoed, and we are bringing up that same bill today, with one exception, and that is including perfectly legal alien citizens. They are not citizens but perfectly legal kids in America. Not illegals but legals.

The other side is opposing this bill because they do not want to include perfectly legal kids in the program. I think that is a big mistake because these children are here legally. Their parents pay taxes. If you are an 18-year-old, you could be drafted if we had a draft. These parents are in line to be full citizens after several years. They have green cards, but they will be full citizens. The perfectly legal folks in America receive food stamps. They are eligible for lots of things. They are in public school. It seems to me, therefore, they should be entitled to get health insurance, just like every other kid.

What this comes down to is either you are for low-income, uninsured kids getting health insurance or you are not. It is pretty simple. It is pretty basic. I believe, and I think most people on this side of the aisle believe, therefore, the bill should pass and the substitute offered by the Senator from Kentucky, which does not include these children, should not be adopted.

The other difference is the bill before us will add about 4 million more children who are currently uninsured to the Children's Health Insurance Program. The amendment before us does not add that many. It adds about 2 million. Again, the point is, you are for kids or you are not for kids. I think the answer to that is pretty clear. We do want to add 4 million more low-income, uninsured kids to the Children's Health Insurance Program.

We are going to hear from the other side: Gee, the underlying bill crowds out private coverage; that is, some parents will say: Gee, if the addition passes, I can no longer insure my child with a private health insurance plan but, rather, go off private health insurance and go into the public program.

The point is, that is a national phenomenon that occurs in a lot of ways and in a lot of places. It occurs in Medicaid. For example, some person might be on private health insurance but Medicaid might be better. And if you compare the two bills; that is, the underlying bill and the substitute being offered, essentially they are the same in that about two-thirds of the additional children covered under the underlying bill will go on the public program and about one-third will come out from private coverage in the same proportion that occurs in the substitute amendment—lower numbers but the same proportion.

It just seems to me that the main underlying point is we want low-income, uninsured kids to have health insurance. That is what we want here. In the next several months and in the next year, probably, we will be doing health insurance reform, and then we can make sure private health insurance is bolstered so people who are not insured—46 million, 47 million people in America uninsured—will be able to get insurance either through the public program or private coverage.

It is a bit difficult to explain here, but the main point is if every American has to have health insurance and the low-income people have to have subsidies to get health insurance, that is something the Congress should do. But at this point here today, let's reject the substitute amendment. Why? Because, as I said, a lot of kids who are here, perfectly legally, won't get health insurance, and that is not right. It also doesn't go nearly as far as it should because there are so many kids who don't have health insurance here today but who should get it.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, let me say to the Acting President pro tempore that it is a shame she has to be in the chair every time I give a speech, hearing the same things twice.

The ACTING PRESIDENT pro tempore. I am enjoying that, I say to the Senator.

Mr. GRASSLEY. I shouldn't have put the new Senator in that position, but I thought a little bit of humor around here doesn't hurt anything, does it?

I thank the Senator from Montana, the chairman of the committee, for his remarks. Obviously, from what I stated yesterday, I have a difference of opinion on that issue. I am not going to speak about that because I spoke about it yesterday.

Madam President, I would like to speak generally about the SCHIP bill, not about a specific amendment at this point, although I might mention some differences we have with the original bill.

I have been a Member of the Senate now for quite a few years. I have worked across the aisle on many initiatives in my time in the Senate. We have worked together—we meaning Democrats and Republicans, and in my case as an individual, the Senator from Iowa—and I am speaking about a close working relationship I have with the Senator from Montana, the chairman of the committee now. We have worked together on major tax, trade, and health care legislation over the last few years where we were able to set aside partisanship and work together to make good policy. I know what it means to make a compromise. I know what it means to keep that compromise.

In 2007, I worked with my friend Senator BAUCUS, as well as Senator HATCH, a Republican, and Senator ROCKEFELLER, a Democrat, to pass the reauthorization to the Children's Health Insurance Program. We twice passed a bill in the Senate with wide bipartisan margins. Was it a bill Senator HATCH and I as Republicans would have written? No. Was it a bill Senator BAUCUS and Senator ROCKEFELLER would have written if they were writing the bill all by themselves? No. The bill was a compromise, so everybody gives a little bit. We compromised to get a bipartisan vote, and we were successful in getting that bipartisan vote. We won a veto-proof majority in the Senate. We came just a few votes close of a veto-proof majority in the House. In fact, Senator BAUCUS and I worked with House Republicans to try to get a few more House Republicans to come around so we could have a bill on the books in 2007 or early 2008. Unfortunately, that didn't work out. Unfortunately, at the time, President Bush refused to sign the bill. I thought he was wrong to veto the bill. I still think he was wrong to veto it. I said so loudly and clearly.

I would like to refer to some comments I made 2 years ago to the Senate at that particular time. I don't have the exact date, but it was during the debate on the SCHIP bill at that particular time, and I would quote from that debate. This is the Senator from Iowa saying this 2 years ago:

> First, the President himself made a commitment to covering more children. I wish to refer to the Republican National Committee in New York City in 2004, and President Bush was very firm in making a point on covering children. Let me tell you what he said.

This is the quote I read from President Bush at that time, and he refers to a new term, meaning the term that would start in 2005.

> American children must also have a healthy start in life. In a new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the government's health insurance programs. We will also not allow a lack of attention or information to stand between these children and health care that they need.

Now, that is the end of the quote from President Bush in 2004. And, Madam President, when I referred to the Republican National Committee in that quote, I think I made a mistake 2 years ago. I was referring to the convention and I said committee.

At that time during the debate in 2007, I went on to say:

> That was back in New York City, early September 2004. Three months later the President is reelected, with a mandate. It seems to me the President was very clear in his convictions then. Let me repeat his words because I think they are important. He said he would lead an aggressive effort to enroll millions of poor children in government health insurance programs.

Then I go on to speak for myself:

> President Bush, this is your friend CHUCK GRASSLEY helping you to keep the promise you made in New York City, and helping you keep your mandate that you had as a result of the last election. But somewhere the priorities of this administration seem to have shifted. The Congressional Budget Office reports that the proposal for SCHIP included in the President's fiscal year 2008 budget would result in the loss of coverage, not an increase of coverage as the administration had been advocating for in the year 2004; and that the loss of coverage would add up to 1.4 million children and pregnant women.

That is the end of my speech for that day to the Senate. But I want to say that later in the debate, I referred to this again. So I was trying to make very clear that I was speaking to the President of the United States. This is quoting me:

> I quoted the President making a promise at the Republican Convention in New York. I did that yesterday. I want to state again what the President said. You can't say it too many times. I hope at some time the President remembers what he said.

And this is the President from the Republican Convention:

> We will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the government's health insurance program.

That is the end of the President's quote, but continuing to quote from myself.

> An extension of law, which is what is going to happen if the President vetoes this bill, will not carry out what the President said at the Republican Convention in New York in 2004. Faced with that, your answer today on this bill, Mr. President of the United States, should be yes. This bill gets the job done that you said in New York City you wanted to do. I hope the President's answer will be yes because if he doesn't veto this bill, then we will do those things he said he wanted to do. It will help more than 3 million low-income, uninsured children. About half of the new money is just to keep the program running. The rest of the new money goes to cover more low-income children.

Before I go on with my remarks, I want to say that I think I and a lot of other Republicans who voted for that SCHIP bill in 2007 were vindicated when we made the point that, at $5 billion the President didn't have enough money in his budget to cover kids currently enrolled in SCHIP because the next year, the President's budget for SCHIP was $20 billion. We kept saying to President Bush in 2007, you know, $5 billion isn't going to do it. But I think that by putting $20 billion in for FY 2008, the President was admitting that $5 billion wasn't enough.

Now, why do I go to the trouble of explaining to the Senators who are listening what I said 2 years ago? Because we had a Republican President.

I don't like the way this bill has worked out because the bill we have before us today departs so much from that bipartisan compromise on which so many of us worked so hard. So maybe people listening are saying: Well, CHUCK GRASSLEY, a Republican, we have a Democratic President, he is my President, but I am going to just be partisan. So I want the public to know that I am approaching this issue in a way where when I disagree with the policy—whether it is the policy of the Bush administration at that time, or the policy of the partisan bill we have before us now that I will speak out.

We have a President today who is going to sign this bill. Unfortunately, we are here with a bill that goes back on those compromises we worked so hard on 2 years ago. For reasons I still don't fully understand, the majority is bound and determined to set aside that hard work that led to that bipartisan agreement 2 years ago. They have decided that going back on critical compromises is more important than achieving the same bipartisan votes as we did in 2007. The Senate should now be considering our second bill, our final compromise of 2007.

I am disappointed because the State Children's Health Insurance Program is the product of a Republican-led Congress in 1997, signed into law by a Democratic President. This has been a very bipartisan issue for 11 years down the road. It is a targeted program designed to provide affordable health coverage for low-income children of working families. These families make too much to qualify for Medicaid but struggle to afford private insurance.

In 2007, Senator ROCKEFELLER made the point that, ''CHIP,'' the Children's Health Insurance Program, ''legislation has a history of bipartisanship. I am quite proud of it.'' That is what Senator ROCKEFELLER said. In 2009, however, the Democratic leadership, having increased their majority, has decided to abandon a number of good-faith agreements made between Members during the last Congress. In doing

so, the Democratic majority has embarked on a reckless course of action designed to alienate the very Republicans who stood up to President Bush when he vetoed the SCHIP bills and who still carry the scars from those fights. It is very disappointing, then, that the first health bill the new Democratic Congress sends to the new Democratic President, my President, is legislation that breaks from that bipartisan tradition.

I want my colleagues to understand that I am very reluctantly in a position of having to fight against this bill. After the bruising battles over SCHIP in 2007, and with the emergence of health reform as a priority for the 111th Congress, I wanted to avoid another fight over the Children's Health Insurance Program and direct all efforts to enacting a broadly bipartisan health reform bill, which I still think is a possibility. At least the meetings we are having lead me to say that at this point. Maybe 6 months from now I will be disappointed, but I hope not.

However, the Democratic majority was determined on this bill that they wanted a short-term ''win'' over a broader, larger effort, and therefore I was told SCHIP was going to be one of the first bills considered by the new Congress.

I was informed that rather than move forward with the second vetoed bill—a bill with changes that Speaker PELOSI called, and this quote is about that compromise of 2 years ago, which she said was ''a definite improvement on the [first] bill''—the Democratic leadership had decided to move ahead with the first vetoed bill instead of this compromise that Speaker PELOSI said was better than the first bill.

Even though I could have insisted on negotiating off the second bill which represented a number of improvements, as Speaker PELOSI said, and I believed it strengthened the bill, I agreed to try to work out a compromise somewhere between that first vetoed bill and the second vetoed bill of 2007. Unbelievably, under pressure from Democratic leadership, my willingness to work out a compromise that could have set us on a bipartisan pathway was met with a resounding: Thanks, but no thanks. No negotiations, no give and take, no compromises, no bipartisanship: Take it or leave it.

The Senate has abandoned moving forward with a bill that generated a great deal of Democratic praise just 2 years ago. The hard work and bipartisan cooperation that went into the children's health insurance bills in 2007 produced legislation that President Obama's new Chief of Staff, Rahm Emanuel, who was a Member of the House of Representatives at that time, said ''should have strong support from both Democrats and Republicans.'' That is from 2 years ago.

However, on a number of key issues, the other side does not even want to support the first children's health insurance bill of 2007.

The bill before the Senate now completely eliminates policies on crowdout of private insurance that were in both vetoed bills, which brings me to a question: What exactly was wrong with the crowdout policy of both of those vetoed bills? The Congressional Budget Office, in a 2007 report on crowdout, estimated that the Children's Health Insurance Program has a crowdout rate of ''between a quarter and a half of the increase in public coverage resulting from the Children's Health Insurance Program.''

The Congressional Budget Office goes on to elaborate that ''for every 100 children who enroll as a result of SCHIP, there is a corresponding reduction in private coverage of between 25 and 50 children.''

I would be very interested in learning the reasons those on that side of the aisle completely eliminated the crowdout provisions from both of the 2007 SCHIP bills. Certainly, it is not because Democrats have put forward a policy that addressed crowdout in a better or more efficient manner in the bill before the Senate now. Certainly, it is not because Democrats have a new analysis that crowdout is no longer occurring, as CBO says, especially in the expansion of public programs.

I hope Members of this body who supported the crowdout policy of 2007 and now are supporting its elimination will come to the floor and explain to me and other Members of this body why the Democratic majority is not concerned about the problem of replacing private coverage with public coverage.

In other words, if people have insurance today, and you are setting up a program that, even though it increases the number of people covered will not cover all the children eligible for public programs, why would you want to drive people out of private coverage into public coverage? That is what happens, according to the Congressional Budget Office. The Congressional Budget Office is a nonpartisan group of people who are experts in this area.

As I said yesterday, I believe it was, in a comment directed to something Senator DURBIN of Illinois said—and I am not denigrating what he said, I am supplementing what he said—he led us to believe the reason you want to have this policy is because there might be some people who have poor private coverage who would be better off in the public program. I am not saying that might not be true. But the Congressional Budget Office tells us you get most crowding out in upper middle-income people, more than you do in lower income people. In other words, maybe people who can afford it better and have higher incomes decide: Why should I pay out of my pocket when I can go on the public program?

I think it is wrong to throw aside something that we had in 2007 that was going to keep people in private coverage and encourage them to go where we do not have enough money to cover children who do not have anything.

Neither bill vetoed by President Bush in 2007 included a provision to allow States to be reimbursed at the Medicaid and SCHIP levels for legal immigrant children and pregnant women. I am not going to go into this issue in depth because I did that yesterday. But this issue does open a difficult and contentious immigration issue that does need to be brought up.

One of the reasons I was able to support the compromise of 2007 on the Children's Health Insurance Program was it did not contain the controversial provisions to direct Federal resources to the coverage of legal immigrants. I said yesterday how in some instances it could end up covering people who have come here illegally.

In the 1996 welfare reform bill, we required the sponsors of legal immigrants to sign an affidavit that they would provide for those immigrants for the first 5 years they were in the country. With this bill we are allowing sponsors to go back on that commitment. If you have a contractual relationship, it seems to me to be only morally right that the Federal Government would want to have that moral contract—not encourage ditching it. But this bill would allow that to happen. We are allowing sponsors to go back on that commitment they made to the taxpayers of this country.

Additionally, the $1.3 billion the bill provides for these immigrants who were promised they would be taken care of is money that could be far better spent on poor, uninsured American children. It is a little bit the same argument I just gave about crowdout.

If you have people on private insurance, then save the public money for people who are currently eligible for public programs, but who are not insured. Use the $1.3 billion for those people.

In 2007, during the debate, the majority leader, Mr. REID, said this about the Children's Health Insurance Program. It was ''a very difficult but rewarding process for me. It indicates to me that there is an ability of this Congress to work on a bipartisan, bicameral basis.''

You have an election in between, but it seems to me, kind of, comity would dictate if that was a good statement to make in 2007, it would hold true for 2009 as well. This should have been an easy and quick bill to pick up and pass this year. Our bipartisan coalition fought side by side to get the Children's Health Insurance Program done in 2007. Picking up that baton and carrying it across the finish line should have been a straightforward exercise. For somebody like me in the Republican Party who went against his own caucus to get a bipartisan agreement, to stand against my own President and work hard in the House of Representatives to get a few more Republican votes, it kind of leaves us dangling out there. Without a show of appreciation, how can you work in a bipartisan way?

Instead, what are we headed toward? A process that will end up with a bill

that many Republicans, like this Senator, who have been strong supporters of the Children's Health Insurance Program are no longer comfortable supporting.

In 2007, the Children's Health Insurance Program received high praise from the other side. I would like to give a quote, ''a very difficult but rewarding process,'' and one that indicated—showed the ability of Congress, quoting again ''to work on a bipartisan, bicameral basis.''

If the Senator from Montana—I am going to smile at you. That is your quote from 2 years ago.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. GRASSLEY. I have three sentences, if I can have unanimous consent for those?

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

Mr. GRASSLEY. This is a very unfortunate beginning for the 111th Congress. I regret the Democratic leadership has so quickly abandoned a bipartisan process. It does not bode well for cooperative work in the coming months.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. I ask unanimous consent that at 10:55 a.m. the Senate resume consideration of the Grassley amendment, No. 41, and proceed to a vote on the amendment with no intervening action or debate; further, that no amendment be in order to the Grassley amendment prior to the vote; that upon disposition of the Grassley amendment, the Senate resume consideration of the McConnell amendment under the previous order.

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

Mr. BAUCUS. Madam President, I also want to inform my colleagues that vote at 10:55 is expected to be a voice vote.

Mr. GRASSLEY. I have yielded the floor.

Mr. BAUCUS. How long does the Senator wish to speak?

Mr. KYL. Madam President, if I can take 4 minutes, that will be fine.

Mr. BAUCUS. I yield 5 minutes to the Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

AMENDMENT NO. 40

Mr. KYL. Madam President, yesterday I spoke to this issue and detailed the reasons the underlying legislation is not a good bill and why the substitute that is being offered by Senator MCCONNELL will be a much better approach to this issue. I want to reiterate one of these points because of a question a reporter asked me out in the hall. We talked about the massive number of people, 2.4 million people, who will leave their private insurance coverage in order to participate in this Government-run program. It is called the crowdout effect.

The reporter said: Does it appear to you that this is just one more step toward Government-run health care for Americans?

I said: Well, you can certainly conclude that. The reason I said it was because there were efforts last year to try to fix this problem. Everybody acknowledges there are almost 2.4 million people who will leave private health insurance coverage because, obviously, the businesses that are paying for that today would not have to pay for it if their employees go to this Government-run program. It, obviously, makes sense for them, therefore, to drop the coverage.

The reason I said what I did is because there is a way to handle this. We tried to deal with it last year. When the legislation was finally—the final version was written, it was written by the chairman of the committee and by other Democratic leaders in the House and in the Senate.

It was approved by both Houses. It included the language that dealt with this crowdout effect. Now, it was not very meaningful language, from my perspective, but at least it was a recognition of the problem. Surprisingly, that language was dropped from this bill, and I never have been able to figure out why.

So I offered an amendment in the committee to reinsert the same language that the chairman and other Democratic leaders had put together to deal with this problem. On essentially a party-line vote, my amendment was defeated, so the problem remains. And it is the one of many problems in the underlying bill.

The point of the Kids First Act, which is Senator MCCONNELL's alternative, is that it is targeted and it is a responsible reauthorization to preserve health care coverage for millions of low-income children. That is what the program is all about. That is what we should be doing.

Unlike the underlying bill, the McConnell amendment adds 3.1 million new children to SCHIP. It minimizes the reduction in private coverage, as I said before, by targeting SCHIP funds to low-income children and not high-income families who have access to private coverage. And importantly, it is offset without new tax increases or a budget gimmick as is the underlying bill.

So I think my colleagues and I have two choices here, either a budget buster that does not protect SCHIP coverage for low-income children, represents an open-ended burden on taxpayers, and takes a significant step toward Government-run health care, or a fiscally responsible SCHIP reauthorization that preserves coverage for low-income children and is fully offset without a tax increase, and minimizes the effect on employer-sponsored health coverage.

The answer is clear, the Kids First Act is the right solution, and I urge my colleagues to vote yes on the McConnell amendment.

The PRESIDING OFFICER (Mrs. HAGAN.) The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, the real question is, do we want more low-income uninsured children to have health insurance? That is the basic question. I am sure the answer to that question is yes. Most Americans, certainly parents of low-income kids and low-income parents, wish to have their children covered.

Next question: How do we do it? The Children's Health Insurance Program is immensely popular. It was enacted, I think, in 1997. It was set up as a block grant program. States had the option whether they wanted to participate. And immediately, in a very short period of time, all States decided, yes, they wanted to participate in the Children's Health Insurance Program, because it so helps their kids get health insurance.

Now, many people have private health insurance. That is good. The question is, what about lower income people, not Medicaid levels, but working poor who have private health insurance. What should they do? And this legislation gives people the option, gives States the option that a person can continue his private health insurance. If he or she wants to, a person currently on private health insurance who has a couple three kids and who qualifies for the Children's Health Insurance Program, because the parents are working poor, has the option to keep the private health insurance or to put the children in the Children's Health Insurance Program.

Now, this question always arises, that is, when there is a public program, a health program, there is always going to be a question for those who have private coverage, should they stay in their private plan or should they move to the public plan?

About one-third of the new children who have health insurance under the underlying bill will come from the private sector; two-thirds have no insurance whatsoever. The real answer to the dilemma is to make sure that the people in our country have good private health insurance at premiums they can afford, benefits that make sense. The Children's Health Insurance Program has good benefits. So, clearly, a mother whose income is quite low, not quite as low as Medicaid levels, but quite low, will probably want her child to enroll in the Children's Health Insurance Program.

We have to bolster private health insurance in this country. There are 47 million Americans who do not have health insurance. That is unconscionable. About 25 million Americans are underinsured; they have got health insurance, but it is not very good.

So the answer to this question is, how do we insure more kids but in a

way that private health insurance is also a viable option for low-income families. How do you do that?

We are going to take up health care reform this year in this Congress. It is so important. It should be a result where all Americans have health insurance. It also means we have to figure out ways to get the cost down, because health insurance is so costly, and health care is so costly.

Unfortunately, today, insurance in the individual markets is very expensive. The benefits are not that great and the copays are pretty high. It is not a good choice for low-income people. That is the individual market, even small group markets in many cases. So the goal here of national health insurance reform, through all kinds of mechanisms, of health care delivery, and pay for performance, et cetera, is to make sure that private health insurance is a viable option for all Americans, more of an option than it is today.

That means insurance reform, eliminating preexisting conditions as a means to deny coverage. The fancy term ''guarantee issues'' means that when someone applies for health insurance, that health insurance provides there is no discrimination on the basis of health care or age or whatnot.

That is the goal we are all striving for. And, fortunately, it is a goal that almost all of our colleagues agree with. I very much hope—it is imperative that this year, this Congress move aggressively for national health insurance reform, because that will then tend to eliminate this question of crowdout.

But, more importantly, as we worry about crowdout, I do not think it is that much of a worry, frankly. We should keep our eye on the ball which is how do we get more low-income kids insured. That is what the underlying bill does.

Madam President, I suggest the absence of a quorum and ask unanimous consent that the time of the quorum be charged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. McCONNELL. Madam President, I wanted to make a few observations on the pending amendment, the McConnell amendment, before the vote. What we are trying to do here in this amendment is to refocus SCHIP toward low-income children. This amendment would close loopholes that allow States to use SCHIP funds to cover both adults and children in higher income families.

What has happened here is some States have drifted off in the direction that was not the original intent of the measure, which was supported on an overwhelming bipartisan basis, and written by both Republicans and Democrats in the 1990s.

So the goal of the Kids First amendment, upon which we are about to vote, is to refocus the program on low-income children, and to take the funds that are being diverted to high-income families and put them back in to cover low-income children, and it probably would cover up to 2 million additional low-income children.

So if you are in favor of putting kids first and focusing the SCHIP program as it was originally intended, I would recommend strongly that you support the amendment upon which we are going to vote here shortly.

I yield the floor.

AMENDMENT NO. 41

The PRESIDING OFFICER. Under the previous order, the Senate resumes consideration of amendment No. 41.

The question is on agreeing to the amendment.

The amendment (No. 41) was rejected.

Mr. BAUCUS. Madam President, I move to reconsider the vote.

Mr. MENENDEZ. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana is recognized.

AMENDMENT NO. 40

Mr. BAUCUS. Madam President, while we are waiting for the vote, which occurs in a few minutes, I will make a couple of points here.

Mr. McCONNELL. Would the Senator from Montana yield?

Mr. BAUCUS. I will yield.

Mr. McCONNELL. Madam President, I am reminded that I have not requested the yeas and nays yet on my amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, very briefly in response to the Senator from Kentucky, the underlying legislation adds 4 million more children to the Children's Health Insurance Program for a total of about 10 million. I think that is a good goal. On the other hand, the substitute amendment offered by the Senator from Kentucky does not go near that far. It is about 2 million fewer children. I think we want to add more kids to the Children's Health Insurance Program.

Second, he claims his substitute focuses more on low-income kids first. I might say that the underlying bill, the bill offered by myself and others, focuses on low-income first. How does it do so? There is a bonus to States to seek out low-incomes first.

Second, the bill phases out coverage of childless adults. That has been an issue; that is, should adults, who are not children, be covered under the Children's Health Insurance Program? That is an issue because this is a block grant program, and States have the option to cover whom they want to. Some States have covered adults. Actually only one or two have. And we are saying, no, no more of that. So we are phasing out the ability of any State to cover an adult who does not have children.

Parents or pregnant women and kids are another issue. But childless adults are being phased out. So we are focusing more on low-income kids first. I might say too that there is a lower match rate for those States at their own option that want to go to a higher level. Some States want to go to a higher level. That is their choice under the Children's Health Insurance Program, because it is a State option. That is a choice those States can take.

But if they do so, the match is a lower rate than it otherwise might be.

Again, I am trying to make sure that low-income kids are helped first.

And, finally, under the underlying legislation, 91 percent of children covered are at a level of 200 percent of poverty or lower; 91 percent, 200 percent or lower. So this legislation clearly is focused on the working poor.

The PRESIDING OFFICER. All time has expired. The question occurs on Amendment No. 40 offered by the Senator from Kentucky, Mr. McCONNELL.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 65, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—32

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Risch
Brownback	Graham	Roberts
Bunning	Gregg	Sessions
Burr	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Voinovich
Cornyn	Kyl	Wicker
Crapo	Martinez	

NAYS—65

Akaka	Feingold	McCaskill
Baucus	Feinstein	Menendez
Bayh	Gillibrand	Merkley
Begich	Grassley	Mikulski
Bennet	Hagan	Murkowski
Bingaman	Harkin	Murray
Bond	Hatch	Nelson (FL)
Boxer	Inouye	Nelson (NE)
Brown	Johnson	Pryor
Burris	Kaufman	Reed
Byrd	Kerry	Reid
Cantwell	Klobuchar	Rockefeller
Cardin	Kohl	Sanders
Carper	Landrieu	Schumer
Casey	Lautenberg	Shaheen
Collins	Leahy	Snowe
Conrad	Levin	Specter
Dodd	Lieberman	Stabenow
Dorgan	Lincoln	Tester
Durbin	Lugar	

Udall (CO)	Warner	Whitehouse
Udall (NM)	Webb	Wyden

NOT VOTING—2

Chambliss	Kennedy

The amendment (No. 40) was rejected.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Madam President, it is my understanding that the Senator from Florida, Senator MARTINEZ, is going to offer an amendment. The amendment, as I understand it, deals with the Mexico City issue.

I ask unanimous consent that Senator MARTINEZ have 5 minutes to speak, that he be followed by Senator BROWNBACK for 5 minutes; Senator BOXER for 5 minutes; Senator DURBIN, 5 minutes; Senator MCCAIN, 5 minutes; and following that, that Senator MENENDEZ be allowed to speak for up to 15 minutes. He is just going to speak on the bill. Then, I would arrange—general debate for Senator MENENDEZ.

I will work with Senator MCCONNELL to follow up with a time for a vote. We would like to do it before 12:30, but I will work with Senator MCCONNELL on that. Also, there would be no amendments in order to the amendment offered by Senator MARTINEZ.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 65

Mr. MARTINEZ. Madam President, I call up amendment No. 65 and send it to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. MARTINEZ], for himself, Mr. VITTER, Mr. WICKER, Mr. BUNNING, Mr. ENZI, Mr. COBURN, Mr. JOHANNS, Mr. BROWNBACK, Mr. INHOFE, and Mr. CHAMBLISS, proposes an amendment numbered 65.

Mr. MARTINEZ. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To restore the prohibition on funding of nongovernmental organizations that promote abortion as a method of birth control (the ''Mexico City Policy''))

At the appropriate place, insert the following:

SEC. ___. RESTORATION OF PROHIBITION ON FUNDING OF NONGOVERNMENTAL ORGANIZATIONS THAT PROMOTE ABORTION AS A METHOD OF BIRTH CONTROL (''MEXICO CITY POLICY'').

Notwithstanding any other provision of law, regulation, or policy, including the memorandum issued by the President on January 23, 2009, to the Administrator of the United States Agency for International Development, titled ''Mexico City Policy and Assistance for Voluntary Family Planning,'' no funds authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq) for population planning activities or other population or family planning assistance may be made available for any private, nongovernmental, or multilateral organization that performs or actively promotes abortion as a method of birth control.

Mr. MARTINEZ. Madam President, while we are debating SCHIP and considering the best ways to promote healthy children in our country, we are going to look at many amendments covering a wide range of topics. Whether we support extending this program or not, everyone wants children to have the best health care available. Into this broad-ranging debate, I have also introduced an amendment to reinstate the Mexico City policy—a policy that prohibits U.S. foreign assistance from going to groups in foreign countries that support or perform abortions.

The fact is, we often talk about promoting a culture of life. We talk during political campaigns about how we wish we had fewer abortions and how we wish to promote other alternatives such as adoption, and, in fact, that we want abortions to be rare. However, actions do matter, and last Friday President Obama changed the tone of this conversation by approving the use of taxpayer dollars to fund international organizations responsible for performing and promoting abortions in every corner of the world.

Today, I am proposing an amendment to H.R. 2, the SCHIP bill, that would return this policy to its original intent, which is to restrict the use of taxpayer money to family planning organizations that are known to perform and promote abortion. This policy, known as the Mexico City policy, was first signed into Executive order by President Ronald Reagan in 1984. Over the years, the policy has been wrongly attacked and falsely characterized as a restriction on foreign aid for family planning. This policy is not about reducing aid, but it is instead about ensuring that family planning funds are given to organizations dedicated to reducing abortions, instead of promoting them.

Reversing this policy means there is no longer a clear line between funding organizations that aim to reduce abortions and those that promote abortions as a means of contraception. If not reversed, the funding would enable organizations to perform and promote abortions in regions such as Latin America, countries in the Middle East, and Africa, where the sanctity of life is not only respected but, in many instances, is the law of the land and, in fact, where strong religious convictions make this practice abhorrent.

The United States is a generous country. We give to countries around the world for many reasons and for many purposes. At the same time, we also want to be on the positive side of respecting the culture of so many of the countries that would be impacted by this dramatic change in what has been the U.S. policy abroad.

So I urge my colleagues to support this amendment restoring the Mexico City policy first enacted by President Ronald Reagan and then reenacted again by our last President. It is necessary—if we want to continue fostering a culture of life where every life is sacred, every child is celebrated, and life at all stages is given the dignity it deserves—that we support this amendment in promoting life, in standing for the things we say we believe in during campaigns, which is promoting a culture of life and looking for abortions to be rare and to be the last option and to not be something that comes into the picture as a result of a desire to use it as a family planning tool and not with the understanding that it is disrespecting the very sanctity of life we all believe ought to be observed from the moment of conception until the end of life.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from California.

Mrs. BOXER. Mr. President, is Senator BROWNBACK next?

The PRESIDING OFFICER. Yes.

The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleague from Florida for raising this issue. This has come up recently as President Obama has changed the Mexico City policy so that the United States can fund abortions and groups that promote abortions overseas. This, of course, was not the policy of the United States in the last administration for the last 8 years. It was prior to that in the Clinton administration. And prior to that in the Reagan and Bush years, it was not the policy. This has been going back and forth for some time.

I think it is pretty clear as far as the U.S. public that they do not like the idea of us funding abortions overseas. Some people may tolerate it here at home and say, OK, that is something I will just live with, but they do not like the idea of our taxpayers' dollars going to fund abortions overseas. And at a time when we are staring at $10 trillion in debt going to $12 trillion, with a stimulus package of lots of different items, including some that do not seem particularly stimulative, this does not make any sense to people. Then you go overseas, and to a lot of places, it does not make any sense, either, as Senator MARTINEZ mentioned, that in Latin American countries, African countries that are very strongly pro-life, in many cases, we are supporting policies or groups or institutions that are promoting abortion.

What is going on with the United States? I thought you guys stood for life and for the dignity of the individual, and then the United States is funding this? This has been back and forth, a long seesaw battle, within our overall discussion here. I simply point out that this does not help us in foreign policy. This certainly does not help the budget deficit or the debt. This certainly does not stimulate the economy. There is no major policy reason to do this.

Some people will argue that we should be supporting this policy and that this is something we ought to do to help people overseas. I think most people overseas would much rather have us put this money in AIDS prevention work, in malaria work, in working on neglected diseases that affect so many people overseas that have a broad basis of support in the United States and there, rather than this policy, which is such a controversial, negative policy that is being promoted and pushed and seen that way in so many places around the world. This does not help us out at all.

Then we look at some countries such as China where situations arise of forced abortions and forced sterilizations continuing to come out in the media. We have family planning support there, in places where forced abortions and forced sterilizations still take place. Our money is associated with some of these efforts in different places around the world. People do not like that policy. No matter how prochoice they are, they do not want us associated with that, and they do not see any reason for us to be involved in it.

One can look at different things where one is on the choice or life spectrum. I am pro-life. I am strongly pro-life. I believe life has dignity from the very beginning to the very end and that it should be protected. Then we add this into the mix, using U.S. taxpayers' dollars, dollars that we approve here, dollars from all the United States to promote something that a whole bunch of people in the United States completely disagree with on a whole variety of grounds.

I ask my colleagues to back up for a second and say: Aren't there better places for us to put this money if we are looking to do something that is life-affirming and helping people who are in difficulty? There are much better places we can certainly agree on, and I listed several of those on which we could agree and we could work together in this supposedly postpartisan period we are in, that we could work together on these issues. I pushed a number of them, and I can tell you for sure we have a need on neglected diseases in Third World countries and that a little bit of interest and focus on our part yields a whole bunch of saved lives. People dealing with malaria has been a big one. But we need to go on to diseases such as elephantiasis, sleeping sickness—there is a series of them that would build up a lot of good will by the United States overseas, that would increase our standing in places around the world, that there would be no controversy whatsoever associated with but instead would be wholeheartedly embraced both here and overseas.

For these reasons, I do not think it is wise for us to reengage with groups that promote abortion overseas. I ask my colleagues not to do that but to support the Martinez amendment and say to themselves: Let's not do this. Let's do this better, let's do this together. Let's support the Martinez amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I say to Senators, if you want to save the lives of women around the world and you want to cut down on abortions, vote against the Martinez-Brownback amendment.

I say to my friend who is asking for bipartisanship, this vote will be bipartisan. We will have more than 60 people in this Senate, I believe, who will vote against this amendment and affirm the action of our new President, President Barack Obama, who very wisely understands that with a stroke of a pen, undoing what the Bush-Cheney administration did will indeed save the lives of women.

I could talk quite a bit about generalities and the thousands of women who are waiting to have reproductive health care who cannot get it because of this Mexico City gag rule which says to nongovernmental organizations who work overseas: You cannot get U.S. funding if you even speak about the possibility that abortion is an option; all of your funds will be cut off. So many of these groups gave up the funds so as not to be gagged.

If this was done in this country, it would be unconstitutional on its face because what the gag rule says to international nongovernmental organizations is: If you do not do what the Bush administration wants, you cannot use your own money to provide health care which could include, for example, counseling when there is an unintended pregnancy.

Let me tell you the story of a 13-year-old girl named Min Min because I think it is important to put a face on this issue. She is from Nepal. She was raped by a male relative. A relative helped her get an abortion, and Min Min was sentenced to 20 years in jail while the male relative walked. In Nepal at that time, abortion was illegal, even in the cases of rape or incest. Because of the gag rule, organizations in Nepal that wanted to help girls like Min Min and change the laws and get children out of jail were told: You will lose all your U.S. funding if you even talk about it. So you know what one particular organization did? They gave up the money and they struggled, and then they did not have funding for family planning or for reproductive health care.

That is the kind of cruel policy that is called the Mexico City gag rule. That is the kind of cruel policy that my colleagues, Senator MARTINEZ and Senator BROWNBACK, want to put back into place. And they do it in the name of life? How is that being done in the name of life when you put a 13-year-old child in prison because she was raped, the relative who did this to her walks, and an organization that is seeking justice is shut out of U.S. support? That is not life-affirming.

I applaud our President for doing this. Again, a lot of these issues are difficult. This was a stroke of a pen. This is a reflection of a bipartisan majority in this country who thinks that it is cruel and wrong to tell these organizations they have to dance to the tune of politics, the politics of America, before they get any funding from us to prevent abortion, to promote family planning, to help a little child such as Min Min get out of jail.

I am proud today to stand in front of you, Mr. President, and say that with President Obama, this is just the start of the changes he will bring that will help women, that will help families, that will help children. I hope we will defeat this amendment with an overwhelming vote, and I predict we will.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, I respect very much Senator MARTINEZ and Senator BROWNBACK. Their views on the issue of abortion, I am sure, are a matter of conscience. They come to us to raise this issue which has been debated so many times in the Senate.

I say at this point in time that many of us who oppose abortion also believe that a woman should be able to make that choice with her family, with her doctor, with her conscience, and, of course, we believe in the first instance that family planning avoids unintended pregnancies. Unintended pregnancies lead to abortion. So reducing the number of unintended pregnancies is going to give women a chance to control their own lives and to reduce the likelihood of abortion.

It is the law of the United States of America, and it has been for many years, in a provision added in 1973 by Senator Jesse Helms explicitly banning the use of American taxpayer funds for overseas abortion. Unequivocally, that is the law. Regardless of the Mexico City policy, signed by President Obama or the situation before that, that is the law. Not one penny of taxpayers' dollars can be used to fund abortions overseas.

The issue here is whether an organization which also counsels women that they have an option for abortion is going to be denied these funds by this policy. Senator MARTINEZ's amendment would deny them the funds to even offer family planning if they counsel a woman that abortion is an option. As Senator BOXER said, in the United States that is unacceptable.

You have to give doctors at least the opportunity, even if they do not perform an abortion, to tell a woman what her legal rights are. But that is what is at the core of this issue.

Mrs. BOXER. Will the Senator yield for a moment?

Mr. DURBIN. Let me make two or three other points and then I will.

There are several points I would like to make about the importance of President Obama's decision.

First, when we provide family planning funds to organizations overseas that may counsel abortion but not spend a single U.S. dollar on abortions, when we provide that money, we literally reduce the number of abortions worldwide. A report by Guttmacher Institute and the U.N. Population Fund estimated that providing family planning services to the 201 million women in developing countries whose needs are unmet would prevent 52 million unintended pregnancies by family planning and 22 million abortions. So when you reduce the family planning, there are more unintended pregnancies and more abortions.

Secondly, an estimated 536,000 women, mostly in developing countries, die from pregnancy-related causes. By giving a woman family planning counseling, the pill or something similar, they will have access to contraception and pregnancy-related deaths will drop by 25 to 35 percent of women who would give birth.

Finally, the repeal would save the lives of children in many developing countries. Many of these women have successive pregnancies that they cannot control, and the children, sadly, are weaker and weaker because the mothers cannot restore their bodily strength before they have another child. That is the reality of this situation.

I will say, as I have traveled around the world with people such as Senator BROWNBACK, the most important single question one can ask in a developing country is, How do you treat your women? We should treat the women of the world with respect. We should give them access to sound family planning. Let them plan their lives and plan their families. There will be fewer abortions, fewer maternal deaths, and fewer children dying as a result.

Mrs. BOXER. Well, first, I thank the Senator so much for adding those numbers. We are talking about saving women's lives and we are talking about stopping thousands of abortions. That is why it is so inexplicable to me that this amendment is coming from the other side.

I wanted to ask a couple of questions of my friend. Senator BROWNBACK asked for us to find common ground, and I want to find common ground, and I said we are going to find common ground with this vote. But further, wouldn't my friend agree that family planning is the common ground between those of us who support a woman's right to choose and those who oppose it? Isn't family planning finding common ground?

Mr. DURBIN. I would say, through the Chair, that I am not one who celebrates the incidence of abortion in this country or anywhere. I wish to see far fewer abortions. But let's be honest. How do you reach that goal? You reach that goal by educating women and giving them opportunities to avoid unintended pregnancies. I think that is why this amendment is inconsistent with the sponsor's goal. If you want fewer abortions, give women an option, let them control their bodies and their lives, and let them make family decisions that are right for them, instead of being at the mercy of a situation they cannot control.

Mrs. BOXER. I have one last question to ask through the Chair.

The PRESIDING OFFICER. Time has expired.

Mrs. BOXER. I ask unanimous consent for 1 more minute, and to give Senator MCCAIN an extra minute if he wishes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I also wanted to make the point that this denial of funds to these nongovernmental organizations—which the Senator is absolutely right to stress—is far-reaching. Even if they tell a woman what her options are, and as long as they know these options are legal, it should be fine and they shouldn't be punished. But does my friend know, because I wasn't clear until recently, that this punishment of this gag rule goes beyond this?

In the case of Nepal, where a nongovernmental group wanted to simply change the law so that abortion could be legal if a child was raped, they were denied the funds because they wanted to go in front of their government and say, sir and madam, let us have compassion for those like this 13-year-old child. She is in jail for 20 years; she was raped. So is my friend aware that is how far this global gag rule went?

Mr. DURBIN. I am glad the Senator from California made that point clear.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I wish to address the issue of the legislation before us, the SCHIP reauthorization.

We all know that the Children's Health Insurance Program is a vital safety net program the Congress created to offer coverage to one of our Nation's most vulnerable populations, and that is low-income children. It is an objective that all of us stand behind. Unfortunately, the measure before us is an attempt to take a good program, expand it far beyond its original scope, and to fund it by imposing higher tobacco taxes. Remarkable. That is not the right approach.

When it was created, it was done to address the needs of millions of children who went without health coverage. I was pleased to join my colleagues in supporting the establishment of the CHIP program. And thanks to this program, many low-income children have been able to obtain health care coverage they otherwise wouldn't have had. Today, obviously, this bill would drastically expand coverage, and as has been discussed several times on the floor, it contains loopholes, for example, that would allow one State—the State of New York—to go ahead with their planned expansion and cover children of families earning up to $88,000 a year. That will have a crowdout effect, where 2.4 million of the 6.5 million newly enrolled individuals would have had private coverage without this legislation.

Some of us who look at this may view it as another effort to eliminate, over time, private insurance in America, and I am concerned about that. I am also concerned about the drastic expansion. We should take the word ''children'' out of it, since it is now being expanded to many other citizens than children. But what I find unacceptable here is that we are basically going to count on Americans to use tobacco products—smoking—in order to fund it.

Is there anyone in this body who doesn't know that smoking and the use of tobacco products is harmful and a danger to the health of these same children we are insuring? Is there anyone who isn't concerned about what seems to be a rise in the use of tobacco amongst young Americans? One of the reasons for that is because the deal that was negotiated between the lawyers and the attorneys general of this country was that these supposed funds from tobacco taxes were supposed to go to advertising for antitobacco usage and for treatment of illnesses associated with the use of tobacco, but it has now become another source of revenue for every State in America.

Yesterday, during a Health and Education Committee roundtable discussion, the topic of preventive measures was discussed at length, and what did we talk about? We talked about the ill effects of the use of tobacco, particularly smoking and secondhand tobacco, and yet here we are funding an attempt to improve the health of young Americans with billions and billions of dollars of taxes on tobacco products. Couldn't we have found somewhere in our budget programs that could have been reduced or even eliminated to fund the SCHIP program? Apparently not. Apparently not.

So we now are at a point where the States no longer use the money in the form of taxes on tobacco products that was supposed to go to discourage the use of tobacco. We are now going to depend on a tax on tobacco products for funding of insurance for children and others, thereby, at least in some ways, encouraging the use of tobacco. So I am very much opposed to this legislation.

I am proud of what we did initially. But it seems to me that using the ill-

gotten taxes from the use of tobacco—smoking in particular—in order to fund any program is not an appropriate legislative remedy. So I believe the bill differs drastically from the original intention of SCHIP, and I disagree strongly with its funding mechanism of increased tobacco taxes.

I support the ideas contained in the alternative bill, which would keep the Children's Health Insurance Program focused on low-income children, and would have done so without dramatic increases in Federal spending or higher taxes.

Mr. President, I appreciate the courtesy of my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, today, this Congress is facing a fundamental test of our values: whether to reauthorize the State Children's Health Insurance Program and expand it to cover millions of children who would otherwise be left uninsured. We must ask ourselves: Is this good for our Nation's children? The answer is, clearly, yes. And I say this as a father. There is nothing more important to parents than the health of their children, and there is nothing more important to helping them grow up to achieve their potential and contribute all they can to our society.

It is no secret what a major financial burden health care can be. We are reminded of the costs every time we go to the doctor or fill a prescription at the pharmacy. There are parents who work every day in some of the toughest jobs in our country, but their jobs don't offer health insurance and their paychecks don't cover the cost of private coverage.

They are not the only ones whose health is at serious risk because of this lack of insurance. It is also a major risk for children. Parents stay up at night worrying about whether the hard cough they hear coming from their daughter's room means she has asthma; hoping that the pain in their son's stomach doesn't mean he is going to need surgery; wondering how they are going to pay for a routine checkup; and just praying—praying—that everyone stays healthy until they can afford to get the health care they need.

Here is one story: A boy named Jonathan took a trip to the New Jersey shore with his family. His head started to throb on the ride from his home in New Hampshire, and finally the pain became unbearable. I want to read what Jonathan wrote about his experience. He wrote:

> The pain was so bad; I had to crawl on the ground. My mom drove me to the medical center. I remember my mom calling my dad and asking the question, Do we still have medical insurance? I remember being really scared. The doctor explained that I had an arachnoid cyst about the size of an ice cube growing on the left side of my brain. My mother started to cry. There was another problem: Our insurance coverage had ended. Going to the hospital and having all of the CAT scans and MRI testing was super expensive. Suddenly, insurance was a huge issue. Friends told us about a program called New Hampshire Healthy Kids. My parents had to act quickly and register my brothers and me for the program. The people at NHHK were really helpful. I was able to get the medical attention I needed.

Thank goodness Jonathan was okay. But stories such as this are why the Federal Government and the States teamed up to create the State Children's Health Insurance Program. It has been a great success across the country, covering almost 7 million American children. In New Jersey, it covers almost 130,000 of those American children. This year, Congress has an opportunity to make children's health even more inclusive, to pass a bill that will continue to provide health care to the almost 7 million children already enrolled, and expand the program to include 4 million children across America, and that includes another 100,000 in my home State of New Jersey.

As we are considering whether to reauthorize and expand children's health, we all have to ask ourselves two questions: One, would we have wanted Jonathan's story to have turned out differently? Absolutely not. And two, are we going to sit back as millions of other stories such as Jonathan's don't end up as happily? The decisions we make today have very clear implications for hardworking families across the country. The difference here between no and yes can mean, for millions of children, the difference between helplessness, suffering, and pain versus opportunity, health, and a better quality of life. That is how high the stakes are.

Now, some in this Chamber may question whether we can afford health care for our children. Let us look at the facts. First, this legislation won't cost us a dime because it is completely paid for. Second, making sure kids can get regular checkups and focus on preventive care has the potential to reduce emergency room visits and save costs down the line.

We also need to be very clear that public health insurance does not mean free health insurance. Many families across America and in New Jersey are responsible for copays and have to pay a premium every month. They are part of supporting their children's health care coverage.

But all that aside, let us look at the bigger budgetary picture, at where our priorities have been for the last several years. The war in Iraq is currently costing us $5,000 every second. With what is spent on the war in Iraq in 40 days, we could insure over 10 million children in America for 1 year. In fact, with the amount that has been spent on the war, we could provide 2 years of health care coverage for all of the 47 million Americans who don't have health insurance, who play Russian roulette every day with their lives and their wallets. And even after providing all that health care for every American who doesn't have it, we would still have $30 billion remaining.

If we are willing to look at our priorities and choose our children—as we often say, and I have heard many of my colleagues speak on the floor about how our children are our most precious resource, and they are, but they are also our most vulnerable resource—tackling America's health care crisis is something we can absolutely do within the reasonable constraints of our budget.

Now, some of our colleagues have also objected—I have heard it here on the floor—to how States such as New Jersey are treated under this legislation. They object to my home State's ability to cover children whose parents' salaries are up to 350 percent of the Federal poverty level.

I want to give a round estimate of the monthly costs facing a family living at 250 percent of the poverty level, or about $4,594 per month, in one of our counties, in Middlesex, NJ.

When you look at that monthly income and then look at the costs for housing, for food, for childcare so you can go to work, for transportation, for the taxes paid there, and then what it costs for health insurance, the reality is you have a set of circumstances where that family has a monthly deficit, a debt of $898, which means they do not have the wherewithal to do all of this. These are the basics. These are no frills. They find themselves in debt.

On top of that, comparable private health insurance in my home State can cost almost $1,800 a month.

What does a family have left at the end of the month? The answer is a staggering load of debt. If they are making 250 percent of the Federal poverty level, they are going to be in debt almost $900.

It is the same in other parts of the State as well. For example, if they are living at that income level in Trenton, NJ, the State's capital, they are going to be in debt about $856 every single month to do the basics—to have a place to call home, to put food on the table, to have childcare, to go to work, transportation to be able to achieve that, to pay their taxes, and then to have health insurance. They do not have enough money to make ends meet.

The Federal poverty level does not reflect the difference in cost of living between States. For example, if you are a family making 250 percent of the Federal poverty level in Phoenix, AZ, after all is said and done, under the same set of criteria—housing, food, childcare, transportation, and taxes and health insurance—you have a monthly surplus of about $1,347. That is left over at the end of the month because the cost of living is lower.

There is a huge difference in the family's reality with a surplus and being able to have all of these essentials versus having a debt in the two examples I showed before.

Let me give another example. In Salt Lake City, UT, the same set of circumstances—housing, food, childcare, transportation, taxes, health insurance—you have a $1,469 surplus, so you

have disposable income to be able to make other choices for your family with the same set of circumstances in terms of the Federal poverty level.

The reality is, we face a much higher cost of living. The consequences are real to New Jersey families. Let's compare State by State.

I understand 350 percent of the Federal poverty level sounds somewhat high if you do not see the numbers. But what it takes to meet that amount in New Jersey is, it takes a much less amount in all of these States—from Kentucky, Arizona, Oklahoma, Georgia, Tennessee, Utah, Missouri, North Carolina—much less. It takes much less to meet the same level of the Federal poverty level.

The bottom line is, we simply have a higher cost of living and one size does not fit all. I wish our citizens could get the same quality of life in terms of the essentials for much less money, but that is not the reality. So it makes perfect sense for different States to cover children at different levels of income in order to accomplish the same goal, which is ensuring that children at the end of the day are covered.

Even former President Bush understood that when he approved New Jersey's waiver, as he did for a long time. Even then, I would like to point out, the number of New Jersey children who fall into that category is just about 3,300 children, a tiny fraction of those enrolled nationally. Only about 2.5 percent of our children are covered under this level of the Federal poverty level.

Finally, the last time legislation to expand children's health came up, hundreds of thousands of children were left out, children who are legal—underline legal, emphasis legal—permanent residents of the United States. They follow our laws every step of the way, children whose parents work hard and pay taxes. Some of them are actually in the service of their country. These children are eventually eligible for Medicaid or CHIP, but the law says we have to bar them from coverage for 5 years first.

To a young child, 5 years is a lifetime. Here is what it means to bar legal permanent resident children and pregnant mothers from affordable public health for that long. As it stands, a girl with asthma has to go through 5 years of attacks before she can get an inhaler. A boy whose vision gets so blurry he can't see the chalkboard in the fourth grade has to wait until high school before he gets glasses. A pregnant woman who urgently needs prenatal care can't get it until her child will be ready for kindergarten.

I have not met anyone who is not outraged when they hear kids with cancer would have to wait 5 years for chemotherapy. Most people cannot believe that is the law, and it should not be. Children should not have to wait a single day to get the care they need to save and improve their lives. Good health care is essential for them to be able to fully realize their God-given potential. Children, whether they be in a classroom or on a playground, are contagious. So whether it is a legal immigrant child or a U.S.-born citizen, the bottom line is they are playing in that playground together, sitting in the classroom together. If one has health care and the other doesn't because we have an arbitrary bar, it is easy to get some cold or disease that is contagious, so there is a public health interest for all of us.

We have the opportunity to do what is right and make a major step in ensuring no child goes to bed at night without health care in the greatest Nation on the Earth. This would bring a half million kids nationwide into the State health insurance programs in this category.

Let me conclude. For all of us, this is a matter of values. Do we value our children and do our actions match our values? For those who value life, who have spoken very eloquently in this Chamber about its sanctity, and those who value family, who consider it the bedrock of our lives and our country, now is the time to show the depth of that belief because if children's health is not about protecting life, I do not know what is. If this bill is not profamily, I do not know what is.

Now is the time to give new security to millions of young lives to help America's children achieve their God-given potential and to replace fear in millions of minds with hope for a better day. That is the opportunity before the Senate, and that is the one I hope we will adopt at the end of this process.

I yield the floor.

Mr. LEAHY. Mr. President, I have listened to the debate on the amendment offered by Senator MARTINEZ to reverse President Obama's decision to overturn the Mexico City policy. I have been struck by the statements of proponents of the amendment that the President's action means Federal funds will now be used for abortions overseas. That is nothing more than a scare tactic and a flagrant misrepresentation of fact.

As those who make such statements know well, U.S. law has banned the use of Federal funds for abortion overseas for more than 30 years and that is the law today. Most recently, it can be found in title III of the fiscal year 2008 State and Foreign Operations Appropriations Act, should they choose to refresh their memories. Whether or not the Martinez amendment passes, no U.S. funds are available for abortion, even in countries where, like the U.S., abortion is legal.

The irony of this debate is that the Martinez amendment would prevent funding to private organizations that, thanks to the President's action, would be eligible to receive U.S. funds for contraceptives which prevent unwanted pregnancies and abortions. Yet they claim that unless we pass the Martinez amendment the number of abortions will increase. It is a counterintuitive, disingenuous argument that has been consistently proven to be false. The facts are indisputable. Where family planning services are available, the number of abortions declines.

Another false claim by proponents is that unless we pass this amendment U.S. funds will be used to support coercive family planning policies in China. They know that is not true. The Mexico City policy has nothing to do with coercion, pro or con. Another provision, also in the State and Foreign Operations Appropriations Act, provides the President with the authority to prohibit funds to any organization that supports coercion. And the law explicitly prohibits the use of U.S. family planning funds in China. The President's action reversing the Mexico City policy does not change that.

We all want the number of abortions to decline. But one would hope that even as we disagree on how best to achieve that, those who oppose the President's decision would stick to the facts and not try to distort or misrepresent U.S. law.

The Mexico City policy is discriminatory, it would be unconstitutional in our own country, it would deny women in poor countries access to family planning services, and it would increase unwanted pregnancies and abortions. The amendment should be defeated.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent the vote in relation to the Martinez amendment, No. 65, occur at 12:10 p.m. today, and the additional time be divided and controlled by Senators BOXER and MARTINEZ or their designees, with the remaining provisions of the previous order in effect.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I ask unanimous consent to be allowed to speak for 2 minutes to close on the amendment.

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

Mr. MARTINEZ. Mr. President, this amendment is to reinstate the Mexico City policy which President Obama, just a couple of days ago, eliminated with the stroke of a pen. Much has been said in opposition to this amendment, which I think is erroneous. I think at the core of what this amendment is about is whether we want U.S. taxpayer dollars—my taxes, as someone who finds abortion to not be something I can live with, which is not consistent with my faith and personal beliefs—whether my tax dollars and those of other people similarly situated should be utilized to fund family planning that utilizes abortion as a means of family planning with organizations abroad.

That, I think, is wrong. That, I think, is abhorrent. It is not about denying organizations family health assistance when they are simply looking after a person's health. It is not about those rare exceptions of rape and incest, which are dragged in to try to

make what is unjustifiable justifiable. Abortion should not be utilized as a means of family planning.

We talk about wanting to have fewer abortions not more, to have it be rare not frequent, but then we do things like this, and that is completely contrary to what is the avowed intent of what so often is portrayed as the position on this issue during political campaigns.

This policy does not restrict foreign aid funding. It is to ensure that American taxpayer dollars will not go to promote nor support abortion or abortion-related services. I think it is that simple. I hope my colleagues will join in this effort. This is about what the taxpayer dollars of America should be funding overseas, in countries where very often we find that the culture and the religion of the host country is consistent with the Mexico City policy.

This is a vote to reinstate the Mexico City policy which has been the policy of this country until last week. I hopefully urge my colleagues to support amendment No. 65.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, despite the previous unanimous consent agreement, I ask consent the Senator from California be allowed to speak for 1 minute prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I want to have an up-or-down vote on this amendment. I am not going to make a motion to table. I think this is a very bad amendment, an amendment that would consign women all over the world to desperate situations because what Senator MARTINEZ wants to do is restore the gag rule. That means that nongovernmental organizations overseas who help women get reproductive health care and tell them what their legal options are and make birth control available to them so they can plan their families will lose every dollar of American support if they even try to do those things.

President Obama, like President Clinton, did the right thing. With the stroke of a pen, he stood for the lives of women and for family planning and for the health of women all over the world. We have statistics that are very clear. Senator DURBIN read them. Tens of thousands of abortions will be avoided because of the actions of our new President. For the life of me, I do not understand how someone who is against abortion could offer such an amendment which in essence will consign women to back-alley abortions and death.

If you really want to vote to promote life and health, vote against the Martinez amendment and stand with President Obama on what I know will be an overwhelming majority of Senators from both sides of the aisle in favor of doing away with this global gag rule.

If it were tried in America, it would be unconstitutional. Stand for freedom. Stand for women. Let's definitely vote this down.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The result was announced—yeas 37, nays 60, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—37

Alexander	Ensign	McCain
Barrasso	Enzi	McConnell
Bennett	Graham	Nelson (NE)
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Voinovich
Cornyn	Kyl	Wicker
Crapo	Lugar	
DeMint	Martinez	

NAYS—60

Akaka	Feinstein	Murkowski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burris	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Lieberman	Udall (CO)
Conrad	Lincoln	Udall (NM)
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feingold	Mikulski	Wyden

NOT VOTING—2

Chambliss	Kennedy

The amendment (No. 65) was rejected.

Mrs. BOXER. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Montana.

Mr. BAUCUS. Madam President, I ask unanimous consent that the next speakers be the following Senators: Senator MURRAY for 10 minutes, Senator CORNYN for 5 minutes, and Senator ROBERTS for 20 minutes.

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

The Senator from Washington.

Mrs. MURRAY. Madam President, regular health care is critical for a child to grow up to be a strong and healthy adult. We all know that. Yet every day millions of American children are denied access to this very basic need. They cannot get regular checkups or see a family doctor for sore throats or ear aches or fevers. So as our economy continues to struggle, this problem is growing worse.

At the end of 2007, all of us came together on a bipartisan bill that would have taken big steps toward helping millions more kids get health care. It would have renewed the Children's Health Insurance Program and made sure that almost 10 million low-income children would be covered.

It is a tragedy and a shame that children's health care became the victim of a partisan fight. But, this week, now we have the opportunity to make children's health a priority by renewing and expanding the Children's Health Insurance Program and getting it signed into law. And it could not come at a moment too soon.

In the year since former President Bush last vetoed CHIP, unemployment has skyrocketed nationally and in my home State of Washington. As a result, millions of families across our country have lost their health care in just this last year alone. That is wrong, and it is one of the reasons we have now put CHIP at the top of our agenda this year.

In difficult times such as this, it is more important than ever we make sure our Nation's children have a place to go where they can get medical care. So I am here to urge all my colleagues to support the 2009 CHIP reauthorization. It is the smart thing to do for our economy. It is the moral thing to do for our children.

Most of us in the Senate support reauthorizing and improving the Children's Health Insurance Program because we share the goal of ensuring that all our kids can get health care. Study after study has shown the benefits. Children in this program are much more likely to have regular doctor and dental care. The health care they do receive is better quality. They do better in school because they are healthy.

This bill is almost identical to the one we passed overwhelmingly in 2007. It ensures the children already enrolled in CHIP will continue to receive health care, and it provides another 3.9 million low-income children with coverage. Most of those are kids who never had insurance because their parents could not afford it or kids who lost Medicaid coverage or kids who were recently dropped from private insurance rolls. I think it is critical we expand health insurance to make sure they are covered.

Now, there are a couple specific provisions in this bill I wish to highlight to make sure everyone understands why it is so important to pass this bill now.

First, as I said at the beginning of my remarks today, the economic recession has made it even more critical that we make children's health care a top priority and reauthorize this CHIP program.

On Monday of this week, some of the strongest companies in our Nation announced they would cut 75,000 jobs

combined. Unemployment is now at the highest level in 16 years, and we are being told we have not seen the worst of it yet.

The Kaiser Family Foundation estimates every time the unemployment rate increases a point, 700,000 more children lose their health insurance. By those numbers, well over a million more children have lost their insurance in the last year alone, and many more will lose their coverage in the weeks and months to come.

This bill makes it easier for our States to ensure those children will continue at least to get health care. It adds more flexibility to the program and sets funding rates based on State budget projections, so our States that are in the worst financial shape will get more money to help pay for health care. This would be a huge help for my home State of Washington and for the many families who are struggling to provide health care for their children.

At the same time, the bill will strengthen CHIP by making sure resources are targeted at covering the low-income, uninsured children Congress meant to help when we created CHIP back in 1997. It gives States new tools to raise awareness about CHIP in rural, minority, and low-income communities to help reduce the disparity in care for minority children and extend care where it is most needed. Also, it creates a performance-based system that rewards our States for reducing the number of uninsured children by making sure that the lowest income children are the top priority for CHIP and Medicaid.

Finally, CHIP is paid for. The $32.8 billion cost is covered by a 61-cent per pack tax increase on cigarettes and other tobacco products. We aren't taking away from our other economic priorities, Social Security isn't raided, and the deficit won't be increased. It is a win-win for everyone because experts estimate that by increasing the cost of cigarettes, almost 2 million adults will quit smoking and then we will prevent millions of kids from ever getting hooked. It is good for our children now and it will help millions stay healthy in the future as well.

Although this bill does have broad bipartisan support, some of our colleagues on the other side of the aisle have tried to throw up some obstacles that distract us from the real issues. I wish to make clear right now what this bill is about. It is about our kids. This legislation is about making sure our children can see a doctor when they are sick. It is about making sure they get medicine that will help them get better. It is about honoring our promise to provide 10 million kids with health care that will help ensure they can grow into happy and healthy adults.

I come to the floor this afternoon to share a story about a little girl from my home State because I think it puts the importance of this legislation in perspective.

Meet Brenna. She is 6 years old, a bright and happy child, but she has a serious genetic condition called cystic fibrosis. Brenna's family lives in Marysville, WA, in a part of my State that has been hit tremendously hard by the economic downturn. Like a lot of people with cystic fibrosis, Brenna's health care costs are about 10 times more than the average child. It is nearly impossible for her to get private health insurance to cover the bills she and her family are facing. In fact, almost half of the children with cystic fibrosis would not have health care at all if they didn't have CHIP or Medicaid.

Brenna's mother Brandy recently wrote to me to tell me that her family depends on CHIP for Brenna and to keep her family going. I wish to read what she wrote. She said:

> I don't know what I would do if I did not have this wonderful program. I simply would not be able to pay for her to receive the care she does now. I would be in never-ending medical debt, and in the end of it all, I would most likely lose my daughter either way.
>
> The economy is rough enough right now. The SCHIP program is something I am extremely thankful for. It provides me sanity and strength every year to take care of my child and her needs. Please allow this program to continue. Our lives depend on it.

Those are heart-wrenching words from a mom. Most of us can't even imagine being in Brandy's shoes. Her daughter's story shows us how critical this Children's Health Insurance Program is. This bill in front of us today is about Brenna and the millions of children like her around the country.

What it comes down to is this: When a child gets a cut that needs stitches, has a fever or an earache or develops a serious illness such as cystic fibrosis, they should be able to get health care period. I want to make sure Brenna's mom never has to worry about her going into debt to keep her own child alive, or whether health care will be there for her daughter.

So let me say it again: This bill is about making sure our kids can see a doctor. Passing it is the smartest thing we can do for our economy, but it is also the moral thing to do for our children. So on behalf of 6-year-old Brenna, the 115,960 uninsured children in my home State of Washington, and the almost 9 million uninsured children across the country, I urge all of our colleagues to support this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 67

Mr. CORNYN. Madam President, I call up amendment No. 67 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 67.

Mr. CORNYN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

> (Purpose: To ensure redistributed funds go towards coverage of low-income children or outreach and enrollment of low-income children, rather than to States that will use the funds to cover children from higher income families)
>
> On page 45, between lines 17 and 18, insert the following:
>
> ''(3) LIMITATION.—
>
> ''(A) IN GENERAL.—A State shall not be a shortfall State described in paragraph (2) if the State provides coverage under this title to children whose family income (as determined without regard to the application of any general exclusion or disregard of a block of income that is not determined by type of expense or type of income (regardless of whether such an exclusion or disregard is permitted under section 1902(r))) exceeds 200 percent of the poverty line.
>
> ''(B) GRANTS TO STATES WITH UNSPENT FUNDS.—Of any funds that are not redistributed under this subsection because of the application of subparagraph (A), the Secretary shall make grants to States as follows:
>
> ''(i) 75 percent of such funds shall be directed toward increasing coverage under this title for low-income children.
>
> ''(ii) 25 percent of such funds shall be directed toward activities assisting States, especially States with a high percentage of eligible, but not enrolled children, in outreach and enrollment activities under this title, such as—
>
> ''(I) improving and simplifying enrollment systems, including—
>
> ''(aa) increasing staffing and computer systems to meet Federal and State standards;
>
> ''(bb) decreasing turn-around time while maintaining program integrity; and
>
> ''(II) improving outreach and application assistance, including—
>
> ''(aa) connecting children with a medical home and keeping them healthy;
>
> ''(bb) developing systems to identify, inform, and fix enrollment system problems;
>
> ''(cc) supporting awareness of, and access to, other critical health programs;
>
> ''(dd) pursuing new performance goals to cut 'procedural denials' to the lowest possible level; and
>
> ''(ee) coordinating community- and school-based outreach programs.''.

Mr. CORNYN. Madam President, I am here today to lend my full support to the reauthorization of the State Children's Health Insurance Program.

SCHIP was created with the noblest of intentions: to cover low-income children whose families did not qualify for Medicaid but who could not afford private health insurance. Unfortunately, there are too many children today who are eligible for CHIP who are not enrolled. I strongly believe that before we consider expanding the scope of this program, as the present bill does, we need to focus on the currently eligible population of low-income children.

That is why I have joined with a number of my colleagues in supporting an alternative known as Kids First that focuses on the original intent of SCHIP, and that is to cover low-income children. Kids First provides funding to Texas—my State—over the next 5 years at levels beyond projected spending by the Texas Health and Human Services Commission.

Across the country, thousands of children are eligible but not enrolled in health insurance programs such as

Medicaid or SCHIP, and I believe we need to focus on those children first. Frankly, in my State—not something I am proud of—850,000 children are eligible for Medicaid and SCHIP, but they are not enrolled. I think it is important we focus our efforts on getting these children covered. That is why Kids First provides $400 million for 5 years for outreach and enrollment.

We can all agree that during these tough times it is important that we assist as many low-income children as we possibly can, but it is also necessary that we accomplish this goal without placing excessive burdens on taxpayers. Kids First protects taxpayer dollars and pays for the funding by reducing administrative costs, duplicative spending, and eliminating earmarks.

Unfortunately, the bill that is now on the floor is structured in such a way that it provides billions of taxpayer dollars to cover children whose parents earn up to $100,000 and more and eliminates the requirement that States first cover low-income children before expanding their programs. One might ask how that could possibly be so. Well, through a mysterious thing known as ''income disregard'' that would, under this bill, allow coverage at 300 percent, 350 percent, and higher of poverty, but then allow States to disregard certain income which, if fully employed, would mean that a family earning about $120,000—a family of four—would be eligible for CHIP coverage, even though children in my State with families of four who make only $42,000 would not be covered. It is important we take care of the low-income children who are the original focus of the SCHIP program before we see that money being drained off, using it in other States to cover adults or to cover families making as much as 400 percent of poverty and more.

I think the bill on the floor takes an unfortunate step backward in terms of fiscal responsibility as well. The bill imposes a regressive tax on middle and low-income families and relies on the creation of 22 million new smokers to afford the future imposition of an additional tax—a staggering fact.

To improve the bill and to focus on low-income children, I have offered this amendment that prohibits redistributing funds to States that have expanded their SCHIP program to higher income families or adults, at least until we take care of the low-income kids first. The current bill rewards States for exceeding their budget, even if they spent outside of the original intent of the program. In fiscal year 2007, for example, of 14 shortfall States that received redistributed funds, out of those 14, 7 of them had expanded the SCHIP program for children beyond the 200 percent of poverty level. Of those 7, 4 had expanded their programs above 300 percent. Redistributed funds should be reserved for covering low-income children to assist States with specific outreach and enrollment activities that will help enroll a large number of low-income children who are eligible but not enrolled.

We have a choice. We can either focus on low-income children or we can choose to expand the program and leave many low-income children behind. I hope my colleagues will join me in refocusing our efforts to cover low-income children first, which is what my amendment will do.

Madam President, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

AMENDMENT NO. 75

Mr. ROBERTS. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 75.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS], for himself and Mr. HATCH, proposes an amendment numbered 75.

Mr. ROBERTS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit CHIP coverage for higher income children and to prohibit any payment to a State from its CHIP allotments for any fiscal year quarter in which the State Medicaid income eligibility level for children is greater than the income eligibility level for children under CHIP)

Strike section 114 and insert the following:

SEC. 114. LIMITATION ON FEDERAL MATCHING PAYMENTS.

(a) DENIAL OF FEDERAL MATCHING PAYMENTS FOR COVERAGE OF HIGHER INCOME CHILDREN.—Section 2105(c) (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

''(8) DENIAL OF PAYMENTS FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE FOR HIGHER INCOME CHILDREN.—

''(A) IN GENERAL.—NO payment may be made under this section for any expenditures for providing child health assistance or health benefits coverage under a State child health plan under this title, including under a waiver under section 1115, with respect to any child whose gross family income (as defined by the Secretary) exceeds the lower of—

''(i) $65,000; or

''(ii) the median State income (as determined by the Secretary).

''(B) NO PAYMENTS FROM ALLOTMENTS UNDER THIS TITLE IF MEDICAID INCOME ELIGIBILITY LEVEL FOR CHILDREN IS GREATER.—No payment may be made under this section from an allotment of a State for any expenditures for a fiscal year quarter for providing child health assistance or health benefits coverage under the State child health plan under this title to any individual if the income eligibility level (expressed as a percentage of the poverty line) for children who are eligible for medical assistance under the State plan under title XIX under any category specified in sub-''paragraph (A) or (C) of section 1902(a)(10) in effect during such quarter is greater than the income eligibility level (as so expressed) for children in effect during such quarter under the State child health plan under this title.''.

Mr. ROBERTS. Madam President, first, I ask unanimous consent to add Senator COLLINS as a cosponsor of this amendment, which is already cosponsored by Senator HATCH.

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

Mr. ROBERTS. Madam President, I rise today to offer an amendment to refocus this bill and to more accurately reflect our priorities in regard to low-income children. After all, that is what this bill is supposed to be all about.

The SCHIP program was established in title XXI of the Social Security Act. We had one goal, and that goal was to cover targeted low-income children. A targeted low-income child is defined as one who is under the age of 19 with no health insurance, whose family makes too much money to qualify them for Medicaid but not enough to be able to afford to buy them health insurance.

The statute is very clear about who SCHIP is intended to cover. Low-income children should be our priority. That is the intent of the program. That is what the authors of the program had in mind when it was first passed in 1997.

In Kansas, we take this priority very seriously. Our SCHIP is called HealthWave, and it covers children under the age of 19 whose families' incomes are up to 200 percent of the Federal poverty line. That is about $44,000 per year for a family of four. In 2007, we were able to cover nearly 40,000 children through HealthWave, but an estimated 32,000 low-income kids still remain uninsured. So my colleagues can imagine my surprise and frustration when I learned that some States were not following the intent of SCHIP. This was under the previous administration. That administration had granted, I think, something like 14 waivers to States that violated, in my mind, the intent of this program. So instead of prioritizing low-income children, they were, instead, exploiting loopholes and waivers granted by the previous administration to cover high-income kids and even adults—adults being covered by a program intended for low-income children. It shows us what can happen to a program.

In the 2007 SCHIP reauthorization bill, which I and other Republicans supported—and, I might add, at no small political cost—we worked hard to close some of those loopholes and to refocus our priorities toward low-income kids. Now, this new bill, H.R. 2, cancels all of our good work.

I wish to ask my colleagues a question about H.R. 2: Do you know, and do the folks back home whom you represent know, that this bill allows youngsters from families with incomes of $128,000 in some States to be eligible for SCHIP—$128,000? If that is low-income children—I don't know what the allegory is. I will think of it. I will come back to it.

So consider this: Under H.R. 2, the State of New York will be allowed to cover children from families with incomes up to 400 percent of the Federal poverty line. Now, start right there.

That is $88,200 for a family of four. In other States, 200 percent, maybe 250 percent; in New York, 400 percent. When I asked the Senator from New York how on Earth I could go back to Kansas taxpayers and say why are you paying taxes—or why am I paying taxes, on the part of the constituent for SCHIP for low-income kids, and yet you are providing it to a State where they are having the income level at 88,200? The answer I got back is that when you are poor in New York you are poorer than you are in Kansas. My response to that is, they might want to move.

In addition, a State can use something called—now get this. This is bureaucratic talk. This is—I don't know what kind of talk this is. It is gobbledygook. A State can use something called an income disregard. So we can use this income disregard which the expert panel at our Finance Committee markup admitted could exclude as much as $40,000 of additional income.

So in New York, a family of four making $128,000 per year could be eligible to receive SCHIP. In the last SCHIP bill, we closed this loophole. We put a hard cap on income at 300 percent of poverty, still higher than some of us like, to target those low-income kids. It is a lot easier to raise that level, find those kids, and add them to the rolls than go after the low-income kids and give them the insurance the program was intended to do. We came up with a compromise I thought was worth the extra coverage for Kansas youngsters.

In addition, we disallowed the practice of block income disregards. The current bill reverses that policy. How can I explain this to my Kansas families making $40,000 a year? What does this say about our priorities? We just considered an $825 billion economic stimulus bill in the Finance Committee late last night, 9:30, with amendment after amendment after amendment after amendment after amendment. It pretty well wore us out. All were defeated except one by a party-line vote.

Now we are talking about an additional $33 billion to provide health insurance to kids in families with incomes close to $130,000. I repeat, with incomes close to $130,000. That does not make any sense.

I have one more question for my colleagues, Mr. President. Are they aware that H.R. 2 could result in bonus payments being made to States for expanding their Medicaid Programs to cover kids from families making over $128,000 a year? Let me explain how this works.

In order to increase the enrollment of the lowest income kids into Medicaid, which is a good cause, we establish a bonus payment program for States that go out and identify and enroll these young people. However, some States, using their existing Medicaid flexibility, have added a new layer of Medicaid eligibility on top of their maximum SCHIP income eligibility level. They mixed the two. This Medicaid group is made up entirely of people with incomes that are above the maximum SCHIP income levels, which we have seen under H.R. 2 could be over $128,000.

We call this phenomenon in some circles the Medicaid-SCHIP sandwich. It is an extra sandwich. It is frosting on the cake, and the cake is $128,000. It will unintentionally result in States being eligible for bonus payments for expanding their Medicaid enrollments to cover very high income kids. It would be a nice thing to do if we could afford it, but we cannot.

Obviously, this is a gross abuse of congressional intent. Increasing the coverage of low-income children is and should be our priority with these bonus payments. No more sandwiches to add on to SCHIP. Even so, I still believe SCHIP is a program that is worth keeping and putting the SCHIP program back where it belongs—on low-income children.

SCHIP is not supposed to be the Adult Health Insurance Program. It is not the Rich Kid's Free Health Care Program. It is not the Pathway to Government-Run Health Care for All Program. This program is supposed to be targeting, again, low-income children. So let's make sure we take care of them first. Let's get our priorities right.

The amendment I am offering will close some of the loopholes I described in H.R. 2 that corrupt the intent of this program and skew our priorities.

Let me say something I do not have in my prepared remarks, and it refers to a good conversation I had with the former leader of the Senate, Senator Tom Daschle, who is now the designee to be Secretary of Health and Human Services. That is a job I would not want, and I told him that when he came to the office and we had a nice chat.

He asked me: PAT, what could we do, like the President wants to do, to reach out across the aisle, pass something bipartisan where everybody could agree that we could do it, do it quickly, and say: There, we have done something, instead of the back-and-forth politics like last night when we had, what, 40 amendments—I don't know, 30, 40, 50 amendments, straight party-line votes. This is not the road we want to take.

I said: Tom, why don't we take SCHIP that was passed in the last Congress. It was vetoed by President Bush, but we had large majorities. It could be passed again, same bill.

That did not happen. SCHIP popped out of the woodwork. The SCHIP horse came out of the chute, and it was a different rodeo. Underneath that saddle were four burrs. In the SCHIP program, there is a crowdout provision in regard to private insurance. That is the problem we have today. There is the problem of inserting immigration into this bill, which is a very passionate issue. We should not do that either. There are other things wrong with the bill.

This is not the bill we intended, we passed, everybody voted—not everybody voted for it; some on our side, everybody over there—and we passed it. It was the same thing in the House. We could have done it again, the same bill, but the bill is changed. And, I might add, I don't like the way it was done. This is not the way this place is supposed to run. This is not the way the Senate is supposed to run. We should have regular order. We should have committee jurisdiction. We should have hearings. We could have passed that other SCHIP bill we passed in the last session of Congress. It did not happen.

All of a sudden we had a new bill. I went to our ranking member, the distinguished Senator from Iowa, Mr. GRASSLEY. I said: What happened?

I went to the distinguished chairman of the committee, the Senator from Montana, and I asked Senator BAUCUS: MAX, I don't understand this. We usually meet as Republicans; we meet as Democrats. We get together and the Finance Committee is usually bipartisan and then we come up with something and figure out if we cannot do a bipartisan bill, we should not do it.

This is a brandnew ball game. This is not what the President said yesterday when he met with Republicans and said: I want to work with you. This is not what the President said when he said: I am going to reach out; I need your suggestions. This is a cramdown. This is a thing where we had SCHIP, and then, boom, here we are. We have SCHIP, a different bill. I cannot now vote for it. I voted for the last one, but I am not going to vote for this one because of the problems it has.

This is not the way to do business. I feel very badly I advised Tom Daschle who, obviously, advised the transition team who may have advised the President to start off with SCHIP. Now we have SCHIP and it is not SCHIP; it is sandwich plus and plus and plus, most especially for New York and New Jersey. I have been picking on New York. I might as well pick on New Jersey.

The amendment I am offering will close some of the loopholes of H.R. 2 that corrupt the intent of the program and skew priorities. My amendment strikes section 114 of H.R. 2 and replaces it with language that prevents any State from receiving Federal SCHIP funds to cover kids, young people, children, not adults, from families with incomes which are the lower of $65,000 or the State median income for a family of four.

Why do I do that? Because I want to target the program to the low-income kids. You raise all of these caps and all of these income disregards—income disregards; I love those two words, ''income disregards.'' Does that make any sense? That is not an oxymoron; it is something that does not make any sense. Income disregard. We are going to disregard this income—your house, your car, I don't know, maybe your dog. It would have to be a pure-bred dog.

At any rate, this is ridiculous. You raise it and you spend money on those folks, if you can find them. They are sure going to come to the waterhole. But you need not do that and fine the low-income kids who desperately need it. They desperately need it in Kansas and desperately need it in every State. Again, we cover families with incomes which are the lower of $65,000 the State median income for a family of four.

In addition, my amendment addresses the Medicaid-SCHIP sandwich—SCHIP funding for bonus payments for higher income Medicaid kids.

To be sure, even if this amendment is accepted, a lot of my concerns with this bill will remain, although this would be a giant step forward.

I am also concerned—this is another one of the burrs under the saddle of the SCHIP horse that came out from the chute looking entirely different from the old SCHIP horse which was about to finish first in the race. I am very concerned about the removal of the crowdout provision that had been included in both SCHIP 1 and 2 of last year.

What am I talking about? My concerns are confirmed by the CBO's estimate that over 2 million out of the 6 million new children who will be covered by SCHIP or Medicaid under this new bill already have insurance in the private market. So here we have 6 million youngsters, 2 million of whom are already covered by private insurance. That is the very definition of crowdout, and it needs to be addressed.

What is going to happen to the insurance company that covers these kids? Of course, we are trying to find the low-income kids. But we find out that 2 million—actually it is more than that—are covered by insurance. Do you think that insurance company is going to cover them? Of course not. They are going to get the free Federal program. And what does that do to the insurance company that is covering them now? It means they will probably say: I think we are not going to go into that business anymore. That could leave a lot of other people without insurance. So it is crowding out private insurance, and that needs to be addressed.

I am also upset that this debate over children's health insurance has largely been hijacked by an amendment which inserted one of the most passionate and divisive issues of the past decade into the bill. I am obviously talking about immigration. That has been debated on the floor before. That is the immigration issue. I am very disappointed it was injected into this debate.

Finally, I reiterate my discouragement with the partisan character of this new bill. I think I have indicated that. It is an insult to myself and to my Republican colleagues who worked so very hard to convince our own caucus in the Senate—very difficult—and over in the House to reach across the aisle to work on a bipartisan basis on an issue of huge importance to the children and families of this country. All of that time in good faith. Again, the horse came out of the chute. Wrong horse. Wasted now. It is unfortunate and sets a very negative tone for future health care reform discussions in the 111th Congress.

I said when we started the debate on this bill, and I appealed to the chairman who is a very fair man, a great chairman who works closely with Senator GRASSLEY—either one, it doesn't make a difference who is chairman; we work in a bipartisan way—this tears at the fabric and the comity of the Finance Committee, the very committee that is in charge of the economic stimulus that affects every American. If we are going to do this, simply ram it down our throats, burrs under the saddle and everything, or fish hooks or whatever you want to call it, that is a very bad precedent.

Now, all that being said, I hope my colleagues will support my amendment. I hope we can recapture some of that bipartisan spirit that accompanied the previous SCHIP bill just in the last session. And I hope we can again—that we can again, Madam President—place our priority on covering low-income children.

I yield the floor.

Madam President, it appears to me that a quorum is not present. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. GRASSLEY. Madam President, I support the amendment offered by Senator ROBERTS. I would like to say a few things about it at this point.

The Roberts amendment would focus the Children's Health Insurance Program back to the original purpose of the program, which is coverage of low-income children. This amendment eliminates the earmarks in the bill which make it easier for States to cover children from families with incomes above 400 percent of poverty.

The amendment sets an actual threshold on a State's ability to expand SCHIP at higher income levels. It does this by capping eligibility for taxpayer-subsidized health coverage in the Children's Health Insurance Program at $65,000 in annual income. The amendment fixes another loophole in the bill which would permit States to set Medicaid eligibility higher than the Children's Health Insurance Program.

Last night the Senate Finance Committee voted out an economic stimulus package with $87 billion in increased Medicaid spending. The increased Medicaid spending is in the form of higher Federal payments to States for the coverage of people in the Medicaid Program.

We heard over and over, from the other side of the aisle, how the Federal taxpayers need to pay for more Federal dollars going into Medicaid because, if they do not, then States will cut benefits or cut back on the already dismal payments for providers who see Medicaid patients. In fact, I offered an amendment to that stimulus bill to protect the safety net. It was defeated on a party-line vote.

My amendment essentially said that if Congress is going to give States $87 billion for their Medicaid Programs, then we should make sure they do not undermine access to vital services with cutbacks to children's hospitals and public hospitals that are already struggling, and we should make sure States do not cut funds for health centers and for pediatricians.

The $87 billion in the so-called stimulus bill will not do much good to protect low-income children and families' health coverage if States are allowed to take these billions of dollars intended to protect the safety net and instead use them as their own slush fund to do whatever they want.

But, sadly, my amendments to protect the safety net were defeated. What we now have is the so-called stimulus bill. In that is nothing more than a $87 billion slush fund for the States.

With States crying out for a multibillion dollar bailout from the Federal Government, it seems to me very ironic that we have come to such a logjam over whether to allow States to expand income levels as high as 300 percent to 400 percent of poverty.

In one State, I believe it is New York, that is above $87,000-a-year income, plus $40,000 to disregard above that.

On the one hand, the other side is fighting so hard to allow States to expand the Children's Health Insurance Program to allow coverage at these higher income levels while, on the other hand, they are saying that unless the Federal Government dumps billions of dollars into State coffers, States will be forced to eliminate benefits and services at very lowest income levels.

That argument obviously makes no sense whatsoever. We should be focusing our efforts on covering low-income kids first. The other side will come down here and say that is what they are doing. But when they are unwilling to back up their rhetoric with changes to actually do that, I wish to make sure everyone understands what we are talking about with this legislation and particularly the Roberts amendment.

The Children's Health Insurance Program provides higher Federal matching dollars to States to provide health coverage for low-income children. That is what it does. The higher Federal matching dollars are there to encourage States to expand their program and get these kids covered. This program has been in place now since 1997—obviously 12 years—and still there are about 6 million low-income uninsured children in America today. The Children's Health Insurance Program reauthorization should be focused on getting these low-income kids covered and

that should be the top priority in this bill. But this bill goes in a different direction. It allows coverage of kids and families with incomes of $83,000.

The median family income in America is roughly $50,000, and I imagine in my State it is probably even lower than that. The median income is the point at which half the households have incomes above that level and half have incomes below that level. So when the Government steps in and says let's have the taxpayers pay for your health coverage, those scarce dollars should be focused on the low-income kids this program is intended to insure—those kids, obviously, who are still uninsured. That ought to be our first priority.

But when the program is allowed to cover children in families at $83,000, and even higher, that means families below the median income are being forced to pay for the health care costs for children of families in the top half, and they are being forced to have their taxes go up to pay for that coverage in the top half, when they may not even have coverage for their own children. That is just plain wrong.

What Senator ROBERTS' amendment does is cap the eligibility for programs at families with incomes of $65,000. Some people are going to say even that is too high. But at least we are kind of keeping it toward the national median income. That is still a family income that is above, obviously, the median income. A lot of people would say that is still way too high. I cannot say that too many times because I know what the grassroots of America are saying about what we do around here, particularly in rural America; that it seems like we do not understand how the average family lives. But the Roberts amendment is better than the unlimited coverage this Children's Health Insurance Program bill would allow.

But the other side does not want to have any amendments. This is a fundamental difference we have in how we think about things. They believe the Government has to be the solution. They will oppose putting any income limits on eligibility. They want to allow States to expand their programs so taxpayers in the bottom half of incomes in America are helping to buy health coverage for people in the top half of the income or in my State of Iowa, where the average income is less than $50,000, they are going to say Iowans ought to support New York families with incomes of $83,000 for a Children's Health Insurance Program in that State. They believe Government has to be a solution to cover higher income kids. They believe if the Government does not do it, then it will not happen—even though we have about 6 million low-income kids still uninsured in this country; even though States are crying out for the multibillion dollar bailout that is going to be in the stimulus package. They still want to say they will oppose putting any limits on this program. It is outrageous.

When we are headed toward a Federal budget deficit of $2 trillion or more this year, we need to get a grip on reality. Policies that encourage expansions at such high income levels, $83,000 and above, are counter to that effort and are at odds with the fiscal reality and the current demands of States.

I say that every Member ought to take a look at the Roberts amendment. It is a commonsense step to make this bill do what the Children's Health Insurance Program was supposed to be doing for the last 12 years, since it was first instituted in 1997—to help low-income kids get the coverage that they would not otherwise have.

I support this amendment and urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Madam President, I rise today to offer my strong support for the reauthorization of the State Children's Health Insurance Program because I have been a longtime advocate. It is so crucial to my State, to the Presiding Officer's State, and to the country in terms of the magnitude of the problem it seeks to address with uninsured children.

Before I address the merits of the legislation, I wish to recognize the exceptional leadership of the chairman of our committee, Senator BAUCUS, for bringing us to this point, for a long overdue reauthorization. It has been quite a journey over the last few years.

I know there have been some differences, ones that have been expressed by the ranking member, Senator GRASSLEY, as we have heard here on the floor, but he has been a constructive voice to bridge the divide and to reach a mutually acceptable agreement on this legislation. So his good-faith efforts always should be saluted.

Regrettably, the stakes are monumentally higher than when we first tried to pass a reauthorization bill a year and a half ago. Just this week, the Department of Health and Human Services announced that 7.4 million children were enrolled in the SCHIP program in 2008, which is a 4 percent increase over the previous year. While part of that increase is attributed to state outreach efforts, which should certainly be promoted, the fact remains that SCHIP is offsetting the continued declines we have been experiencing in employer-sponsored coverage. And we cannot turn a blind eye to the fact that a 1 percentage point rise in the national unemployment rate boosts Medicaid and SCHIP enrollment by 1 million, including 600,000 children.

For many working families struggling to obtain health care, if benefits are even accessible to them, the costs continue to rise, moving further out of their reach. In my own State of Maine, a family of four can expect to pay $24,000 on the individual market for coverage. For most, taking this path is unrealistic and unworkable.

The fact is, SCHIP for years has been a saving grace to millions of parents who have had to make wrenching choices when it comes to balancing adequate health insurance coverage with the cost of mortgages, heating bills, trying to save for their child's college education, and myriad other financial pressures. While some may mistakenly characterize SCHIP coverage as a welfare benefit, they may not realize that nearly 90 percent of uninsured children come from families in which at least one parent is working.

The anguish of parents who work hard to make ends meet, yet still cannot afford to pay for health coverage for their children, is truly devastating indeed. They face decisions no parent should have to confront such as whether their child ''is really sick enough'' to go to the doctor. They worry about their children doing simple, everyday activities such a playing on the playground, riding a bicycle, or participating in sports, merely because they cannot afford the consequences of a broken arm or a sprained ankle. All too often, their only alternative is to ratchet up their credit card balances, often irrespective of mounting debt.

And over the past 10 years, Maine has been one of the most aggressive states in the nation in enrolling eligible children. Today, SCHIP covers 15,000 children in Maine. Yet there are 11,000 children who are eligible and still un-enrolled. That is why a strong reauthorization is so critical. The bill before us will maintain health coverage for the children who are already enrolled and reach nearly 4 million additional children. It provides $100 million explicitly for outreach efforts. And it changes the funding formula to recognize the gains States like Maine have made in successfully enrolling low-income children, while at the same time building in performance incentives for States that have room to improve their outreach and enrollment efforts.

I know many in my caucus will have amendments that condition eligibility expansions in the program to the ability of States to reach nearly all eligible but un-enrolled children. Make no mistake, I share their goal in trying to reach out to as many children as we can. One way is through the ''express lane eligibility'' option which is already part of this bill. More than 70 percent of low-income uninsured children live in families that already receive benefits through Food Stamps, the National School Lunch Program, or the Special Supplemental Nutrition Program for Women, Infants, and Children, WIC. Giving States the option to use Express Lane Eligibility will simplify the way States determine who is eligible. It will lead to quicker and more meaningful coverage gains.

Beyond simply enrolling children in the program, this bill provides us an opportunity to emphasize preventive care, so not only are children covered, but we also improve their care. I am

particularly heartened that the package recognizes that dental care is not a ''luxury'' benefit, but one that is paramount to the healthy development of children. Under current law, dental coverage is not a guaranteed benefit under SCHIP. While all States offer dental coverage today, the lack of a Federal guarantee for dental care in SCHIP has left children's oral health unstable and unavailable in some States. An unstable benefit that a State may offer one year and then drop the next threatens a dentist's ability to see a child regularly and can even discourage dentists from participating in SCHIP altogether. That is why I am pleased that the bill contains a guaranteed dental benefit under SCHIP, a policy that Senator BINGAMAN and I have advocated both in the Finance Committee and here on the Senate floor.

And even beyond access to a guaranteed benefit, we had an opportunity to further meet an unmet need. Today, there are 4.1 million children in our country under 200 percent of poverty who have private medical coverage but not dental. That is why I am delighted that the Finance Committee accepted by voice vote the Snowe-Bingaman-Lincoln amendment that builds on a guaranteed dental benefit under SCHIP by giving States the option to provide dental-only coverage to income eligible children.

A number of my colleagues have expressed concern about SCHIP crowding out private coverage. Our amendment addresses part of that problem. Anecdotal evidence suggests that some parents eventually drop employer-sponsored coverage for a child in order to access dental coverage through SCHIP. We give States this option so that working families without dental coverage have an incentive to maintain private medical coverage, while gaining parity with their peers who are now guaranteed dental coverage through SCHIP. It is a win-win situation.

All children should have access to comprehensive, age-appropriate, quality health care, including dental coverage, whether they are in public coverage or private coverage. Proper dental care is crucial to a child's health and well-being. Yet more than half of all children have cavities by age 9, and that number rises to nearly 80 percent of teenagers by the time they graduate from high school.

And if we required any more reason why we should support better coverage of dental care, consider the heartbreaking story of the late Deamonte Driver from Maryland. His tragedy puts an all-too-human face on the critical need for proper preventive dental care. The cost of treating his brain infection that resulted from an abscessed tooth at Children's National Medical Center 2 years ago was over $250,000, and despite their best efforts, the medical team failed to save his life. Yet a tooth extraction in a dentist's office would have cost under $100. In describing this tragedy, the Washington Post reported that ''there can't be a more vivid reminder of how shortsighted our system is in not fostering access to preventive health care that saves not only money, but lives.''

Another accomplishment of this bill is the option for States to extend coverage to low-income pregnant women through SCHIP. It is inconceivable to me that the most prosperous nation on earth continues to lag behind the rest of the developed world in providing quality health care to expectant mothers. The United States ranks 41st among 171 countries in the latest U.N. ranking of maternal mortality. Our country is better than this. That is why Senator LINCOLN and I have long been involved in promoting investments in maternal health both in this country and globally.

The benefits of covering pregnant women are clear. Women who regularly see a physician during pregnancy are less likely to deliver prematurely, and are less likely to have other serious medical issues related to pregnancy. Sometimes, these medical problems can be caught early on and can be addressed before the child is born. Other times, knowing about these health issues ensures that the necessary facilities will be available at the time of birth so that the baby has the best chances for a healthy start. Without a doubt, coverage of low-income pregnant women through SCHIP, combined with the development of quality measures so we know how we can improve, will build stronger, healthier families.

I also supported Senator ROCKEFELLER's amendment to give States the option to provide coverage of legal immigrant children. More than 20 States make this coverage available using their own dollars, and the longer we wait to extend coverage to legal immigrant children and pregnant women, the more likely they will be in worse health if they eventually are covered by Medicaid and SCHIP. Allowing States the option to extend coverage to new legal immigrants would reduce these health disparities, as well as address inefficient health care spending by ensuring access to preventive care, as opposed to relying on expensive emergency room care.

I hope that my colleagues will see the true benefits of this bill and support it. This bill would allow states to increase SCHIP eligibility up to 300 percent of poverty, or $61,950 for a family of four, a boost that represents the right policy in view of the fact that over 8 million children remain uninsured today in the United States. The data available demonstrate that drawing the eligibility line at 300 percent of poverty will help maximize the number of children we help with this bill. In Maine alone, for example, approximately three-quarters of uninsured children are from families with incomes of 300 percent of poverty or below.

The bill contains exemptions for State expansions that are already in place or for States that already have a State law allowing an expansion in coverage in place today. From the start, States were given flexibility in how they could count income. The reason is due to the fact that there are strong variations among States in cost of coverage. A poverty rate of 200 percent in the New York metropolitan area is very different than that same rate in rural regions of the country.

This bill addresses the concerns over future coverage expansions. Going forward, if a State wants to exclude large blocks of income and expand beyond 300 percent of poverty, they can do so at the regular Medicaid match not the enhanced SCHIP match. And to further ensure that we are creating incentives for States to concentrate on the poorest children before expanding to higher income children, the bill provides over $3 billion in bonus incentives for increasing Medicaid enrollment of eligible children.

And yet, inexplicably, we will hear a chorus of reasons why we should not expand SCHIP. Some will express concerns about the size and cost of the package, which is $32 billion. Given the fact that over 8 million children in this country are uninsured, I would respond that it is a reflection of the magnitude of the problem. Is it any wonder that States have responded to the call of families who are struggling every day with the cost of health insurance and are assuming a tremendous burden in the absence of Federal action? This bill is a critical first step towards greater health reform.

Some of my colleagues will say that SCHIP will crowd out private coverage. Again, parents are choosing SCHIP because their employer sponsored coverage is often too expensive if it is even offered at all. In the early days of SCHIP, employers covered about 90 percent of the cost of health insurance for employees. Today, it is loser to 73 percent. And according to a recent Corporate Executive Board survey, one-fourth of large employers increased health insurance deductibles by an average of 9 percent in 2008, and 30 percent plan to increase deductibles by an average of 14 percent in 2009. This bill is reaching out to these families who are struggling with the costs while aligning the incentives for States towards coverage of families below 200 percent. And under this bill, 91 percent of children will come from families under 200 percent of poverty.

Some of my colleagues will argue that SCHIP is the first step toward Government-run health care. Our 10-year experience thus far with SCHIP demonstrates that this absolutely has not happened. Moreover, these claims ignore the fact that today, 73 percent of the children enrolled in Medicaid received most or all of their health care services through a managed care plan.

SCHIP has been the most significant achievement of the Congress over the past decade in legislative efforts to assure access to affordable health coverage to every American. Compromise

on both sides of the aisle helped us create this program 10 years ago, and hopefully a renewed sense of bipartisan commitment will help us successfully reauthorize this vital program.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENTS NOS. 67 AND 75

Mr. BAUCUS. Madam President, I ask unanimous consent that the Senate debate concurrently the Cornyn amendment No. 67 and the Roberts amendment No. 75.

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

Mr. BAUCUS. If I might continue, Madam President.

The PRESIDING OFFICER. Yes.

Mr. BAUCUS. That the time until 2:15 p.m. be equally divided between the chairman and ranking member, or their designees; further, that at 2:15 p.m., the Senate proceed to a vote in relation to the Cornyn amendment No. 67; following disposition of the Cornyn amendment, the Senate proceed to a vote in relation to the Roberts amendment No. 75; further, that no amendments be in order to the Cornyn and Roberts amendments prior to the votes; that there be 2 minutes for debate equally divided prior to the second vote; and that the second vote be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 46

(Purpose: To reinstate the crowd out policy agreed to in section 116 of H.R. 3963 (CHIPRA II), as agreed to and passed by the House and Senate)

Mr. KYL. Madam President, I ask unanimous consent that the pending business be laid aside for the purpose of my offering amendment No. 46.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 46.

Mr. KYL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

(The amendment is printed in the RECORD of Tuesday, January 27, 2009, under ''Text of Amendments.'')

Mr. KYL. Mr. President, this amendment deals with a problem we have discussed before, the so-called problem of crowdout. This problem was dealt with in the amendment by my colleague Senator MCCONNELL. But the Senate did not see fit to adopt that amendment, so I have now offered the amendment to specify that as to this one specific problem, hopefully, we can get together and resolve it.

First of all, what is ''crowdout''?

Put simply, the more individuals you enroll in a Federal health program such as SCHIP, the more you crowd out or displace from employer-sanctioned or sponsored coverage. In other words, the more opportunity there is for the Government program, fewer employers will offer insurance to their employees.

The Congressional Budget Office actually did a study of this in May of 2007, and here are some of the things they said: For every 100 children who enroll as a result of SCHIP, there is a corresponding reduction in private coverage of between 25 and 50 children. So that is between 25 and 50 percent will leave private insurance to come to SCHIP.

They said: The potential for SCHIP to displace employer-sponsored coverage is greater than it was for the expansion of Medicaid because the children eligible for SCHIP are from families with higher income and greater access to private coverage. Again, that is from CBO.

Unfortunately, we have exacerbated this problem because, as I had explained earlier, in the underlying bill we have actually allowed some States to cover families with very high incomes.

For example, there is an exception for two States: New Jersey and New York. New Jersey will be allowed to continue covering children from families earning as much as $77,175 per year. New York will be allowed to cover children from families earning as much as $88,200 per year. That is 400 percent of poverty.

Making matters worse, the committee counsel acknowledged that States can exploit a loophole in the current law whereby a State may disregard thousands of dollars' worth of income in order to make a child eligible for SCHIP.

So you add these numbers together. If we set an income level for New York, for example, of $88,200, and then the State disregards an additional $40,000 worth of income for expenses such as clothing or transportation or the like, then children whose families earn over $130,000 would be eligible.

Not only, obviously, is that wrong, not only is it unfair for those of us who come from States that cover half that number—in other words, our citizens would be subsidizing the coverage at twice as much as a State such as Arizona provides—but it will also exacerbate the problem of crowdout because these are higher income families more likely to have insurance coverage that would then devolve to the SCHIP program.

So this is the essence of the problem of crowdout, the problem we are seeking to deal with.

Mr. ROBERTS. Mr. President, will the distinguished Senator from Arizona yield for a question?

Mr. KYL. I am happy to yield.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I would ask the distinguished Senator from Arizona, it is my understanding section 116, the anticrowdout section from the previous bill—meaning SCHIP II which passed both the House and the Senate by big majorities last year, and was recommended by some of us as the first bill that should come up this year so we could demonstrate bipartisan support, thinking, of course, the anticrowdout legislation would be in it. It is my understanding that section 116 was left out of the SCHIP bill that we are considering today.

Section 116 required that all States submit a State plan amendment detailing how each State will implement best practices to limit crowdout—the very problem the Senator has been talking about. It also required the Government Accountability Office to issue a report describing the best practices by States in addressing the issue of SCHIP crowdout. Finally, it required the Secretary of HHS to ensure that States which include higher income populations in their SCHIP program to cover a target rate of low-income children, or these States would not receive any Federal payment. This is the very thing we are talking about here whereby under H.R. 2, two States are allowed to expand eligibility up to 400 percent of poverty—that is $88,200—and then you allow income disregards on top of that—that is a marvelous term: ''income disregard''—which allow you to subtract $10,000 for your car; $10,000 for your house; $10,000 for your food, clothing, whatever; up to $40,000 on top of $88,200—how on Earth am I going to explain to a Kansas taxpayer, an Arizona taxpayer, any taxpayer that you are giving a program intended for low-income kids to children of people earning $128,000?

At any rate: Section 116 required that states that included these higher income populations in their SCHIP programs cover a target rate of low-income children, or these States would not receive any Federal payment for such higher income children. That was section 116. What happened to that?

Mr. KYL. Mr. President, well, that is exactly the point of my amendment. The bill the Senator from Kansas voted for last year had section 116 language in it. The Senator is precisely correct about what it did. That was not Republican language. That was drafted by the chairman of the committee and the leadership in the House, Democratic leadership, and supported by Members on both sides of the aisle when that bill passed. But in writing the bill this year, they dropped that language.

Now, I do not know why they dropped it, but it was dropped. All my amendment does is to add back that language. I have not changed a comma or a period or a semicolon. I took the language they drafted last year, in the bill that passed, and reinserted it in this bill.

Mr. ROBERTS. Mr. President, will the distinguished Senator from Arizona yield for another question?

Mr. KYL. Mr. President, I would. If I could ask the Senator from Texas, who has one of the pending amendments, if he wants to speak on his amendment, I will yield.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KYL. I thank the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, first, I might remind all my colleagues 69 Senators voted for the underlying bill, essentially, when it was last before the Senate in 2007, and that bill did not include the amendments the Senators on the floor are now suggesting; that is, 69 Senators voted for the bill without these two limiting amendments that are being suggested on the floor.

The Children's Health Insurance Program is clearly helping lower income families. In 2007, 91 percent of children enrolled in CHIP were in families living at or below 200 percent of poverty. It is helping those people. The bill also, I might say, with respect to this so-called issue of crowdout, provides States with bonus payments—additional money—to cover more uninsured low-income kids in Medicaid, and those are the kids from the lowest income families. This bill targets low-income people.

Also, there are other outreach initiatives designed to encourage States to find low-income kids who are eligible but not enrolled.

Now, I must say, it is true in some States kids are eligible in families earning more than twice the poverty level. These two amendments would reduce Federal funding to these States. I think that is not a good idea. We should resist efforts to kick kids off the Children's Health Insurance Program. That is what those amendments would do.

One of the hallmarks of the Children's Health Insurance Program is giving States flexibility in designing their own programs. Remember, this is a block grant program.

States have the option to participate. States decide if they want to participate. I must also say this bill before us takes the more limited version of the two bills that were voted on by very large margins in this body last year with respect to the 300 percent of poverty.

What I am getting at is this. If the States want to go above 300 percent of poverty, they get the lower match rate. The lower Medicaid rate. They do not get the higher Children's Health Insurance Program match rate. It is a discouragement to those States that, at their own option, decide they want to go above 300 percent of poverty.

Do not forget the poverty rate is a national figure. It is not the poverty rate of one State versus another State. It is a national figure. Some States are healthier States. Some incomes are higher than they are in other States. So it makes sense some States, at their own option, might decide they want to cover children above the national Federal poverty level. But if they do so, the bill provides a lower match rate. I must also say, this bill gives States a reduced Federal match rate along the lines I have indicated.

Let me add to that and make one more point. It is a difficulty with the Roberts amendment because it caps the Federal match at families with $65,000 or median State income. What is the problem?

First, the amendment uses a flat dollar amount and does not index it for inflation. Obviously, over time, that means the Federal funds would have to be fewer and fewer for families because inflation would cut into the families' ability to participate, as inflation eats away at the value of the dollar.

Second, using median State income is an additional problem because the program is directed at helping families who make just a little more than Medicaid levels but not enough to afford private insurance.

The Federal poverty level for a family of four is just a little more than $21,000. In many States, the median State income is less than twice the Federal poverty level—less than twice, less than 200 percent of the Federal poverty level. Thus, the Roberts amendment would constrain Children's Health Insurance Program funding severely in those States compared with other States.

For example, in Mississippi, the median household income is $35,900. That is 170 percent of the Federal poverty level—not 200 percent; it is 170 percent. That means we would have to cap the match rates in Mississippi at lower than 200 percent of poverty; that is, at the 170 percent level.

In 10 States, the median household income is less than 200 percent of poverty. Those States include New Mexico, Montana, Tennessee, Oklahoma, Alabama, West Virginia, Kentucky, Louisiana, Arkansas, and Mississippi.

So the effect of the Roberts amendment would be to further constrain States to take kids off CHIP—those kids who are in families at less than 200 percent of poverty. I do not think that is what we want to do, but that is the effect of the Roberts amendment.

The policy on low-income kids in the bill is the same policy that was in this first Children's Health Insurance bill. The Senate passed that bill with 69 votes, including Senator ROBERTS, I might say, and Senator HATCH. They both voted for the underlying bill and without these amendments that have been on the floor. True, that bill was vetoed by President Bush, and the House was unable to override the veto. But 69 Senators voted for these policies that are in this bill, without the amendments that have been suggested on the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senator from North Carolina be recognized for 1 minute and that then I be recognized for 1 minute following that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from North Carolina.

Mr. BURR. Mr. President, I thank my colleague.

The chairman alluded to the fact that some States need more flexibility because the income in their States is higher. One of those States that is grandfathered is the State of New Jersey. It is allowed to include up to 350 percent of poverty for SCHIP participants.

Now, it is important to understand that when you increase flexibility, you decrease the likelihood of people under 200 percent of poverty being enrolled. New Jersey ranks 47th out of 50 States in the enrollment of kids 100 percent above poverty to 200 percent above poverty. Twenty-eight percent of the kids in that category in New Jersey are uninsured.

Increase flexibility, decrease the number of enrollees targeted in the 100 to 200 percent of poverty—the uninsured, at-risk, low-income children. It is very simple.

I yield.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 67

Mr. CORNYN. Mr. President, the question I think the American people want to know every time we come to the floor with some legislation is, Will it work? Will it work? Well, SCHIP, as laudable as it is, is not working the way Congress intended when we passed it.

I came to the floor and mentioned the fact that with 850,000 Medicaid and SCHIP-eligible children in Texas, that now the money that will be spent on this program will be spent to insure much higher level income families as well as adults without focusing on those low-income kids first. My amendment would redirect those funds to make sure they are reserved for covering low-income children or for outreach and enrollment activities. I think it is important we put some money into that, to let people know, to educate them that this is available for their children and then sign them up, rather than the use of those funds to cover children from higher income families.

This amendment sends a message that Congress will meet its responsibility of putting first things first by taking care of low-income children.

I yield the floor and urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Montana has 1½ minutes remaining.

Mr. BAUCUS. I thank the Chair.

Mr. President, this is very simple. The real question is, Do we want to kick kids off of the Children's Health Insurance Program—kids who are currently qualified, and qualified because that was a State decision, that was the State option. Most States made that decision for those kids to be included. The Federal poverty level is a national figure, so we cannot apply the Federal poverty level fairly to New York or Mississippi or other States because it

is not relevant because the income levels of States are different. It is not fair to take kids, in my judgment, off SCHIP. There are also provisions in the States that eliminate childless adults, We do not allow waivers. There was a waiver by President Bush that allowed New Jersey to have that higher level.

The bottom line is let's keep the program. It is good. Sixty-nine Senators voted for the underlying bill last time.

We did it for the right reasons. Let's do it again.

Mr. President, I move to table the Cornyn amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. CHAMBLISS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 33, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—64

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Pryor
Bayh	Harkin	Reed
Begich	Inouye	Reid
Bennet	Isakson	Rockefeller
Bingaman	Johnson	Sanders
Bond	Kaufman	Schumer
Boxer	Kerry	Shaheen
Brown	Klobuchar	Snowe
Burris	Kohl	Specter
Byrd	Landrieu	Stabenow
Cantwell	Lautenberg	Tester
Cardin	Leahy	Udall (CO)
Carper	Levin	Udall (NM)
Casey	Lieberman	Vitter
Collins	Lincoln	Voinovich
Conrad	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murkowski	
Feinstein	Murray	

NAYS—33

Alexander	DeMint	Lugar
Barrasso	Ensign	Martinez
Bennett	Enzi	McCain
Brownback	Graham	McConnell
Bunning	Grassley	Nelson (NE)
Burr	Gregg	Risch
Coburn	Hatch	Roberts
Cochran	Hutchison	Sessions
Corker	Inhofe	Shelby
Cornyn	Johanns	Thune
Crapo	Kyl	Wicker

NOT VOTING—2

Chambliss	Kennedy

The motion was agreed to.

Mr. LEAHY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 75

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on Roberts amendment No. 75.

Mr. ROBERTS. Mr. President, my amendment is very simple, I say to all those milling about. My amendment strikes section 114 of H.R. 2 and replaces it with language that prevents any State from receiving Federal SCHIP funds to cover kids from families with incomes which are the lower of $65,000 or the State median income for a family of four.

It also addresses the Medicaid-SCHIP sandwich by preventing States from receiving SCHIP funding or bonus payments for any higher income Medicaid kids.

We now have States that can cover kids with family incomes up to $128,000. I do not think that is right.

Let me tell the chairman he is absolutely wrong if he says median income is too low. It is median family income, as determined by the Secretary, look at page 2 of my amendment. But how on Earth can we explain to people that we are giving money to a $128,000 income family of four when this is supposed to be for low-income kids? You are ruining SCHIP.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana is recognized for 1 minute.

Mr. BAUCUS. Mr. President, there are at least 10 States with median incomes at such a level that the effect of this amendment would take kids off the rolls, even when the parents' incomes are lower than 200 percent of poverty. That is because in those States, the median family income is lower than what is prescribed in this amendment. I can list the States. It makes no sense for kids of families who are at lower than 200 percent of poverty to be taken off the Children's Health Insurance Program. That is the effect of this amendment.

In addition, the amendment denies States the opportunity to set the levels they want. Some States are much more wealthy than other States. It is also an optional program. We also cut the reimbursement rate. That is the match rate for States that are wealthier States.

The main point I want to say is, already 91 percent of the kids are in families under 200 percent of poverty. The effect of this amendment would take the kids lower than 200 percent of poverty in 10 States off the rolls, and that is not the right thing to do.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to Roberts amendment No. 75.

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 60, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—36

Alexander	Ensign	Martinez
Barrasso	Enzi	McCain
Bennett	Graham	McConnell
Brownback	Grassley	Nelson (NE)
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Coburn	Hutchison	Sessions
Cochran	Inhofe	Shelby
Corker	Isakson	Thune
Cornyn	Johanns	Vitter
Crapo	Kyl	Voinovich
DeMint	Lugar	Wicker

NAYS—60

Akaka	Feingold	Murkowski
Baucus	Feinstein	Murray
Bayh	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Bond	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Burris	Klobuchar	Shaheen
Byrd	Kohl	Snowe
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Collins	Lincoln	Udall (NM)
Conrad	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden

NOT VOTING—3

Chambliss	Kennedy	Landrieu

The amendment (No. 75) was rejected.

Ms. STABENOW. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 46

The PRESIDING OFFICER. The pending question is the amendment of the Senator from Arizona, amendment No. 46.

Mr. KYL. Mr. President, this amendment which I laid down before the last two votes deals with the problem of crowdout, the problem CBO identified, that for every 100 children who enroll as a result of SCHIP, there is a corresponding reduction in private insurance coverage of between 25 and 50 percent. In fact, CBO's number, their estimate, as a result of people leaving private coverage and going into the Government program as a result of this bill, is nearly 2.5 million individuals. That is what this amendment seeks to address.

The amendment is the identical language in the bill that was written by the House majority last year, passed when that bill then came back over to the Senate, passed this body, was sent to the President, and he vetoed the language. It was not written by Republicans, it was written by Democrats, and it attempted to deal with the problem of crowdout. I will describe that after a while. It is not the language I would have preferred, but at least it recognizes the problem.

As a result, I ask my colleagues, what is wrong with the language? Why do we not want to address this problem of crowdout? Since I borrowed your language, didn't change a period or a comma, what is wrong with including that in this bill?

The chairman of the committee noted that 69 percent of the Senators voted for the original bill that did not have the language in it. True. But also, whatever similar number voted for the bill after it passed the House, that did have the language in it.

But that is not the important point. The important point is that, recognizing there was a problem, the House, along with the chairman of the committee here in the Senate, wrote the language, put it in the bill, yet did not include it in the legislation that is pending before us. That is why I have offered this amendment—the same language—to try to deal with this problem.

I was told the Senator from Kansas had a question he wanted to ask, and I yield for the purpose of a question.

Mr. ROBERTS. Mr. President, I ask whether the distinguished Senator from Arizona will respond to a question?

Mr. KYL. Mr. President, I will be happy to.

Mr. ROBERTS. I am trying to figure out the practical effect of this. You have already described the fact that this is exactly the same legislation, the same language in the legislation that was passed by this body and the House last year—CHIP I, CHIP II—and then it was deleted. They were talking about crowding out, and that is what happens when public subsidies encourage people to give up their private insurance.

So I am sitting here trying to figure this out. The CBO analysis says that 400,000 children will be covered in higher income families, but another 400,000 children will drop their existing private coverage as a result.

I think you had another figure that you just said.

Mr. KYL. Mr. President, the reason for the disparity is this: CBO says 2.5—2.4, to be exact, 2.4 million people will lose coverage from their private health insurance as a result of this legislation. For the higher income, it is almost a 1-for-1, and that is the 400,000 number the Senator from Kansas is talking about. Literally, for every person who is added, a person is dropped.

Mr. ROBERTS. So the SCHIP legislation ensures one new child for the cost of two. That doesn't seem like a very good deal.

But here is what I want to get to. Is this correct, in the view of the Senator from Arizona. You are an insurance company—BlueCross BlueShield in Kansas, for that matter, Arizona, or John Deere from Iowa—I know they provide this kind of insurance for low-income families. What happens to them when SCHIP expands and crowds them out? And another thing, I'm assuming that providers get less in terms of reimbursement from SCHIP than they do from private insurance. So if I am a provider—and this story has been told in Medicaid, it has been told in Medicare, and now it is going to be told in SCHIP—and I get paid less, some providers are going to say: Adios. I am sorry, I am not going to see you.

Basically, we had that with Medicare Part D and pharmacists, where they were only reimbursed up to 70 percent, and some of them say: I am not going to do this anymore.

Now we are doing it with SCHIP because we are crowding out the private insurance companies. If you are a private insurance company, if you are John Deere of Iowa, and all of a sudden somebody comes along and takes away this number of youngsters from the coverage, how are you going to exist?

Mr. KYL. Mr. President, the Senator from Kansas makes a very good point. There are cascading effects of this, first, on private insurers, who will not have the people to cover; second, the Senator mentioned providers. Physicians, for example, will get paid a lot less under this program than they would otherwise. We have seen what happens with Medicare when they reduce their reimbursement to physicians. You have a lot fewer physicians available to treat the patients, as a result of which, probably not only will you have the problems I discussed, but you will have a problem with access and quality of care as a result. That is something that had not occurred to me, and I appreciate the Senator from Kansas making that additional point.

Mr. ROBERTS. I thank the Senator.

Mr. KYL. Mr. President, I had promised the Senator from Michigan I would go no more than 5 minutes, and I would appreciate being advised when I am at the 5-minute mark.

The PRESIDING OFFICER. The Senator will be advised.

Mr. KYL. I appreciate that. My presentation is now going to have to be interrupted yet a third time here.

I will describe what the amendment does in precise terms. It calls for various reports and studies and efforts by States to ensure they have a plan for making sure there is a minimum amount of crowdout and calling for the Secretary to determine if a State is doing a good job of covering these low-income kids. We can go into more detail about that. Again, it is not language I wrote; it was written by the House and Senate Democrats.

Why is this important? One of the reasons is that as we keep expanding the people who are entitled to coverage here, why are not the lower income kids being covered? There is a very simple explanation. The Senator from North Carolina brought it out earlier: It is easier to identify a higher income cohort of families and cover their kids than it is to find the low-income kids.

This is the problem with a State such as New Jersey. It is why we cover up to 350 percent of poverty there. What they are doing is taking the higher income people. They can find them, they can get them covered, they already have insurance. And as the Senator from Kansas pointed out, on the higher income families, there is almost a one-to-one ratio. You add a person on, one person drops off of private health insurance coverage. It is much easier to do that and build up your numbers than it is to do the tough work of finding those low-income kids, and that is who this program is supposed to be all about. I regret we did not adopt the amendment of the Senator from Kentucky, because the thrust of his amendment was to find the low-income kids, the kids at 200 percent of poverty or below, and get them into this coverage. That is where we are failing.

Instead, under the bill we are considering, we keep adding more and more people at higher incomes. Sure, you can find them, we are covering more kids, but are we covering the kids who need the help? The answer is no. That is why this is so important. That is why this crowdout issue, in addition to the points the Senator from Kansas pointed out, is so important for us to try to resolve.

Again, I do not understand why it is not appropriate to include the same language that was in the legislation last year that went to the President of the United States, because at least it is a modest effort to address the problem of crowdout.

One more point here. What has happened since this effect has become apparent to us. Since 1997, 11 States expanded their programs to make families at 300 percent of the poverty level or higher eligible for SCHIP. That is the problem, that we are going up, rather than finding those kids in the lower income bracket.

When Secretary Leavitt tried to do something about that, and on August 17 of last year issued his crowdout directive to try to cover the low-income kids first, Members of this body objected. I will predict that what will happen is that it is likely Secretary Leavitt's directives are going to be rescinded because what they try to focus on are the low-income kids, rather than simply allowing more higher income kids to be covered.

If that happens, then the entire crowdout issue falls directly in our lap. If we do not have language to deal with it, such as that which I am proposing in my amendment, then not only will the bill become far more expensive, not only will fewer families be covered by private insurance with the attendant consequences there, but we will still have the problem of the low-income kids who are not covered and who have not been found.

We will be speaking more on this amendment before we have the vote on it a little bit later on this afternoon. I will at that time deal with a couple of other points that I want to make.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I rise today in strong support of the Children's Health Insurance Program, and the fact that we will be adding 4 million children for a total of 10 million American children from families predominately who are low income, who have parents who are working but do not have insurance, and have a very difficult time going into the private sector and paying very high premiums to try to be able to cover their children.

We do not want families choosing between keeping the lights on and keeping the heat on, food on the table, and whether their children can get health care. And for too many families in America right now, that is what is happening.

So I am pleased to be a part of this, to know we have a President who will enthusiastically and quickly sign this bill as one of his first actions. I think it will be very exciting to see that, after having worked so hard on a bipartisanship basis with colleagues to pass not once but twice children's health insurance, and to have it vetoed by the former President.

This is a real opportunity for us. I certainly thank Chairman BAUCUS and his staff for all of the work, and also the work of Senator ROCKEFELLER and Senator GRASSLEY and Senator HATCH, who are expressing concerns, but there has been a tremendous amount of bipartisan work that has gone on.

Frankly, the bill we have in front of us is very much the bill that we worked on together in a bipartisan way and brought to the floor in the past. It was a compromise. There are things that, frankly, if I were doing this by myself, I would want to go back and change if we were not keeping to the bipartisan agreement. We were originally talking about adding more children, a larger pricetag of $50 billion. I would have been very happy to go back to that number.

But, again, in agreeing to work within the confines of the bipartisan agreement from last session to be able to move it quickly, we did not do that. Also, there are certainly elements relating to low-income adults that I would like, coming from Michigan, to revisit. But we have not done that.

So I think there has been a tremendous good-faith effort to operate within the framework of the bill that was passed, worked on by leaders on both sides of the aisle. We have a wonderful opportunity right now to do something very important for the children of Michigan, the children of Oregon, the children all across this country.

There are very important changes from the current program that we are adding in this bill, making improvements in outreach and enrollment. Our colleagues on the other side of the aisle have talked about concerns about not having enough outreach to low-income children. Dollars are placed in this bill that would allow more of that to occur. I think that is very important.

Dental coverage. Mental health coverage. We have all heard the horror stories of children who had tooth problems or an abscess turning into a situation that in certain cases has caused death, tremendous tragedies. It is inexcusable that in the United States of America we would have children who could not get the dental care they needed or the mental health care they needed.

I am very pleased to have worked on the areas of health information technology where we are adding the ability to pilot a pediatric electronic medical record to make it easier to track children and to be able to have a more efficient way to gather the information about children's health records and to have it available for providers.

This bill is a huge step forward in so many areas. The Children's Health Insurance Program has been a success story since its beginning. I was pleased as a new House Member from Michigan in 1997 to have voted to pass the original Children's Health Insurance Program, and the companion program with it under Medicaid, which has reduced the number of uninsured children by over one-third. I think that is something we should feel very proud about.

These gains have occurred even as health care costs have risen, skyrocketing in many places, and employer-based coverage has, unfortunately, been declining because of the cost. I know in my home State of Michigan, the Children's Health Insurance Program and the partner program of Medicaid have made a huge difference in people's lives, a huge difference in a family's ability to care for their children, to be able to sleep at night and not worry about what happens if their children get sick.

Working families in Michigan have been losing their employer-sponsored coverage for over a decade now, unfortunately, increasing the need for an expansion of affordable health insurance options for children. A report recently released from the University of Michigan and Blue Cross-Blue Shield of Michigan found that between 2000 and the year 2006, employer-sponsored insurance decreased over 10 percent, meaning that we are talking about families who otherwise had insurance through their employer and now they do not. They then turned to the private individual marketplace. It is extremely expensive. And for many families, that is not an option. So they have turned to this wonderful public-private program called the Children's Health Insurance Program. In Michigan it is known as MIChild. This is a wonderful partnership that has helped families of working parents, folks who are working hard, but who are not poor enough to be able to qualify for health care under Medicaid for low-income individuals. They are not in a job or wealthy enough to be able to purchase health care themselves in the private sector, but they are working. They are working hard every day, maybe one job, maybe two jobs, maybe three jobs. But they do not have health insurance.

That is who we are focused on when we talk about the Children's Health Insurance Program. It is not about rich kids, as we have heard some discussion about. In Michigan, a family of four cannot make more than $40,000 a year to qualify for MIChild. Those families are working very hard, and that is not a lot of money to try to hold together a family of four and pay the mortgage, put food on the table, and then find some way to pay big insurance premiums.

Let me share a few stories from families in Michigan who have contacted me. Five-year-old Ryland has a heart condition that causes his heart to race. He had two unsuccessful surgeries for his condition when the family lived in Canada. When they returned to Michigan, there was no insurance company that would cover Ryland because he had a preexisting condition—a very common story for families.

Michigan used a portion of its funding to expand what we call Healthy Kids. Through that program, Ryland was able to receive a successful surgery.

Six-year-old Ethan has a serious heart condition called long QT syndrome, which causes seizures and blackouts and makes the heart race until it stops completely. Ethan had received insurance through his father's employer, but when his father died, his mother did not know what to do. Luckily, Ethan's mother was able to enroll him in the Michigan program MIChild. He was then able to get the care he needed to get help for his heart condition early on. It has made a tremendous difference in his life and in his mother's life.

This is not only the right thing to do, the moral thing to do; treating illnesses and chronic conditions early also is the economical thing to do. I do not want to put it in dollar terms because what is most important is the ability for children to be able to be healthy and live long lives and have opportunities for the future of this great country. But we all know that if a parent is forced to wait until it is an emergency situation and use the emergency room, or worse, in terms of waiting until a child is in a very serious illness, we are talking about huge costs. So this is the one time where we save money and save lives. We save money and we improve the quality of life for 10 million children in America through this program.

Sharing another story: Chad and his wife have two young children. He works for a small landscaping business with an off-season of 3 to 4 months. Sometimes the winter can be pretty long in Michigan. If they, Chad and his wife, purchased insurance through their employer, it would be an additional $300 a month which, unfortunately, was not affordable for them. But through MIChild children's health insurance, both of their sons were able

to get the inhalers they needed for their asthma. That significantly changed their life, their qualify of life.

Pam is a full-time preschool teacher and mother. Her monthly premiums of $384 a month would have taken up over 20 percent of her pay. She was not able to do that. Through MIChild she was able to get the specialized care she needed for her youngest daughter, who suffers from a rare seizure disorder.

Pam's story, in particular, illustrates the problems facing working families. According to the Commonwealth Fund, nearly three-quarters of people living below 200 percent of poverty found it difficult or impossible to afford coverage. That is what is happening to families all across the country.

The situation is even worse for individuals with chronic conditions such as asthma or diabetes. If they are able to purchase coverage in the private individual market—if—then costs are much higher.

I would like to remind my colleagues that reauthorizing the Children's Health Insurance Program is about all children—no matter where they live, whether they live in the city, the suburbs, or in rural Michigan or rural America.

The nonpartisan Carsey Institute found that in the vast majority of States a higher percentage of rural children live in poverty today than they did 5 years ago. This fact has translated into a higher need for health care like children's health insurance in rural areas. In fact, 32 percent of all rural children rely on the Children's Health Insurance Program and Medicaid compared to 26 percent of urban children. So this is something that certainly affects every part of my State—from the cities, to northern Michigan, to southwest Michigan, and every part of this great country.

Because of the importance of the children's health program, I urge my colleagues to put aside negative attacks and join to support a bill that is basically the same bill we worked on together in a bipartisan way that we brought to the floor in the last Congress that, unfortunately, was vetoed. But we now are in a position, using this document that was worked on with leaders across the aisle, to do something about which we can all be very proud. This bill will make a real difference in the lives of children and families across America, and it is a great way to start the new year.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Thank you, Mr. President.

I rise today in support of the Children's Health Insurance Program, more commonly known as CHIP. I believe the expansion we are considering right now is long overdue. But I also must express my dismay at the way in which we are paying for the expansion in this program.

Since 1997, the Children's Health Insurance Program has been helping low-income and disadvantaged children access medical services to treat or prevent conditions that can affect their ability to lead a healthy and productive life. If this bill is not passed, we will be jeopardizing coverage for the roughly 10 million young children whom this bill helps, over 4 million of whom are currently without health care. With our economy in dire straits, job losses increasing and job opportunities decreasing, and with the rising cost of health care, the staggering thought of 10 million young children without the health care coverage they need is unacceptable to me and to many of my colleagues.

For every 1 point rise in our national unemployment—which we have seen a lot of to date—700,000 more children join the ranks of the uninsured. Importantly, 91 percent of all children covered under CHIP live in families with incomes at or below 200 percent of the Federal poverty level. In North Carolina, this would represent $42,000 for a family of four, with which they would then have to purchase their own insurance without the program.

Not passing this bill is simply not an option. But it is important to note, too, that the original CHIP legislation passed almost 12 years ago by a Republican Congress with the support of a Democratic President, and it was an extremely bipartisan measure. So, too, was an almost identical bill last year which was passed by two-thirds of the Senate and vetoed by the President. This program has widespread bipartisan support, and we should not allow differences over particular provisions of this bill to obscure that fact.

I commend Chairman BAUCUS and Senator ROCKEFELLER for the inclusion of several important provisions, including providing financial incentives for States, including my home State of North Carolina, to lower the number of uninsured children by enrolling eligible children in CHIP and Medicaid; creating an initiative within the U.S. Department of Health and Human Services charged with developing and implementing quality measures and improving State reporting of quality data—I think over time this data will improve healthy outcomes in our children; implementing initiatives to reduce racial and ethnic health care disparities by improving outreach to our minority populations; and prioritizing the coverage of children under this program, not the adults without children and others who in the past have been given waivers to participate.

But my vigorous support of this program itself does not mean I approve of the way this expansion is being funded. I vehemently believe the increase in the tax on cigarettes this bill includes is regressive and patently unfair to States such as North Carolina, which employs more than 65,000 people in jobs related directly to the tobacco industry.

While 30 percent of the adults earning less than $15,000 are smokers, only 15 percent of adults earning more than $50,000 are smokers. Through the funding mechanism we are putting in place in this bill, the result is this: We are asking for the lowest income households to pay for the health care for children in homes that make more than they do.

Under this bill as written, in my home State of North Carolina a package of cigarettes will ultimately cost $4.27, of which more than half—51 percent—of the price represents Government taxes. Furthermore, taxing cigarettes now is shortsighted and an unreliable source of funding for this program.

Since fiscal year 1999, the average price of a package of cigarettes has increased by 80.5 percent.

If we are going to include this provision on the assumption that taxing cigarettes reduces youth smoking and therefore increases the number of healthy, productive, and successful children in our country, why aren't we also taxing sugary soft drinks, junk food, and sweets? The obesity epidemic is so strong in children, yet the only funding mechanism right now is cigarettes. All of the above lead to an increase in conditions such as diabetes, heart disease, and high blood pressure in our children, which in turn we know leads to an increase in health care costs.

This is a matter of fairness. Taxing only tobacco could cost the State of North Carolina up to 3,000 jobs and $32 million to $36 million in revenue shortfalls for our State budget. While I applaud the desire to pay for the increased spending under this bill, which I think we should be doing, I believe singling out just one industry concentrates the impact in a few States, such as North Carolina, in a way that is fundamentally unfair. In 2009 alone, the 61-cent increase we are proposing in this bill—61-cent increase in taxes on cigarettes—adds up to $3.69 billion, and in 2010 that number increases to $7 billion from one industry alone.

I am a cosponsor of and I would like to voice my support for the amendment of my colleague, Senator JIM WEBB, which would reduce the proposed tax on cigarettes by 24 cents. As I have said before, the way in which this bill taxes only cigarettes is unfair, and I believe the proposed 61-cent increase per package is outrageous. It is my hope this amendment represents a compromise palatable to all sides in this debate.

I have outlined my complete support for this vital program but also my dismay in the way in which it is funded. But this is the bill in front of us, and this is what we are being asked to vote on. When I was a State senator, I worked hard to protect and expand North Carolina's SCHIP. As the mother of three children, I know what it is like when one of your kids wakes up in the middle of the night with an earache or a stomachache or worse. I have seen firsthand how important this program is and the unmet need for its services.

With the health and vitality of 10 million of our Nation's children on our hands, I cannot in good faith vote against this bill. Less than a month into my service here in the Senate, I am faced with a situation in which the health of millions of my State's children is at odds with a key industry in North Carolina. But, ultimately, I have to vote on behalf of the 10 million low-income and disadvantaged children whom this bill helps. In this economy, when families are being forced to choose between paying their bills and putting food on their tables, I cannot make it harder for them to keep their children healthy, safe, and cared for.

I cast this vote in the affirmative as a mother and as a former budget chairman for the State of North Carolina who knows how difficult it is for the State to close the gap in funding for this critical program when the Federal Government drops the ball and as a Senator who sees in this bill a chance for our neediest families and our most disadvantaged kids to get ahead in the face of the daunting odds they will no doubt face in their future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I compliment the Senator from North Carolina. She is doing what a good Senator should do. First, she is defending the interests of her State. She is here representing the State of North Carolina, and she is doing an excellent job, pointing out some of the problems this bill contains for constituents in her State of North Carolina. But she also is looking at the larger picture, too, and the status of low-income children. It is a classic case that many of us face in the Senate. It is balancing interests and what is most important. It is not an easy decision. But I highly compliment the Senator from North Carolina for such articulation in expressing the views of constituents in her State and the interests of her State but also recognizing it is probably not right to deprive 10 million uninsured, lower income children of health insurance. So I compliment the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRASSLEY. Mr. President, if it is OK with my colleagues, I would like to give a short statement as in morning business and then give a longer one on the Kyl amendment. Is that OK?

Mr. BAUCUS. Mr. President, yes, that would be fine.

Mr. GRASSLEY. I thank the Senator.

Mr. President, first of all, I ask unanimous consent to speak as in morning business for a few minutes.

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

(The remarks of Mr. GRASSLEY are printed in today's RECORD under ''Morning Business.'')

AMENDMENT NO. 46

Mr. GRASSLEY. Mr. President, I wish to speak on Kyl amendment No. 46, named after Senator KYL from Arizona.

I strongly support the amendment that has been offered by Senator KYL. This is to the children's health insurance bill. This amendment would reinstate the crowdout policies that were agreed to by both sides in the bipartisan children's health insurance bills that we debated in the Senate in 2007. For reasons that I cannot fathom, this important section of the bill was dropped this year.

A high incidence of crowdout is problematic for many reasons. Before we go any further, I wish to make sure it is clear what the term ''crowdout'' means. Crowdout can have many meanings, in fact, so let me elaborate.

The crowdout we are referring to is when a family already has health coverage for their child and they cancel that policy to put them on a government program. This is referred to as crowdout with the idea that when the government comes in and offers taxpayers subsidized health coverage, it crowds out the coverage that was already there in the first place. This is a bad thing when it happens for a number of reasons, so I will go into those reasons.

First of all, crowdout makes it more difficult for employers to offer health insurance coverage. It especially impacts small employers who may be unable to meet health plan participation requirements. It has implications for the cost of coverage for those who have private plans because it removes a large number of young and healthy individuals from the risk pool, thus spreading the cost of high-risk individuals across smaller and, in most cases, older pools.

The second reason crowdout is bad is it inappropriately uses taxpayers' dollars to fund coverage that could have been provided by an employer. Individuals either leave coverage that had been funded in part by their employer or do not enroll in plans offered and subsidized by their employer to enroll in a private plan. When this occurs, the employer contribution to those plans is replaced by taxpayer dollars.

So crowdout is bad because it crowds out health coverage that was already there. It means taxpayer-subsidized coverage is gradually creeping in and taking over the market. But it is also bad because it is a waste of taxpayers' money. That is what we ought to emphasize because even though this bill meets a good goal of millions of more kids being covered, the question is, are we making the best use of taxpayers' dollars because there are another several million out there we ought to be covering. So when we are incentivizing people leaving private coverage for taxpayer support, then that money isn't available for the millions of people who aren't being covered.

When crowdout happens, it means the Federal taxpayers are being told to pay for coverage for someone who already had coverage. If that child already had coverage, then it goes without saying this child was not uninsured.

Remember the whole problem is when the taxpayers end up paying for coverage that was already there. So the more the children's health insurance programs are allowed to expand to high incomes, the bigger the problem of crowdout becomes.

The focus of this bill should be covering the millions of uninsured kids we have in America with emphasis on the lower the income, the more rationale there probably is for covering kids.

Crowdout is also a bigger problem when the children's health insurance programs try to cover higher income kids. It is easy to see why. Children who live in families with higher incomes are much more likely to have access to private coverage. It means more taxpayer dollars being spent on kids who already have coverage, and it means fewer dollars to cover the lower income kids who are still uninsured. So it is backwards when this happens.

When scarce taxpayer dollars are used to pay for coverage for someone who wasn't uninsured in the first place, this is a complete waste and a mismanagement of scarce resources, and it is a waste of scarce Federal dollars at a time when we cannot afford to do that. It also means one less dollar that could have been used to cover a child who doesn't have any health insurance whatsoever.

The policies that Members on both sides of the aisle agreed to in both of the bipartisan children's health insurance bills we debated in 2007 had a very good policy to minimize crowdout. First of all, those bills—the similar children's health insurance bills that were debated and passed in 2007—had very good policies to minimize this problem we refer to as crowdout. First of all, those bills set out a process in place to study the issue of crowdout. It asked the Government Accountability Office to do a report for Congress describing the best practices that each of the 50 States are using to address the issue of crowdout and whether things such as geographic variation or family income affects crowdout. The provision eliminated in the bill before the Senate—and this is this year, in 2009—also would require the Institute of Medicine to report on the most accurate, reliable, and timely way to measure the coverage of low-income children and the best way to measure crowdout. That provision was eliminated in this bill.

Based on these recommendations, the Secretary of Health and Human Services was required to develop and publish recommendations regarding best

practices for States to address crowdout. The Secretary was also required to implement a uniform standard for data collection by States to measure and report on health coverage for low-income children and crowdout.

The bipartisan crowdout policy of 2 years ago would also require States, having received the recommendations from the Secretary, to describe how the State was addressing the children's health insurance program crowdout issue and how the State was incorporating the best practices developed by the Secretary. The crowdout policy in both bipartisan bills 2 years ago included an enforcement mechanism to hold States accountable for minimizing crowdout when they expand to higher income levels.

This is a very important issue because as we learned from the 2007 report from the Congressional Budget Office, crowdout is a particularly acute problem in children's health insurance programs because crowdout occurs more frequently at higher income levels.

The Congressional Budget Office report also concludes that:

> In general, expanding the program to children in higher income families is likely to generate more of an offsetting reduction in private coverage than expanding the program to more children in low-income families.

I wish to emphasize for the public at large—my colleagues know this—the Congressional Budget Office is a nonpartisan, fiscal expert. So this is not a partisan issue of that Congressional Budget Office report.

Going on to refer to the Congressional Budget Office, that office estimates that:

> The reduction in private coverage among children is between a quarter and a half of the increase in public coverage resulting from SCHIP. In other words, for every 100 children who enroll as a result of SCHIP, there is a corresponding reduction in private coverage of between 25 and 50 children.

That is the end of the quote from CBO.

Therefore, under both bipartisan bills, the Secretary, using the improved data mechanism, would determine if a State that was covering children over 300 percent of poverty was doing a good job of covering low-income children. That is to emphasize the point: What was the purpose of SCHIP in 1997? To cover low-income kids who never had any coverage. So you spend a lot of time covering higher income families, and you have less money then to cover low-income kids, and then you have the crowdout that exacerbates that problem.

If it was determined that a State was not doing a good job covering low-income children, then the State will not be able to receive Federal payments for children over 300 percent of poverty. So here there is kind of a sense that we are not arguing if you want to cover people above 300 percent, but, by golly, as a State, you aren't doing a good job of taking care of the low-income kids—where the problem was and why we passed the bill in the first place. You shouldn't be covering people over 300 percent of poverty.

This crowdout policy in both bipartisan bills of 2007 would have worked to minimize crowdout by making sure the States are staying focused on covering low-income kids. So it is a very important issue, and it is one on which we worked together on a bipartisan basis.

There was a lot of debate about crowdout in 2007 when we had extensive discussions about the Children's Health Insurance Program. Everybody recognized this to be a very big problem. So this is why I am so entirely baffled as to why my Democratic colleagues would abandon a provision they helped develop in a bipartisan bill 2 years ago. I don't know why they would want to strike such an important part of the bill and one that also helps blunt sharp criticism of the bill when it allowed States to expand eligibility to 300 percent of poverty.

The bill before us now allows expansion to even higher and higher income kids.

As the Congressional Budget Office says, the crowdout problem is going to be even worse under this bill than it is already.

According to the Congressional Budget Office table detailing estimates of enrollment based on this bill, 2.4 million children will forgo private coverage for public coverage. This is a very troubling number. The fact that the Senate bill does not address this problem and goes back on policies that were worked out on a bipartisan basis is problematic.

I hope Members will reevaluate their opposition to policies to reduce crowdout and to vote in support of the amendment I have been talking about that my colleague, Senator KYL from Arizona, has offered.

We need to do the right thing here. We need to keep the Children's Health Insurance Program focused where it first started out in 1997 on lower income kids, for sure, in the case of a handful of States covering more adults than they do even kids.

We need to prevent scarce taxpayer funds from being used to pay for kids who already have health coverage. We need to put this bipartisan policy that we had in two bills in 2007 back in this bill.

I urge my colleagues to support the Kyl amendment and do just that.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The senior Senator from Montana.

Mr. BAUCUS. Madam President, the Children's Health Insurance Program Reauthorization Act of 2009 will extend the Children's Health Insurance Program to cover more than 4 million additional children whose parents work but cannot afford insurance on their own.

These low-income working families make too much to qualify for Medicaid, but they cannot afford private insurance. Ninety-one percent of the children covered by the State Children's Health Insurance Program live in families making less than twice the poverty level.

Let me repeat that. Ninety-one percent of the children covered by this program live in families making less than twice the poverty level. That is not very much. These are the working poor. Ninety-one percent of the kids covered by this program live in families who are working poor. Let's not make perfect the enemy of good. Ninety-one percent is pretty good. It is not 100 percent. It is 91 percent. That is pretty good.

I know some of my colleagues are concerned that this bill will cause individuals to drop their private coverage in order to join the Children's Health Insurance Program. Around here that is called crowdout; that is, leaving private health insurance coverage to move over to the Children's Health Insurance Program.

The fact is that any attempt to reduce the number of uninsured will inevitably result in some level of substitution of existing coverage. It just happens. The Medicaid Program—not many, but some families who may have had private insurance, as expensive as it is, decided Medicaid is a little bit better, and they chose Medicaid. As with every public program, it happens.

The next question is, what do we do to minimize too much of it? What is the right policy? Where do we draw the line?

Clearly, we want kids to have health insurance. We want it done in an efficient way, a way that makes sense that is good public policy but not do it in a way that disrupts the private health insurance market. But there is going to be some reduction in private coverage when kids leave the private health insurance market to go to CHIP.

Why would a family want to do that? I can think of several. One is the private coverage is not very good. The premiums are very high. The benefits are pretty low. It is not good. It costs a lot, particularly when we are talking about low-income families. It may not cost quite as much, it may not be quite as much of a burden on someone making $45,000, but it is going to be a big burden on somebody making $20,000 $30,000, $40,000, $50,000. They have to pay the food bills, make the mortgage payments. They have a car payment. You name it. It is expensive to also pay for private health insurance on top of all that.

I can very much understand some people—we are talking about low-income families now—think it makes more sense to maybe try not to pay those health insurance premiums but, rather, go on the Children's Health Insurance Program.

Let's remember, SCHIP is optional. It is up to the States. States can set the levels they want. That is their

privilege. That is their option. This is not an entitlement program. Some people think this is an entitlement program. It is not. It is a block grant program. What does that mean? That means every several years, Congress reauthorizes the program, allocates a certain amount of dollars, and distributes them through a formula to the States, and it ends after a certain period of time. This is a 4½-year authorization. If you want to participate in this program, you have to set up your own match rates. Uncle Sam will give you more than half of it, but you have to come up with your own match rates. If they want to set income eligibility levels a little higher because they are a State with higher income than other States, that is their privilege, that is what they should do, that is the State's option. It makes sense to me that we should formulate policy to try to draw a line that is fair—fair to States, fair to kids.

This legislation also recognizes the problem—if it is a problem—of kids leaving private coverage to go to the Children's Health Insurance Program. What do we do? A couple things. One, we make bonus payments to States that focus more on low-income kids. If you have a program in your State and you show you are putting out an extra effort to help low-income kids, you get a bonus. That is very good because that means with lower income people, there is less likely going to be this so-called crowdout.

We also give premium assistance. What is that? We tell States, you can take some of your money and help people pay their private health insurance premiums so they stay on private insurance instead of moving over to the Children's Health Insurance Program. So this bill recognizes the issue that some say is extremely important, namely, we give States the option to provide dollars for premium assistance, that is dollars to families to help them pay their health insurance premiums. That is only fair.

This is complicated. We are a big country. We have different States with different income levels. And we are a Federal system. We have Uncle Sam and we have States. It is very complicated. It is our job to try to find a way to put it all together in a way that is fair and makes sense.

The bottom line is what is fair and makes sense is give a little priority to the kids. Let's find some way to help low-income kids in the country, as we are still trying to be sensitive to concerns of States and concerns of the private health insurance industry.

I believe it makes eminent sense for us to not adopt the amendment offered by the good Senator from Arizona. What does that do? That amendment basically tells States to try to affirmatively find ways to restrict coverage which will have the effect of kids not getting off private health insurance. Do all the things you can to prevent kids from getting off private health insurance. That tilts the balance way too far. It tilts away from the kids. The goal here is kids. We want kids to get the best health insurance possible.

What this comes down to is the need for health reform in this country. We need to reform our health system. When we do, when we address the 46 million, 47 million Americans who do not have health insurance and find ways to make health insurance work for people, then this so-called issue will not be such because people will have the ability to go to the Children's Health Insurance Program or private health insurance that works.

Our legislation, if we pass it, will include health reform so the individual market makes sense, so there is no discrimination in the individual market, so the insurance company cannot discriminate on the basis of health, history, age, and other bases which health insurance companies now utilize to drive up premium costs for people trying to buy into the individual market. That was a guaranteed issue. That is the goal we are striving for, and the insurance companies know that makes sense.

I have talked with many of their CEOs. They want to move down that road. They know it is right. Even though it will change their business model, a model from cherry-picking to one of guaranteed issue, they will have more volume, they will make it up because everybody will have health insurance. They will sell more health insurance policies and give subsidies to people who cannot afford health insurance. That is part of the plan. We are not quite there yet. We have a ways to go. Then this will not be the issue that is raised today, and even today I think it is a bit of a red herring. I don't think that is what is going on here. What is going on here is some people do not want—I hate to put it this way—do not want to use Government funds to give low-income kids health insurance. That is basically what is going on here. I do not want to overstate that point, but I think it is obvious.

Bottom line, I think the amendment should be defeated. Sixty-nine Senators have already voted for this legislation, which did not include this amendment. Sixty-nine Senators in 2007 voted for this very same Children's Health Insurance Program which did not include this amendment. If they could vote for it and it did not include this amendment, I would think those who are here could vote for it again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I don't know if we are going back and forth. I know Senator MURKOWSKI is here. I have about 5 or 6 minutes.

I rise in support of the legislation before us to renew and improve the Children's Health Insurance Program. I begin by commending Chairman BAUCUS for his work on this legislation, not just this year, but so many years before. We brought this bill to the floor in 2007. We have had successful votes, a tribute to the chairman's leadership. I know at the same time he is working on the stimulus package, which is critically important to our economy. I personally thank him and commend him for all his efforts.

This bill is virtually identical to the legislation that I previously voted for on two occasions. Indeed, I voted, along with a large bipartisan majority, for this legislation in 2007. So I am hopeful Congress will act swiftly in a bipartisan manner to present this bill to President Obama for his signature. Uninsured children have already waited for that moment for far too long.

This bill invests $32.8 billion to extend and expand CHIP through fiscal year 2013. According to the Congressional Budget Office, it will preserve coverage for 6.7 million children and expand coverage to an additional 4.1 million uninsured children. In addition, the bill facilitates enrollment and improves benefits by requiring dental coverage and mental health parity.

For my State of Rhode Island, this bill is absolutely critical because it would end the persistent funding shortfalls that have required 11th hour stopgap measures. Over the years, I have been able to secure $77 million in additional funding to cover these shortfalls, but these efforts at the very last minute are not something that can be sustained indefinitely.

This bill allocates funding based on actual spending and provides a contingency fund for shortfalls. As a result, Rhode Island's allotment, the amount of Federal funding available for the State to draw down, will increase from $13.2 million to $69.5 million. This is the highest percentage increase of any State. This will preserve coverage for about 12,500 children enrolled in RIte Care, which is our Children's Health Insurance Program, and allow the State to expand SCHIP coverage.

With the current economic crisis, this bill could not be more timely. As parents lose their jobs, they and their children will lose their health coverage. Nationwide, the rise in unemployment has caused 1.6 million children to lose employer-based health insurance. In Rhode Island, the unemployment rate is now in double digits at 10 percent. Behind this number are real families who are struggling to pay their medical bills and whose children may be forced to forgo doctor visits, medicines, and immunizations they need to lead healthy, productive lives.

Recently, Rhode Island was forced to make the very difficult choice of dropping coverage for 1,300 children who are legally here because there was no Federal match. For many years, the State had provided coverage for these children using State funds alone. This bill could result in expanded coverage by providing Federal funds for these children who are legally here within the United States.

It also includes important provisions to increase enrollment of people who

are eligible for both the CHIP funding and Medicaid funding. The bill allows States to use Social Security numbers to verify citizenship, provides grants to States for outreach activities, and provides bonus payments for the cost of increased enrollment in Medicaid.

However, I must point out, Rhode Island may not be able to fully benefit from these latest provisions as they relate to Medicaid. In the waning hours of the Bush administration, the State agreed to an unprecedented cap on total spending. The cap is based on projections that do not factor in potential increases in Medicaid enrollment resulting from this legislation. As a result, the cap could prevent the State from taking up the option to cover legal immigrant children and pregnant women and could discourage the State from renewing its outreach efforts, even though these were longstanding policies in the State prior to the economic downturn. I have strong concerns about the cap because there are too many unknowns about how it would interact with both this bill and other efforts to expand Medicaid coverage.

States are struggling to grapple with rising health care costs, enrollment is increasing, and indeed the Federal Government, businesses, and families are also burdened by rising costs and the absence of any discernible health care system. It is clear there can be no economic recovery in the long term unless we at last confront the critical challenge of comprehensive health reform. The time has come to guarantee affordable, quality health care to all Americans. This bill is an important step forward and a downpayment on this effort.

Let me finally emphasize how critical this bill is to the children's health care program. It will dramatically increase the share that Rhode Island is entitled to and it will prevent the eleventh-hour scramble to fund shortfalls in the State. On the Medicaid side, I hope the State is able to use these additional authorities to enroll more children who could, in fact, receive help from this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Madam President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 46, offered by Senator KYL, is the pending amendment.

AMENDMENT NO. 77

Ms. MURKOWSKI. Madam President, I ask unanimous consent to lay aside the pending amendment, and I call up amendment No. 77.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for herself, Mr. SPECTER, and Mr. JOHANNS, proposes an amendment numbered 77.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for the development of best practice recommendations and to ensure coverage of low income children)

At the appropriate place, insert the following:

SEC. ___. DEVELOPMENT OF BEST PRACTICE RECOMMENDATIONS AND COVERAGE OF LOW INCOME CHILDREN.

(a) DEVELOPMENT OF BEST PRACTICE RECOMMENDATIONS.—Section 2107 (42 U.S.C. 1397gg) is amended by adding at the end the following:

''(g) DEVELOPMENT OF BEST PRACTICE RECOMMENDATIONS.—Not later than 12 months after the date of enactment of this Act, the Secretary, in consultation with States, including Medicaid and CHIP directors in States, shall publish in the Federal Register, and post on the public website for the Department of Health and Human Services—

''(1) recommendations regarding best practices for States to use to address CHIP crowd-out; and

''(2) uniform standards for data collection by States to measure and report—

''(A) health benefits coverage for children with family income below 200 percent of the poverty line; and

''(B) on CHIP crowd-out, including for children with family income that exceeds 200 percent of the poverty line.

The Secretary, in consultation with States, including Medicaid and CHIP directors in States, may from time to time update the best practice recommendations and uniform standards set published under paragraphs (1) and (2) and shall provide for publication and posting of such updated recommendations and standards.''.

(b) LIMITATION ON PAYMENTS FOR STATES COVERING HIGHER INCOME CHILDREN.—

(1) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 601(a), is further amended by adding at the end the following new paragraph:

''(12) LIMITATION ON PAYMENTS FOR STATES COVERING HIGHER INCOME CHILDREN.—

''(A) DETERMINATIONS.—

''(i) IN GENERAL.—The Secretary shall determine, for each State that is a higher income eligibility State as of October 1 of 2010 and each subsequent year, whether the State meets the target rate of coverage of low-income children required under subparagraph (C) and shall notify the State in that month of such determination.

''(ii) DETERMINATION OF FAILURE.—If the Secretary determines in such month that a higher income eligibility State does not meet such target rate of coverage, no payment shall be made as of April 30 of the following year, under this section for child health assistance provided for higher-income children (as defined in subparagraph (D)) under the State child health plan unless and until the Secretary establishes that the State is in compliance with such requirement, but in no case more than 12 months.

''(B) HIGHER INCOME ELIGIBILITY STATE.—A higher income eligibility State described in this clause is a State that—

''(i) applies under its State child health plan an eligibility income standard for targeted low-income children that exceeds 300 percent of the poverty line; or

''(ii) because of the application of a general exclusion of a block of income that is not determined by type of expense or type of income, applies an effective income standard under the State child health plan for such children that exceeds 300 percent of the poverty line.

''(C) REQUIREMENT FOR TARGET RATE OF COVERAGE OF LOW-INCOME CHILDREN.—The requirement of this subparagraph for a State is that the rate of health benefits coverage (both private and public) for low-income children in the State is not statistically significantly (at a p=0.05 level) less than 80 percent of the low-income children who reside in the State and are eligible for child health assistance under the State child health plan.

''(D) HIGHER-INCOME CHILD.—For purposes of this paragraph, the term 'higher income child' means, with respect to a State child health plan, a targeted low-income child whose family income—

''(i) exceeds 300 percent of the poverty line; or

''(ii) would exceed 300 percent of the poverty line if there were not taken into account any general exclusion described in subparagraph (B)(ii).''.

(2) CONSTRUCTION.—Nothing in the amendment made by paragraph (1) or this section this shall be construed as authorizing the Secretary of Health and Human Services to limit payments under title XXI of the Social Security Act in the case of a State that is not a higher income eligibility State (as defined in section 2105(c)(12)(B) of such Act, as added by paragraph (1)).

Ms. MURKOWSKI. Madam President, I am speaking on the floor about this very important issue of how we provide for the best coverage, the maximum coverage, for the rising number of Americans without health insurance because we all recognize this is a problem. According to the most recent data, 47 million Americans today are not receiving proper medical care, so CHIP comes in—the Children's Health Insurance Program.

This program has been an exceptionally important means of providing the most vulnerable of our population—our children—with health care. And we all know that when our children are sick, it is not just the child who is impacted, it is the whole family—it is the parent who misses time from work to care for their child because they don't want to take their child to school for fear that the bug will spread. So the social and economic impact of a sick child goes well beyond the need for cough syrups and bandaids, and the impact in my State of Alaska is felt even greater within our Native communities.

I think it is fair to say SCHIP has always been a bipartisan bill. Since its inception back in 1977, with the then Republican-controlled Senate, working with Democrats in Congress and a Democratic administration, we were able to ensure that the poorest of our children have access to health insurance. Since then, we have seen continued success with this program, with Republicans, Democrats, and Independents alike rejoicing in a health care bill that has broad bipartisan support and that has been able to effectively cover our poorest children.

I supported both of the CHIP bills that passed in 2007. It expanded the SCHIP eligibility to 300 percent of the Federal poverty level—the FPL—which is $66,600 for a family of four. But I will

tell you I think the bill we have in front of us is not even close to what we passed in 2007. And quite frankly, I am not sure why a bill that enjoyed such broad bipartisan support was gutted and filled with provisions which, as we have seen on the floor today and yesterday, have been pretty controversial. I am perplexed that the decision has been made to go in a different direction than the direction we took when we overwhelmingly passed this legislation before.

There are some provisions, particularly with regard to ensuring that our lowest income children are covered first, that have made this bill difficult for some to support, even for some of those Senators who spearheaded the SCHIP bills in the past. So I would like to offer an amendment that I believe will improve this bill in a significant way and will reassure many of us who are concerned about how we ensure that the lowest income children will be covered.

I am offering an amendment to the CHIP bill that has been cosponsored by Senator SPECTER, Senator JOHANNS, and Senator COLLINS. Senator SPECTER, Senator COLLINS and myself were all on the previous SCHIP bills. Senator JOHANNS, of course, is new to the Senate but a former Governor.

Let me describe it quickly, briefly, because this is a pretty simple amendment. You might say it sounds pretty similar to what we had before us in the past, and you would be correct. The amendment includes three basic principles that I believe are essential to the continued success of the CHIP program.

First of all, it says we need to know and we need to have published information on how States are addressing the best practices for insuring low-income children—those children from families who are earning less than 200 percent of the Federal poverty level.

So let's figure it out. We want to know, we need to publish it, we need to accumulate the data, as to what States are doing to make sure they are covering the poorest children. When we know what it is that other States are doing to be successful, let's share that with other States so they, too, can use similar types of approaches to make sure we are not losing any of these children through the cracks; that we are not overlooking them. Let's share these best practices.

The second piece of this amendment says we also need to know and have published information on what factors are attributing to kids over 200 percent of FPL that are enrolling in their State CHIP. Of course, this goes back to the crowdout issue that has been discussed a great deal on the floor this afternoon. What is it? What are the factors? Let's know and understand what it is that would be causing those families who may have private insurance—what is causing the push then to enroll in their State's CHIP. Again, let's try to understand better what is going on.

I can't imagine there is anything controversial with either the first or second part of this amendment.

The third part of the amendment says that if a State wants to exceed 300 percent of the Federal poverty level for CHIP, they will have the flexibility in working with the Secretary of Health and Human Services to ensure that the State first demonstrates an enrollment of at least 80 percent of the children below 200 percent of FPL. So we are saying: OK, if you want to go above 300 percent, you are certainly able to do so, but please first demonstrate to us that you have covered 80 percent of your children who are below 200 percent of the Federal poverty level.

Now, we had some target language out here earlier, and there was actually target language in both CHIP I and CHIP II. This standard, if you will, of 80 percent, is a much less rigorous and, quite honestly, a much more obtainable standard. If you look through the list of States, there are various FPLs for each State and then what their percentages are in terms of how many of their children they are enrolling. I think, if you look to the State of Michigan, you are at 200 percent of FPL. In your State, you are doing actually very well in terms of enrolling your children. You are about 90 percent. So you are in pretty good shape.

So for purposes of what I am laying out here, the State of Michigan is absolutely unaffected. You can move forward. You don't have any concern because you have done the job of insuring at least 80 percent. In fact, you have gone to 90 percent.

So this is a target we are setting that I believe is reasonable and achievable and workable. So what we are asking, again, is if you are going to exceed 300 percent of FPL—if Michigan wanted to go above 300 percent, you could because you have demonstrated that you have covered at least 80 percent of your children below the 200-percent Federal poverty level. If you haven't, then no Federal payment match will be made for those individuals over 300 percent FPL, unless and until the Secretary establishes that the State is in compliance with these regulations in an amount of time not to exceed 12 months. Again, if you are a State that has already established you have covered that target rate of 80 percent of your kids, you could go above the 300 percent level.

My amendment is pretty straightforward. It allows the Secretary to ensure that what we have is a built-in safeguard—a safeguard measure—for at least 80 percent of the poorest of our children to be enrolled in SCHIP or a Medicaid expansion program before children from higher income families—those earning above 300 percent—are enrolled. This amendment provides flexibility to the States in working with the Secretary of Health and Human Services to ensure that we are protecting our poorest kids by insuring them before we expand to higher income populations.

I submit this is a very reasonable provision. Part of the components of this amendment we have seen in CHIP I and CHIP II, which a broad bipartisan group of Senators voted to back. I think it is reasonable, I think it would be a good improvement to this bill, and I think it would help to allay some of the concerns that we are not working first to address the enrollment of at least 80 percent of our more needy children.

With that, I would certainly encourage my colleagues to look carefully at my amendment, I ask for their support, and I yield the floor.

Mr. BAUCUS. Madam President, there is not a time agreement, so I don't have to yield, but as a courtesy, as chairman, I yield for the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, I thank my colleague from Montana and congratulate him for his leadership on this very important piece of legislation.

I come to the floor to offer my strong support for the Children's Health Insurance Program reauthorization. This is legislation that has come out of the Finance Committee which Senator BAUCUS chairs. It will ensure that 13 million American children will either maintain health care coverage or receive that coverage for the first time.

We worked very hard in the committee to develop the best bill we could. It is a major step forward for our Nation. As many Americans face grave economic uncertainty, it is critical we move quickly to pass this legislation and send it to President Obama for his signature.

The State Children's Health Insurance Program, or CHIP, represents a partnership between the States and the Federal Government. It works by providing States with an annual allotment at an enhanced matching rate for health care coverage for low-income residents. Since CHIP was created in 1997, it has been extremely successful. In fact, despite the fact that private coverage has eroded significantly since CHIP was created, many health care experts believe this program is the primary reason the percent of low-income children in the United States without health coverage has fallen by about a third during that same period.

CHIP is particularly important to my home State of New Mexico. The people in New Mexico have a very difficult time acquiring health insurance. We remain the second most uninsured State in the Nation. Currently, more than 30,000 New Mexicans depend on CHIP for their health coverage. Under this legislation, my State would receive $196 million for CHIP this year. This represents a 277-percent increase over the State's current CHIP allotment. This represents the fourth largest percentage increase of any State in the country.

With this additional funding, tens of millions of additional low-income New

Mexico children—and adults—would have access to health care for the first time. This legislation also corrects an inequity in the Federal law that, despite our very high uninsurance rate which we have in New Mexico, this inequity has prevented New Mexico from covering many of our children through Medicaid. It has required our State to return more than $180 million to the Federal Government since 1997.

The bill also includes modest improvements to requirements that have made it very difficult for New Mexicans to prove they are in fact American citizens and, therefore, eligible for Medicaid. The State estimates that approximately 10,000 New Mexico children who are currently U.S. citizens have been denied health insurance because of these requirements. I have offered an amendment to make further improvement in this provision to ensure that U.S. citizens are not inappropriately denied the health insurance to which they are entitled.

I am glad to report that the legislation also includes a provision I have championed for many years that will allow States to automatically enroll children in CHIP if they have already been deemed eligible for another public program with comparable income standards, such as the National School Lunch Program or the Food Stamp Program. This provision is often referred to as ''express lane,'' and it would help States use technology to cut through the bureaucracy that all too often prevents Americans from receiving health benefits. Health experts tell us that express lane is one of the most important ways we have to reduce the number of uninsured Americans.

I also offered an amendment to clarify several of the express lane provisions in the bill. It is my hope that can be accepted as well.

The bill contains many other provisions that are important to me, such as a mandate to provide dental coverage for children receiving CHIP benefits, as well as a wrap provision, which I proposed during the committee markup, to allow children with private coverage who do not receive dental benefits to receive such benefits through CHIP.

The legislation also includes very significant improvements in the ability of States to perform outreach enrollment to Native American populations, as well as providing outreach funding to Promotoras and other community health workers. These people play a critical role in my State and throughout the country in reaching some of the most isolated populations.

Finally, the bill also protects the provision of mental health services to children.

As I mentioned earlier, I have worked hard on this bill, as have many of my colleagues. It is critical we move swiftly to get this to the President for his signature. Given the urgency we face, I am surprised by some of the opposition that has been expressed by my colleagues on the other side of the aisle. As I read this legislation, it is very similar to the bills that were strongly supported by both Democrats and Republicans in the 110th Congress. These bills passed with a filibuster-proof majority here in the Senate. Provisions in the bill before us today regarding income eligibility, regarding adult coverage, and the other issues being raised, remain more or less the same as in the bills that were strongly supported by Republicans in the last Congress. In fact, the most significant difference between the bill we are now considering and the bill we passed last year is the addition of a State option to remove the current 5-year ban for health care coverage for legal immigrant children and pregnant women. I hope the optional coverage for legal immigrants is not so objectionable to some of my colleagues that they would walk away from the millions upon millions of American children who receive care through this program.

Americans are struggling and our economy is in a very serious situation. The bill before us is urgently needed by many in this country. I hope my colleagues will support this important bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

AMENDMENT NO. 58

(Purpose: To amend the Internal Revenue Code of 1986 to provide a revenue source through the treatment of income of partners for performing investment management services as ordinary income received for performance of services and reduce accordingly the tobacco tax increase as a revenue source)

Mr. WEBB. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 58.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WEBB] proposes an amendment numbered 58.

Mr. WEBB. I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The amendment is printed in the RECORD of Tuesday, January 27, 2009, under ''Text of Amendments.'')

Mr. WEBB. Madam President, I offered this amendment yesterday first by saying, and I would reiterate today, that I firmly support the legislation that is before us. I have a great sense of appreciation for the Senator from Montana for all the work he and his staff have done to bring this legislation to the floor. I offer this amendment in an attempt to resolve what I believe are two issues of fundamental fairness. They go to how this program is going to be paid for.

The first is that the offset being used right now, the 61-cent-per-pack increase on cigarette tax, I believe—as does the Senator from North Carolina, as well as other Members I have discussed this issue with on the floor—that this is unfairly singling out one industry that has already been heavily taxed. Right now, tobacco is federally taxed at 39 cents per pack for this program and all 50 States and the District of Columbia also impose an excise tax on top of that tax. In Virginia that is a 30-cent tax on top of it. Our States, which are also undergoing a lot of difficulty in their economies, are considering raising that tax as well.

My grandmother used to say you can't get blood out of a turnip. I think we are about at the point with this particular industry, that we are getting as much out of it as possible, in a way that is inequitable to the industry—and not just to the industry but, as I mentioned yesterday, according to the Congressional Research Service, cigarette taxes are especially likely to violate horizontal equity. They are among the most burdensome taxes on lower income individuals, and so we have something of an anomaly here where we are levying a tax on a large proportion of people who are economically challenged in order to assist, with this CHIP program, others who are economically challenged. That to me seems a little bit anomalous.

The second issue of fundamental fairness, the ''pay for'' that I proposed in this amendment, is to tax carried interest, which is compensation based on a percentage of the profits that hedge fund managers make. My legislation would tax their compensation as ordinary earned income rather than the capital gains tax they presently pay.

This idea is not my own. President Obama campaigned in favor of changing the carried interest tax rates during his campaign. Yesterday I read from a variety of editorials of major newspapers. I will not go through those in detail, but the Washington Post in a masthead editorial 2 years ago said:

This is a make or break issue for Democrats. If they can't unite around this issue then they aren't real Democrats.

The New York Times, in a masthead editorial, said:

Congress will achieve a significant victory for fairness and for fiscal responsibility if it ends the breaks that are skewing the Tax Code in favor of our most advantaged Americans.

USA Today and the Philadelphia Inquirer had masthead editorials. Even the Financial Times, which is a conservative newspaper, editorialized:

This repair should be done at once.

That was 2 years ago.

In my view, taking this particular tax break, which characterizes earned income and calls it a capital gains with a much reduced tax, is an imbalance in our system. I am all for people making money. The American system is founded on entrepreneurship. But I am also for people paying their fair share.

I proposed this amendment that would provide partial relief from the cigarette tax. I still believe it would be

a good amendment, but I also can count votes and I do not think this amendment has a chance of passing, frankly. I know the Senator from Montana has questions about it. I would appreciate very much if the Senator from Montana could tell me his hesitation on this so we might work it out.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, first, I strongly commend and applaud the Senator from Virginia. He is doing what all good Senators do. He is representing his State. He is quite concerned about the 61-cents-per-pack tobacco tax to be levied, additional tax to be levied on cigarettes. Certainly his State has a big interest, as do several other State. I commend the Senator for what he is doing.

However, I must point out that this same provision passed this body twice before. It passed the House of Representatives twice before—both bodies—with large margins. It is, I think, understood by those who support the Children's Health Insurance Program that this is the proper way to pay for that program.

The alternative method of financing which the Senator recommends is one which I think many Members of this body, including myself, believe should be addressed. Those editorials to which the Senator referred have more than a grain of truth in them. Carried interest is something that must be dealt with and I think it will be dealt with in the context of tax reform later this year or next year. But clearly we will have tax legislation this year. We have to have tax legislation this year because of the expiration of certain very important provisions.

Add it all together, I commend the Senator but say to the Senator I do not think this is the proper time and place to bring up a very important issue, namely carried interest. But there soon will be a time that we will take up that very important issue. The Senator has my assurance that I look at it extremely seriously. I have spoken about this publicly, by the way, as have many others. But like a lot of issues, there is a time and place for everything and this is not the proper time and place but soon it will be. I commend the Senator.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

AMENDMENT NO. 58 WITHDRAWN

Mr. WEBB. I appreciate the Senator's comments. Again, I would like to emphasize my respect for the leadership that he has shown in our caucus on all of these issues. I would also say, in my view, in terms of the tobacco industry, this is a Virginia issue, but in terms of both of these issues I believe they are larger issues of equity.

I have a concern for people across the country on both of those issues, but I do take the Senator's point. There is a time and place for everything. I would like to have seen the pay-for on this bill mitigated in terms of people who use cigarettes. I am a reformed smoker, like a lot of people in this body. I do not encourage people to smoke. But it is a legal activity, and there are certain protections that all businesses deserve.

At the same time, I do take the Senator's point. I appreciate his comments and his earlier remarks about the issue of carried interest. Keeping strongly in mind that we need to bring this legislation to a prompt conclusion, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I want to correct the RECORD. Not long ago I misspoke. I said a moment ago the substance of the Kyl amendment was not in the two previous children's health insurance measures that passed this body.

I was incorrect. The substance of the Kyl amendment was in the two bills to which I was referring. Why was the substance of the Kyl amendment in those two bills? Very simply because they were a response to the directive of President Bush on August 17. What was that, the August 17 directive? It basically was a directive by the President to States to develop policies to make it very difficult for people to leave private health insurance to move into the Children's Health Insurance Program.

That was Draconian. Frankly, it was so Draconian that we in the Congress adopted the substance of the Kyl amendment to moderate that directive because the directive was so Draconian. Well, times have changed. We have a new President now; there is not going to be an August 17 directive. It certainly will not be enforced. So there is no need for the so-called section 116 provision to which the Kyl amendment is referring.

So even though I misspoke; it was in those bills, I still firmly believe because of the new election, a new President, the August 17 directive will not be enforced, that we do not need that moderating language in the prior bill.

Accordingly, I will still vote for the underlying legislation.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SANDERS. I rise in strong support of the SCHIP legislation. I find it amazing that we have spent so much time debating it. This SCHIP legislation would help more than 4 million children in this country get the health insurance they desperately need. But I should point out it leaves approximately 3 million kids still uninsured.

As you well know, the United States of America remains the only major country in the industrialized world where this debate would take place. We are spending weeks discussing an issue which every other country in the industrialized world has long resolved.

So if we pass this piece of legislation tomorrow, and I hope we will, 3 million kids still remain without health insurance. The common sense of insuring children is apparent to everybody because when kids are insured, when parents are allowed to bring their children to a doctor, when kids have access to medical care in a school, professionals can pick up the medical problems kids have so 10 years later they do not end up in a hospital with a serious illness and we spend hundreds of thousands of dollars trying to cure a child whose problems could have been detected when they were little.

This really is a no-brainer. Clearly, what we must do as a nation is move to a national health care program guaranteeing health care to all of our people, but a step forward will be passing this SCHIP legislation.

I think the American people are more than aware that our health care system is substantially broken. They understand not only do 46 million Americans have no health insurance, they understand even more are underinsured. They understand the absurdity of tying health care to jobs because when we lose our jobs, then we lose our health care.

I hear some of my friends saying: Oh, the American people do not want government health care. Well, you know what. Read the polls.

The American people do believe the U.S. Government should take the responsibility of providing health care to every man, woman, and child, and I hope as soon as possible we, in fact, do that. But not only do we have 46 million Americans, including many children—and that issue we are trying to deal with right now—who have no health insurance, what we are also doing, because of the waste and inefficiency in our current system, is we end up spending far more per capita on health care than the people of any other country.

I know the Presiding Officer is more than aware that General Motors spends more, for example, on health care than they do on steel in building automobiles. What kind of sense is that? So I hope, at a certain point—and I hope soon—we as a nation end up finally saying health care is a right of all people. The absurdity that one child in this country does not have health insurance is an international embarrassment. Let's go forward, and let's develop the most cost-effective way we can provide health care to all our people.

Now, here is the irony: that even if tomorrow we guaranteed health care to all our children, even if the next day we guaranteed health care to all our people, do you know what. That does not mean people are going to be able to find doctors or dentists. Our infrastructure, especially in primary care, is in

such a bad condition that we need to revolutionize primary health care in America.

We just had a hearing, chaired by Senator HARKIN, who has been very active in the whole issue of preventative care in the HELP Committee. This is unbelievable. We had a physician who is a professor of medicine at Harvard Medical School, in a State where presumably they have universal health care, and she cannot find a primary health care physician. A professor of medicine at Harvard Medical School cannot find a primary health care physician. That is how absurd this situation is.

We have over 50 million Americans today who do not have regular access to a physician. We have many more who cannot find a dentist. Meanwhile, if we were not depleting the medical infrastructure of Third World countries, bringing in doctors and dentists from those countries, our entire primary health care system would be in even worse shape than it is right now.

COMMUNITY HEALTH CENTERS

Madam President, I do wish to say a word about legislation we will be introducing next week—I am proud to tell you we have 15 original cosponsors; I hope we will have more in the next few days—which essentially begins to address the crisis in primary health care by significantly expanding a program Senator KENNEDY developed in the 1960s which has widespread support—not just from Democrats but from Republicans, not just from President Obama, who was a cosponsor of similar type legislation last year, but from Senator MCCAIN, who talked about community health centers during his campaign; and President Bush was very supportive of the concept.

So we have widespread support, and now is the time to go forward and say we will have a federally qualified community health center in every underserved area in America. By expanding the number of FQCHCs from about 1,100 to 4,800, at the end of the day, by providing primary health care, dental care, mental health counseling, and low-cost prescription drugs, do you know what we do. We save money. We save substantial sums of money because we keep patients out of the emergency room, we keep patients out of the hospital because we are treating their illnesses at an early stage rather than allowing them to become ill and then spending huge sums of money when they end up in the hospital.

I am very proud we have Senator KENNEDY as a cosponsor, and Senators DURBIN, HARKIN, SCHUMER, KERRY, BOXER, INOUYE, LEAHY, MIKULSKI, CASEY, CARDIN, BROWN, BEGICH, BURRIS, and WYDEN. I hope we will have more cosponsors.

This is legislation we can pass. This is legislation which has historically had bipartisan support because we all know primary health care—giving people access to doctors, dentists, low-cost prescription drugs—is the way to not only keep people healthy, it is the way to save billions and billions of dollars.

Let me conclude by saying I hope very much we support this SCHIP legislation. It will save us money by enabling kids to get to the doctor before their problems become much more acute. It is the right thing to do, and it is the beginning of the United States trying to join the rest of the industrialized world in saying health care must be a right of all people—all people—rather than a privilege of just the few.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCHUMER). Without objection, it is so ordered.

AMENDMENT NO. 79

Mr. BROWN. Mr. President, I ask unanimous consent to set aside the pending amendments and call up amendment No. 79.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN] proposes an amendment numbered 79.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strengthen and protect health care access, and to benefit children in need of cancer care or other acute care services)

After section 622 insert the following:

SEC. 623. ONE-TIME PROCESS FOR HOSPITAL WAGE INDEX RECLASSIFICATION IN ECONOMICALLY-DISTRESSED AREAS.

(a) RECLASSIFICATIONS.—

(1) Notwithstanding any other provision of law, effective for discharges occurring on or after April 1, 2009, and before March 31, 2012, for purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) to St. Vincent Mercy Medical Center (provider number 36-0112), such hospital is deemed to be located in the Ann Arbor, MI metropolitan statistical area.

(2) Notwithstanding any other provision of law, effective for discharges occurring on or after April 1, 2009 and before March 31, 2012, for purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) to St. Elizabeth Health Center (provider number 36–0064), Northside Medical Center (provider number 36–3307), St. Joseph Health Center (provider number 36–0161), and St. Elizabeth Boardman Health Center (provider number 36–0276), such hospitals are deemed to be located in the Cleveland-Elyria-Mentor metropolitan statistical area.

(b) RULES.—

(1) Except as provided in paragraph (2), any reclassification made under subsection (a) shall be treated as a decision of the Medicare Geographic Classification Review Board under section 1886(d)(10) of the Social Security Act (42 U.S.C. 1395ww(d)(10)).

(2) Section 1886(d)(10)(D)(v) of the Social Security Act (42 U.S.C. 1395ww(d)(10)(D)(v)), as it relates to reclassification being effective for 3 fiscal years, shall not apply with respect to a reclassification made under subsection (a).

SEC. 624. TREATMENT OF CERTAIN CANCER HOSPITALS.

(a) IN GENERAL.—

(1) TREATMENT.—Section 1886(d)(1)(B)(v) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(v)) is amended—

(A) in subclause (II), by striking ''or'' at the end;

(B) in subclause (III), by striking the semicolon at the end and inserting '', or''; and

(C) by inserting after subclause (III) the following new subclause:

''(IV) a hospital—

''(aa) that the Secretary has determined to be, at any time on or before December 31, 2011, a hospital involved extensively in treatment for, or research on, cancer,

''(bb) that is a free standing hospital, the construction of which had commenced as of December 31, 2008; and

''(cc) whose current or predecessor provider entity is University Hospitals of Cleveland (provider number 36–0137).''.

(2) INITIAL DETERMINATION.—

(A) A hospital described in subclause (IV) of section 1886(d)(1)(B)(v) of the Social Security Act, as inserted by subsection (a), shall not qualify as a hospital described in such subclause unless the hospital petitions the Secretary of Health and Human Services for a determination of such qualification on or before December 31, 2011.

(B) The Secretary of Health and Human Services shall, not later than 30 days after the date of a petition under subparagraph (A), determine that the petitioning hospital qualifies as a hospital described in such subclause (IV) if not less than 50 percent of the hospital's total discharges since its commencement of operations have a principal finding of neoplastic disease (as defined in section 1886(d)(1)(E) of such Act (42 U.S.C. 1395ww(d)(1)(E))).

(b) APPLICATION.—

(1) INAPPLICABILITY OF CERTAIN REQUIREMENTS.—The provisions of section 412.22(e) of title 42, Code of Federal Regulations, shall not apply to a hospital described in subclause (IV) of section 1886(d)(1)(B)(v) of the Social Security Act, as inserted by subsection (a).

(2) APPLICATION TO COST REPORTING PERIODS.—If the Secretary makes a determination that a hospital is described in subclause (IV) of section 1886(d)(1)(B)(v) of the Social Security Act, as inserted by subsection (a), such determination shall apply as of the first full 12-month cost reporting period beginning on January 1 immediately following the date of such determination.

(3) BASE PERIOD.—Notwithstanding the provisions of section 1886(b)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(E)) or any other provision of law, the base cost reporting period for purposes of determining the target amount for any hospital for which such a determination has been made shall be the first full 12-month cost reporting period beginning on or after the date of such determination.

(4) REQUIREMENT.—A hospital described in subclause (IV) of section 1886(d)(1)(B)(v) of the Social Security Act, as inserted by subsection (a), shall not qualify as a hospital described in such subclause for any cost reporting period in which less than 50 percent of its total discharges have a principal finding of neoplastic disease (as defined in section 1886(d)(1)(E) of such Act (42 U.S.C. 1395ww(d)(1)(E))).

SEC. 625. RECONCILIATION AND RECOVERY OF ALL SERVICE-CONCLUDED MEDICARE FEE-FOR-SERVICE DISEASE MANAGEMENT PROGRAM FUNDING.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall provide for the immediate reconciliation and recovery of all service-concluded Medicare fee-for-service disease management program funding.

Mr. BROWN. Mr. President, this amendment would accomplish two important health care goals. It would correct a mistake in Medicare payments to five hospitals in my State. It would correct mistakes that jeopardize access to critical health care. It would correct mistakes that threaten the jobs of nurses and other hospital personnel in areas of Ohio that absolutely cannot afford more job loss. It would correct mistakes that hamstring hospitals that should and must provide quality health care but are receiving payments that reflect their costs.

My amendment would also enhance the ability of a NIH-designated comprehensive cancer center in my State to offer hope to patients who are fighting the most serious and deadly forms of cancer.

Eleven cancer hospitals across the country already receive reimbursement from Medicare that reflects the costs of treating patients who have exhausted standard treatments and who are battling against steep odds to beat cancer.

These cancer hospitals deliver hope and results. They advance cancer research. They establish protocols for addressing the most aggressive forms of cancer.

The nonprofit University Hospitals system in Cleveland, OH, has invested in establishing a 12th cancer facility of the same caliber of those who today receive special reimbursement from Medicare.

The Ireland Cancer Center is already NIH designated, and, as I said, it is being expanded and enhanced to maximize its ability to contribute to the well-being of cancer patients and to the science of cancer care.

My amendment would ensure that the Ireland Cancer Center can fulfill its mission and promote the public health. I know the amendment I am offering will not only benefit Ohio and Ohioans, it will benefit our Nation's health care system and our Nation's efforts to combat cancer.

My amendment is fully paid for. In fact, it is more than paid for. Let me explain how it would be financed. There have been more than a half a dozen programs testing disease management programming and, to date, there have been very few successful outcomes. The fact that not only have these results not borne fruit but that, amazingly, the program participants are still drawing a benefit from the fees they charged was neither the Congress's nor the agency's intent when promulgating these initiatives.

The Centers for Medicare & Medicaid Services estimates that the Government is owed more than $750 million from these programs—$750 million—and, in fact, the most recently concluded program, the Medicare Health Support Program, has an outstanding price tag of more than $80 million due to the program participants' failure to meet the statutory savings and quality performance targets.

The bottom line is this: There are Medicare contractors who did not meet performance goals. They are holding onto taxpayer dollars instead of returning those dollars to the Federal Government. That is how my amendment is paid for, and it is paid for and then some.

Instead of paying for cancer care, we are letting private contractors earn interest on dollars they should never have had in the first place. That is simply ridiculous. My amendment would recoup these tax dollars to the great benefit of the public health. I ask my colleagues on both sides of the aisle to support it.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Montana, the chairman of the committee, is recognized.

Mr. BAUCUS. Mr. President, the amendment of the good Senator from Ohio would do two things. It would allow five hospitals to receive geographic reclassifications for the purpose of receiving higher Medicare reimbursements; and, second, it would provide a prospective payment service exemption to a cancer facility, which would make the hospital eligible for extra Medicare reimbursement.

While I am sympathetic with the problems the Senator alludes to with respect to, as I understand it, six facilities in his State of Ohio, the fact is, these are so-called rifle shots. This is going to affect the reclassification of five hospitals and change the reimbursement system for one other.

I would like to help out, but I must tell my good friend from Ohio, there are over 50 other requests from other Senators for reclassifications in their home States. If we accept this, Katy bar the door. I can tell the Senator from Ohio, I am thinking of one Senator right now who talks to me constantly—constantly—about the reclassification of hospitals in his home State, and there are many others.

The classification issue in this country is nuts. It is how we pay hospitals based upon—GPCI is the common phrase of what it is called in other formulas for hospitals. And it does not make a lot of sense. It is disparate. It is confusing. It is a mixture. It is not a fair way to reimburse hospitals. So we will be taking this up in health care reform legislation later on this year. And we have to. That is the proper time and place to deal with it.

The same is also true for reclassification of cancer hospitals. That, too, must be taken up. This Congress, frankly, is not competent to decide which hospitals receive which reimbursements. There are so many hospitals in this country that it is getting to the point where we are, as Members of the Senate, asked to decide what the proper reimbursement rate should be for individual hospitals. That is just hospitals. Think of all the other individual, separate medical reimbursement questions we are asked to make. We are not competent as Senators to make that decision.

It is too complicated, and it is getting worse every year—worse every year—because Senators and House Members, appropriately representing their States and their congressional districts, come to the committees of jurisdiction and say: Do this for our State, do this for me, and so forth, as they appropriately should. But this has been going on for year after year after year after year, and it is getting more and more and more complicated. It is out of hand, and it is just one reason why our health care system in this country is in such disarray.

We do not have a health care system in this country. It is a conglomeration, it is kind of a hodgepodge of individual providers, patients, different groups, medical equipment manufacturers—kind of a free market atmosphere—just asking for help for themselves, and they come to Congress saying: Do this for me because I am not being treated fairly.

So I say to my good friend from Ohio, there is a proper time and place to do this to address geographic reclassifications. However, this is not the time. Once we start going down this road on this bill, it is Katy bar the door. That is another reason we shouldn't go down this road because we didn't pass this children's health insurance legislation pronto, right away, with the House, and get it to the President's desk. The President very much wants us to get this legislation passed very quickly.

I say to my good friend from Ohio if we start going down this road and adopting amendments to reclassify hospitals in one State, virtually every other Senator is going to come up here and say, What about my State? You have to do it for me too. Then it is going to open up doors even more.

I urge us all to refrain from going down that road right now. Let's not allow any of these—there are no rifleshots at this bill. None. These are rifleshots. There are none in this bill, with the exception of a couple hospitals in Tennessee that were included in the last children's health insurance bill 3 years ago. It was a commitment I made to those two Senators from that State that they would be in this bill too. That is the only commitment I have made. A deal is a deal. I told them back then we would do it for various reasons, but other than that, there are no rifleshots in this bill and I think it would be wrong to include more and go down this road of reclassification.

I urge the Senator to either withdraw his amendment or I will urge Senators not to vote for it.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I thank the chairman of the Finance Committee and I appreciate his candor. I do plan to ask unanimous consent to withdraw the amendment. We both want to see this children's health insurance program pass quickly. We wish to pass it today; we hope we can pass it tomorrow for sure and get it to the President. It will have strong bipartisan support as it did last time when President Bush vetoed it. We know President Obama will sign it. I want to get it to him as quickly as possible. I ask Senator BAUCUS on the wage index issue and on the cancer hospital, if we could work together in the future.

Mr. BAUCUS. Absolutely. I make that commitment to the Senator, because he makes a good point. There are a lot of hospitals in similar situations.

Mr. BROWN. As I said, this hospital in Cleveland is NIH approved, so it should be near the front of the line when we do fix this in the future.

AMENDMENT NO. 79 WITHDRAWN

Mr. President, I ask unanimous consent to withdraw amendment No. 79.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent that at 5:30 p.m., the Senate resume consideration of the Kyl amendment No. 46; that the Senate then proceed to a vote in relation to the Kyl amendment, with no intervening action or debate; that upon disposition of the Kyl amendment, the Senate proceed to a vote in relation to the Murkowski amendment No. 77; that there be no amendments in order to the Kyl or Murkowski amendments prior to the votes; and that there be 2 minutes of debate equally divided between the two votes.

I amend that to say the balance of the time between now and 5:30 to be equally divided and then 2 minutes for the Murkowski amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 46

Mr. KYL. Mr. President, that leaves about 6 minutes. What I wish to do is speak for about 3 minutes and then reserve the balance of my time and then close out the debate, if that would be all right.

Mr. President, again, to remind my colleagues, this amendment is designed to deal with the problem of crowdout, which the Congressional Budget Office says will affect 25 to 50 percent of the people on SCHIP. In fact, about 2.4 million people would leave private health insurance coverage and go to the public coverage of SCHIP. There are a lot of problems with that, as we have discussed before.

The main argument I have heard is that the amendment I have offered here would affirmatively restrict coverage and get kids off the rolls. There are two answers to that. No, it wouldn't. In fact, it has exactly the opposite effect; it would ensure coverage. Secondly, it is not my language. This is language that was written by House and Senate Democrats. Every single Democrat—in fact, every single Republican who voted for this legislation last year that the President vetoed has already voted for the precise language of my amendment. I didn't change a word. I simply took the language the chairman and others in the House had drafted to deal with the crowdout and put it into this bill.

It is actually very minimal language. The official description we have is as follows: Provisions to prevent crowdout. It removes section 116—the underlying bill removes section 116 from the bill that was passed last year. That section required that all States submit a State plan detailing how each State will implement best practices to limit crowdout. It requires the GAO to issue a report describing the best practices and requires the Secretary of HHS to ensure that States which include higher income populations in their SCHIP programs cover a target rate of low-income children. In other words, as I said, ensuring coverage rather than restricting coverage.

So the bottom line is it is the same language that was developed by the Democrats in the House and the chairman last year. Every person who voted for the bill last year has voted for this. There is nothing wrong with it. I wish it would go further. But I think we have to acknowledge that this is a very real problem. One of the reasons it is a real problem is because, unfortunately, some of the States are adding more and more higher income kids. Now, we understand why: because it is easier to find them and cover them, and that is why the State of the Presiding Officer, for example, covers kids up to 400 percent of poverty. It is easier to find those populations. The tough kids to find and get involved in the program are the very low income, at the poverty level, or 200 percent of poverty. That is what we should be striving to cover.

What our amendment does is to simply ensure that as many of the kids who have private insurance as possible aren't going to lose their private insurance, thus encouraging coverage of higher and higher income kids.

Let me reserve the last 3 minutes of my time to see if there is anything else I think I need to respond to.

I urge my colleagues to support this amendment. It is the same language they have all already voted for. It certainly is not going to do any harm, and I think it could do a lot of good.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I oppose the Kyl amendment. Senator KYL has mentioned that the provision which includes the substance of his amendment was in the prior two bills, in the 2007 bills, and he is correct. The Senator is correct. I voted for those, as did many other Senators. However, the circumstances were different back then. That was in response to what is called President Bush's August 17 directive. That August 17 directive, in my judgment, was a Draconian effort by States to essentially, in effect, not let children leave private health insurance for the Children's Health Insurance Program. So Congress, as a response to that directive, enacted this section we are talking about here, section 116. However, that directive was never put in place. We have a new President who is certainly not going to issue a similar directive, which makes the legislation we put in earlier—legislation to moderate the August 17 directive—not necessary.

So that is why I think it makes sense to vote for the bill, but not put this unnecessary language back in. It is unnecessary because the August 17 directive is no longer operable.

Let me also say a few words about the Murkowski amendment, which is the second amendment we will be voting on. The Murkowski amendment would take Federal funding away for kids above 300 percent of the Federal poverty level if the State cannot prove that at least 80 percent of the kids below 200 percent of poverty are covered. States cannot be held accountable for things beyond their control.

This amendment would make States responsible for things such as the private insurance market, the percent of employers offering health coverage, and the overall economy—matters which are beyond the control of States. These factors and others contribute to the level of uninsured kids. States should be encouraged to cover as many low-income kids as possible, not penalized for doing so. This amendment draws an arbitrary line between 200 percent and 300 percent of poverty. I don't think that makes sense.

The Children's Health Insurance Program was started as a joint partnership between States and the Federal Government—a joint partnership. We want to continue this partnership, not limit State flexibility, as was the intent of the original CHIP legislation. That is the hallmark of the Children's Health Insurance Program.

The Murkowski amendment might sound reasonable, but the truth is that it jeopardizes health care for kids. Setting arbitrary targets for States to meet is unfair, it is inappropriate, in a program designed to help kids—not discourage kids but to help kids—and to get them to the doctor visits and the medicines they need.

I urge Members to vote against both the Kyl amendment, which will be the next vote, and the Murkowski amendment, which will be the subsequent vote.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I wonder if the chairman would respond to a question. I am not certain I understood the point with regard to Secretary Leavitt's August 17 directive.

Do I understand that the chairman supports the policy directive of August 17 dealing with crowdout?

Mr. BAUCUS. On the contrary, just the opposite. I do not support it. I did not support it.

Mr. KYL. That is what I assumed was the case. Of course, the August 17 directive was designed to try to deal with the problem we are talking about. It is quite likely that directive is not going to exist, which is precisely the reason for the kind of language that we need to have in this bill that is the Kyl amendment.

The whole point is that without something, either the directive such as Secretary Leavitt issued, or the language that is in the Kyl amendment, you are not going to have any Federal directive with respect to States ensuring that the crowdout effect is kept to an absolute limit. That is exactly why we need to do it. Circumstances are no different than they were 6 months or so ago with respect to the problem of crowdout, except that the problem is getting much worse because we keep adding more and more higher income kids.

As the CBO said, and as the Senator from Kansas noted before, CBO estimates that with regard to the higher income kids, it is about a one-for-one ratio. For every one that you add, you take one away from private health care. That is not something we should be fostering. I don't think any of us intends that result. The only people who would intend that result are those who want to wipe out private health insurance coverage and get everybody on government health care. That is where this is taking us. If that is the real motivation of people, well, at least I can understand it, and this legislation certainly would carry us in that direction. But I haven't heard too many people who are willing to admit that that is what they are trying to do, and I don't think that is what the chairman of the committee is trying to do.

So there needs to be something to deal with the problem of crowdout. If it is not going to be the directive of Secretary Leavitt, then it has to be the language prepared by the House and Senate Democrats when they passed the bill last year that President Bush vetoed. That language is not strong enough, in my view, but at least it does require a study of best practices and it requires the States to show whether they are putting those best practices into effect.

The final provision with respect to that is that with respect to two States and two States only, were they not to do that, they would—there would be a limit on the States of New York and New Jersey as a result of the requirement of the best State practice. The higher income States—and there are two—

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent that an additional 15 minutes equally divided be allocated on this amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KYL. Mr. President, I appreciate that. I certainly wouldn't need the half of 15 minutes, but I certainly appreciate that, at least to finish my thought, if not another couple of minutes.

The language that was written last year and that would be in my amendment is that in the higher income States, the low-income kids must be covered at a rate equal to the top 10 States, and if a higher income State fails the test, then it wouldn't receive the payment only for those higher income kids.

So there is no difference between all of the other States and even New York and New Jersey with respect to the lower income kids, but the incentive here is obviously not just to cherry pick the higher income kids but to try to make sure you are covering the lower income kids too.

To conclude my comment, either you go with something such as Secretary Leavitt proposed—and I don't think that with the new administration that is going to remain on the books—or you are going to have to have something such as the language that was prepared by my Democratic colleagues last year which at least minimally deals with the problem of crowdout by identifying the best practices and ensuring that the States at least have some kind of a plan to apply those best practices to prevent this huge problem of crowdout.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, without prolonging this debate, very simply this comes down to whether you support the policy of President Bush's so-called August 17 directive.

The amendment in question is kind of a watered-down version of that August 17 directive. That directive basically discouraged States from providing children's health insurance availability to kids of moderate income. That is what the August 17 directive did. It discouraged States from, at their own discretion, a State option, providing children's health insurance coverage for kids who are above 200 percent poverty and a little higher, which has a tendency to mean those families would not have private health insurance but would have insurance under CHIP.

It is simple: If you are for discouraging kids going to the CHIP, middle-income people—actually, lower than middle income—vote for the Kyl amendment because that basically is a watered-down version of the August 17 directive. If you are for the August 17 directive, you are probably for the amendment. If you are not for the August 17 directive, you are not for the Kyl amendment.

I oppose the amendment. I think most are opposed to it. We should not vote for it. I don't mean to disparage the Senator, but it is a watered-down version of the August 17 directive.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I find this argument curious because the chairman of the committee made the point that the language he and others drafted was in response to the August 17 directive of Secretary Leavitt. This was their answer to it. They did not like it, so they said: We don't like that directive, we are going to propose some language that is going to solve the problem. It is going to solve it his way, not our way. That is the Kyl language. It is the identical language they wrote last year in response to the Leavitt directive. That is the point. They did not like the Leavitt directive, so they wrote this language.

The Leavitt directive is going to be history, I suspect, in short order. They wrote this language because they knew there had to be something to deal with the problem of crowdout. They could not support the Leavitt directive, so they wrote their language.

I am the one who called it watered down. I will take authorship of that phrase. It is watered down from what I would have done is what I meant by that phrase. I am not speaking of it in pejorative terms. I would have done much more. But my Democratic colleagues, in response to the Leavitt directive, said: We don't like that; we are going to write something that is better. And that is what they wrote.

They knew there had to be something in here dealing with crowdout. All I am saying, since the Leavitt directive is likely to be history soon, No. 1, and No. 2, we do need to do something about crowdout, and No. 3, there isn't any other language they have been willing to adopt, surely language they already voted for that they wrote would be OK.

So anybody who voted for the bill last year, you are flipping. By not voting for this amendment, you are saying: I guess I was wrong then, but I don't see how that could be, given the fact this was specifically designed for the purpose the chairman identified.

I will close with this point. Everybody knows it is a problem. It is real. CBO has identified it. I don't think anybody doubts the problem of crowdout. You either do something about it or not, and I am doing the least thing about it by taking the language proposed by Democrats last year, passed by Democrats last year, and I don't know why the language now, this year, all of a sudden is not any good. What is wrong with the language? That question has never been answered. What is wrong with the crowdout language that was written last year and passed last year? We have to address the problem somehow. This is the least way to do it, in my view.

I urge my colleagues, think about this and think about what you will be

voting against if you fail to support the Kyl amendment. I urge my colleagues to support the Kyl amendment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, very simply, what is wrong with this amendment? What is wrong is we don't know the consequences, what it will do to States. It may have consequences we have not anticipated. Therefore, I think it is not proper.

Second, without belaboring the point, the provision we discussed here was placed in legislation to counteract the August 17 directive. The August 17 directive is now going to be withdrawn; therefore, there is no need for this amendment. That is another reason this amendment is not needed. The August 17 directive is going to be withdrawn totally. That legislation was put in place to moderate the August 17 directive. If there is no August 17 directive, there is no need to moderate; therefore, we don't need the amendment.

I ask unanimous consent—unless the Senator wants to say something—that a quorum call be placed until a quarter of the hour.

Mr. KYL. If I can conclude with a quick point, to the extent we do not use time, we can have it run equally. If that would be part of the unanimous consent request, I would support that.

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

Mr. KYL. Mr. President, this is a useful exchange because the chairman has now made the point that the language of the Kyl amendment was written in response to Secretary Leavitt's attempt to deal with the problem of crowdout.

Again, everybody realizes the problem is real. Something should be done about it. Secretary Leavitt did something about it. Most of my Democratic colleagues did not like that, so they wrote the language of the Kyl amendment to respond to that directive.

The Leavitt language is probably soon going to be history because of the new administration. So the chairman of the committee is, in effect, saying now that because that no longer exists, the Kyl language, the language he supported before is not needed because we do not have to top the Leavitt language. But, of course, what that means is there would be no language dealing with crowdout.

I thought almost everybody agreed that it is a real problem and needs to be dealt with and that States should be engaging in the best practices to deal with it. That is all this amendment does, is to require that the best practices be identified and that they apply those best practices to deal with it. It is not much, but it is something, and if the Kyl amendment is not adopted and nothing is done in conference, then there is nothing. There is no Leavitt directive, there is no crowdout language in this legislation. There is nothing to deal with the problem that everybody acknowledges exists. The mere fact that it was written in response to the Leavitt language and that the Leavitt language is no longer going to be extant is an argument for the language, not against it.

Perhaps the amendment would have done better if I had identified the Democratic leadership in the House who actually drafted it, and instead of calling it the Kyl amendment, I would call it the amendment of the Democratic colleague in the House who drafted the language. Don't take the fact that it now has that name to mean it cannot be any good.

I say to my colleagues on the Democratic side of the aisle, this is something they supported before. It was a good idea then and a better idea now given there is not going to be an administration directive to deal with the problem and something has to be done to deal with the problem.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the answer to this is to deal with it in health care reform. Nobody knows the degree to which this is an issue. There is a lot of talk about this issue, especially from the other side. We don't know for sure what the dynamics are that cause or do not cause. We don't know what the consequences are. We don't know how much this really is a problem, frankly. That is why we should have health care reform legislation.

This country does not have a health care system really, just a hodgepodge of different people doing different things. Clearly, we want a solution that is a combination of private insurance as well as public insurance, a uniquely American solution that is a combination of public insurance and private insurance.

There is a very strong role for private health insurance in this country. In fact, the private health insurance industry wants health care reform. When they start to insure 46 million, 47 million Americans who do not have health insurance, it is an opportunity for them. They also want to engage us in insurance reform. They will have to change their business model, but they do agree the time has come to guarantee issue. That is a fancy word saying anybody who applies for health insurance is guaranteed to get it, and there is no discrimination on preexisting conditions, no discrimination based on medical history, no discrimination based on age.

There is a lot we need to do in this country to get meaningful health care reform so everybody has health insurance, all Americans have health insurance, and also so costs are brought down.

I remind my colleagues, we pay twice as much per capita on health care in this country than the next most expensive country. If we keep going down the road we have been going down—that is, not addressing comprehensively health care in this country—then that trend will continue to get worse and worse. That is a cost not just to families and individuals who pay so much more, but it is also a cost to our companies that have to pay so much more for health care than companies in other countries. Third, it is a big cost to our State and Federal budgets. Their budgets are so high because health care costs in this country are so high.

Although this is more than an interesting question, we really do not know the answer to it. We are addressing it by this amendment in a piecemeal way. That is what is the whole problem with what we have been doing for the last 15, 23 years in this country.

I do not mean to be critical of the Senator from Arizona and disparage what he is doing. If we come back with different Senators and different amendments to address another health care issue, it is like a big balloon: push it here and it pops up someplace else. We don't look at it comprehensively. I think the proper place to look, the place to draw the line between public coverage and private coverage is in the context of national health care reform.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, that is a good point. I certainly concur with the chairman that we need to do national health care reform. But that is not an argument not to deal with crowdout in the very bill that is going to deal with crowdout and in the very bill that we dealt with crowdout last year. In other words, the language of the Kyl amendment is the language that was put in the bill last year. It was not put in comprehensive health care reform. It was put in the SCHIP bill because it is in the SCHIP bill that the problem of crowdout occurs.

The chairman notes that we do not know exactly how big the problem is, but CBO has given a good estimate. It provides that an Institute of Medicine study would describe the best way to measure crowdout. That has to be submitted 18 months after enactment. This is not exactly warp speed. We have 18 months to figure out the magnitude of the problem. GAO would submit a report to analyze the best way to address the crowdout. And then within 6 months of receiving the reports, the Secretary of Health and Human Services would develop recommendations on how to deal with it. We are now 2 years from now, or when the bill passes, and then 6 months after that the Secretary would publish the recommendations, and eventually we get to the point, after the studies, to figure out how big the problem is and what to do about it. The Secretary publishes it, and then the States have the obligation to look at these options and best practices and to institute them, probably 2½ years after this bill becomes law.

So we are not exactly jumping the gun here, and it is far more appropriate to put the language in this bill, the

SCHIP bill, as we did last year, than it is to wait for some future health care legislation. I don't buy that argument.

Again, I urge my colleagues to support the Kyl amendment. It is the same thing everybody who will be voting for this legislation voted for last year.

The PRESIDING OFFICER. Senator BAUCUS has 2 minutes remaining.

Mr. BAUCUS. I am ready to vote.

They want us to wait 2 minutes, Mr. President. I suggest the absence of a quorum to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BAUCUS. Mr. President, I ask for the yeas and nays on the Kyl amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to amendment No. 46. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 56, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—42

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Specter
Collins	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	Lugar	Voinovich
Crapo	Martinez	Wicker

NAYS—56

Akaka	Feinstein	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burris	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	Lieberman	Warner
Dodd	Lincoln	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Merkley	

NOT VOTING—1

Kennedy

The amendment (No. 46) was rejected.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, this will be the last vote tonight. If there are other amendments people wish to offer, we will deal with those.

We hope tomorrow we can start again early. We can come in probably about 9:30 in the morning and start working on these amendments. We have had a lot of votes.

I just had a conversation with the distinguished manager of the bill on our side and he is looking at these amendments. He has indicated for some of them—there are several of them he might look at favorably. But what amendments we have, let's get to them and see if we can finish this tomorrow at a reasonable hour.

I have spoken with the Republican leader. We have had a good conversation. What we wish to consider, subject to the will of the body, is to finish this tomorrow at a good time. We would come in at a relatively decent time on Monday. We would be allowed to move to the economic recovery package. We would complete the 2 or 3 hours on Holder starting at 1 or so in the afternoon. We will have a vote that evening and then spend the rest of the day on the economic stimulus bill—start offering amendments on that on Tuesday or if somebody wanted to offer some Monday night. I think we would save the time Monday night for statements on that legislation and then work toward completing the legislation on the stimulus as quickly as we can.

Remember, our goal is to finish the legislation so that on Monday of the following week we can start doing the conference so we can complete that before the Presidents Day recess.

The Republican leader and I have talked about another issue or two that we might try to complete before the recess while the conference is taking place. We will talk about that at a subsequent time. But I think I have given a general overview of what we think will take place the next week or so.

Mr. LEAHY. Mr. President, will the distinguished majority leader yield for a question?

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. I understood from my earlier conversation with the distinguished majority leader, and also a conversation with the distinguished ranking member on the Judiciary Committee, that once we finish this tomorrow—because of the real need to get somebody in our top law enforcement office, which is a privileged matter—that we would go to the nomination of Eric Holder tomorrow, even if it requires tomorrow evening, and go for a vote. I note he passed after a lengthy time. He has been waiting much longer than the past three Attorneys General did, from the time he was announced to the time he got out of the committee. He passed the committee by 17 to 2 today.

I had understood and actually told Mr. Holder and others, based on my conversation with the distinguished leader, that we would go to Mr. Holder tomorrow once this bill was finished.

Mr. REID. Mr. President, through the Chair to the distinguished chairman of the Judiciary Committee, that was the conversation. It is true it is a privileged motion but it is debatable. I think we should quit while we are ahead.

If the minority will allow us to go to this at a set time on Sunday, the fastest we could get to it anyway would be sometime—on Monday, I am sorry—the quickest we could get to it likely anyway would be on Sunday and I don't think we need to do that if we are going to have the permission of the minority to allow us to do it sometime early in the day on Monday.

I know there is some urgency in this, but the Senate, being as it is, we only need one person on the other side to say to do it at a later time and we are obligated to do that.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, if I might respond to the distinguished majority leader, my friend from Nevada, if somebody wants to vote against Mr. Holder, let him speak and vote against him. But I do not know, if there are only one or two people who want to hold him up, why should we have to hold it up? We do not have an Attorney General now. We aren't able to put in all the other spots. It is the premier law enforcement office in this country. I would hate to think, over the weekend, we had some major law enforcement crisis. I hope that with a person who has been endorsed by every single law enforcement agency across the spectrum in this country, we could go to him sooner. I am happy to be here Friday. I am happy to be here Saturday if that is what it takes to vote.

Mr. BYRD. Me too.

Mr. LEAHY. I hear the distinguished Senator from West Virginia. I was supposed to lead a delegation to Davos, the World Economic Summit. I have canceled that. I am prepared to go. Obviously, the leader is the one who could bring up a privileged matter. I find it very frustrating we are not going to go forward.

Mr. REID. I understand how my friend from Vermont feels. I have to say I think we should accept ''yes'' for an answer. It may not be the exact time we want, but I think it is a pretty good package.

We would go to work on this at a reasonable hour early in the afternoon on Monday. The Attorney General will be approved sometime early in the afternoon on Monday—probably about 5 o'clock. And we would be able to go at that time to the economic recovery package. We would not have to file on that.

I think we are doing pretty well here. Everyone seems to be getting along well. I don't think we need to have a

long debate that is unnecessary over the weekend when we would only save, at most, 24 hours anyway.

I know how much the chairman has worked on this, but I think it is better that we go as I have outlined.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, obviously the leader could bring it up any time. If he wants to do it differently than we had discussed earlier, that is his option. I am disappointed.

AMENDMENT NO. 77

The PRESIDING OFFICER. There will now be 2 minutes of debate prior to a vote on the amendment offered by the Senator from Alaska, Ms. MURKOWSKI.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I ask that all Members listen for 1 minute. I would like to think I have earned the reputation of being a relatively reasonable Senator in my approach. What I have before you today is a pretty reasonable amendment.

What I am proposing in this amendment we have before us is if a State wants to exceed the 300 percent FPL for CHIP, if they want to go above that level, what my amendment says is, we are going to give the flexibility for the States to be working with the Secretary to ensure that before they do that, if they can ensure that 80 percent of the children within their State are covered, those children below 200 percent of the Federal poverty level, if 80 percent of those are covered, then you have the flexibility to go above that 300 percent.

What we are allowing for is to guarantee, if you will, that we are covering those children we set out to do when we passed SCHIP in the first place. So, 80 percent, look at your State's level. Just about all States can meet this. We want to provide a level of flexibility, but we want to ensure that the children from the neediest families are going to be taken care of first. I ask for my colleagues' support.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, this is frankly a cleverly designed amendment which has dire consequences. Essentially it takes away Federal funding under the Children's Health Insurance Program where States cover children above 300 percent of poverty where the State cannot prove at least 80 percent of all the children in the State are below 200 percent of poverty, as covered either under the CHIP program or privately.

The problem is this: States cannot control their economies. Let's say there is a recession. Let's say there is high unemployment. Let's say people lose their private health insurance coverage. States cannot control that. They cannot control what the total coverage in their State will be, public and private.

If a State cannot guarantee that 80 percent, it cannot control it, then that State loses its Federal funds. So I think that even though it sounds pretty good on the surface, the trouble is States cannot control the dynamics that are going to determine whether the States get those Federal dollars.

Therefore, I urge that the amendment not be adopted.

I ask for the yeas and nays.

The PRESIDING OFFICER (Ms. CANTWELL). Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—47

Alexander	Crapo	McCain
Barrasso	DeMint	McCaskill
Begich	Ensign	McConnell
Bennett	Enzi	Murkowski
Bingaman	Graham	Nelson (NE)
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Carper	Inhofe	Snowe
Chambliss	Isakson	Specter
Coburn	Johanns	Thune
Cochran	Klobuchar	Vitter
Collins	Kyl	Voinovich
Corker	Lugar	Wicker
Cornyn	Martinez	

NAYS—51

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Bennet	Inouye	Reed
Boxer	Johnson	Reid
Brown	Kaufman	Rockefeller
Burris	Kerry	Sanders
Byrd	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	Menendez	Webb
Feingold	Merkley	Whitehouse
Feinstein	Mikulski	Wyden

NOT VOTING—1

Kennedy

The amendment (No. 77) was rejected.

Mr. DURBIN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 49

Mr. COBURN. Madam President, I call up amendment No. 49.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 49.

Mr. COBURN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prevent fraud and restore fiscal accountability to the Medicaid and SCHIP programs)

Strike section 602 and insert the following:

SEC. 602. LIMITATION ON EXPANSION.

Section 2105(c)(8) (42 U.S.C. 1397ee(c)(8)), as added by section 114(a), is amended by adding at the end the following:

''(C) REQUIREMENT.—Notwithstanding subparagraphs (A) and (B), on or after the date of enactment of this subparagraph, the Secretary may not approve a State plan amendment or waiver for child health assistance or health benefits to children whose family income exceeds 300 percent of the poverty line unless the improper payment rate for Medicaid and CHIP (as measured by the payment error rate measurement (PERM)) is equal to or is less than 3.5 percent.''.

Mr. COBURN. Madam President, this is a pretty straightforward amendment. I am having trouble understanding what we are doing. The average improper payment rate, as published by GAO and OMB, is around 3.5 percent for the programs. We, just now, after 7 years, are starting to see the improper payment rates for Medicaid and SCHIP reported.

What is interesting is that the payment Medicaid error rate for fiscal 2008 is 10.5 percent. Madam President, $32 billion was improperly paid out of Medicaid this last year; $18.6 billion of that is the Federal share. The SCHIP rate was a 14.7-percent improper payment rate.

This is the first time we have seen that SCHIP has reported its improper payment numbers for a full year, and it is important in this regard: The worst offender in the country is the State of New York, with an estimated 40-percent improper payment rate. The purpose of this amendment is to restore fiscal discipline by making the Medicaid and SCHIP programs more accountable and efficient and to limit earmark expansions until the programs are working at least within the range of what other Government programs work.

Now, we have an earmark in this SCHIP bill for the State of New York that allows citizens in the State of New York an elevated level of access to the SCHIP program that is some $30,000 above the rest of the country. We can decide to do that. That is fine. But what we should not do is allow the worst State in terms of offense in fraud in Medicaid to be able to expend additional moneys up to 400 percent of the poverty level until, in fact, they bring their improper payment levels down.

Let me refer to a 2005 New York Times article where the former State investigator of Medicaid abuse estimated that questionable claims totaled 40 percent of all Medicaid spending in New York—nearly $18 billion a year in New York alone.

One dentist somehow built the State's biggest Medicaid dental practice. This dentist—she—claimed to have performed 991 procedures a day in 2003. Get that again: 991 procedures a day. Van services intended as medical transportation for patients who cannot

walk were regularly found to be picking up scores of people who walked quite easily when a reporter was watching nearby. These rides cost taxpayers $50 a round trip, adding up to $200 million a year, of which a large portion of that was fraud.

So what this amendment does—it does not affect existing SCHIP programs or States that wish to expand eligibility for families making up to 300 percent of the Federal poverty level. What it says is, until Medicaid and SCHIP payments reach the improved level of 3.5 percent—the average of other Federal agencies—we should not give New York a special earmark for people making 400 percent of the Federal poverty level.

First of all, it is a matter of common sense. Why would we allow the State with the worst fraud rate on Medicaid to have an additional exception over everybody else in the country, when they are the least efficient with spending their money on the people whom they are covering today?

Now, I do not know if 40 percent is accurate. It may not be. But the fact is, the whole Medicaid Program and SCHIP program are three to four times what the rest of the Federal Government is in terms of fraud and abuse. I think it is important we condition the expansion and the earmark for New York State on them coming into alignment with the rest of the Federal Government in terms of its abuse.

So with that, I yield the floor to the chairman.

He has no comments. I will move on to another amendment.

AMENDMENT NO. 50

Madam President, I call up amendment No. 50.

The PRESIDING OFFICER. Is there objection to setting the pending amendment aside?

Mr. BAUCUS. Madam President, reserving the right to object, let me get a sense of the lay of the land here. Let me see what this amendment is first.

Madam President, I have no objection.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 50.

Mr. COBURN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To restore fiscal discipline by making the Medicaid and SCHIP programs more accountable and efficient)

At the end of section 601, add the following:

(g) TIME FOR PROMULGATION OF FINAL RULE.—The final rule implementing the PERM requirements under subsection (b) shall be promulgated not later than 6 months after the date of enactment of this Act.

Mr. COBURN. Madam President, this is another amendment. It is about being prudent with the taxpayers' money. It is about us doing what we are expected to do. It is about us controlling improper payments. This amendment would require that the final rule implementing the payment error rate measurement requirements under section 601(b) shall not be made later than 6 months after the date of enactment of this act.

Now, the problem that we have is, the legislation, in its current form, would effectively erase this long overdue progress by placing an unnecessary moratorium on the reporting requirements for Medicaid improper payment numbers. Let me say that again. In its current form, this legislation erases this long overdue progress by placing a moratorium on the reporting requirements for Medicaid improper payment numbers.

Section 601 of the bill states:

The provision would prohibit the Secretary from calculating or publishing national or state-specific error rates based on PERM—

The ''payment error rate measurement''—

for CHIP until six months after the date on which a final PERM rule, issued after the date of enactment of this Act, is in effect for all states.

However, there is no deadline for the final rule.

So all we are saying with this is, if we really want improper payment information released to the American public and released to Members of the Senate, we ought to be able to get the PERM done within 6 months of the enactment of this bill. It is a fair compromise between those seeking clarification guidance on PERM while ensuring there will eventually be progress and movement to guarantee the continuation of the measuring of improper payments. For the life of me, I don't know why we don't want to measure improper payments with the Medicaid Program. Maybe it is because we know what we are going to see, as with the first 17 States where we have a 10.3 percent error rate, of which over 90 percent is payment out in error.

Six months is more than enough time for CMS to write the PERM guidelines, especially since it took our Founding Fathers only 4 months to write the Constitution.

The Medicaid composite error rate for 2008 is 10.5 percent. That is $32 billion of Medicaid money that could have been redirected in a more proper manner. This marks the first time the SCHIP has reported its improper payment rate, and it was at 14.7 percent. To put that in perspective, the Congressional Research Service notes the average for each of the other Federal agencies is 3.5 percent. This bill, as it is currently written, ignores a law that has been on the books and for which CMS has 7 years to prepare. All we are saying is, after we pass this bill, make them do it within 6 months. They can do it. They know they can do it, and we have said no. I don't understand that. I am willing to learn why we would not want improper payments reported to both us and the American people. CMS itself has advocated for more transparency on improper payment.

CMS is aware of the challenges and noted the lack of information about payment error rates. We have actually had hearings in the Financial Management Subcommittee on improper payment rates in both Medicare, SCHIP, and Medicaid. Kerry Weems, the former Director of the CMS stated: There is a substantial vulnerability in preventing and detecting fraud, waste, and abuse in the Medicaid Program. Measuring performance, publicly reporting the results, and providing payment incentives that encourage high quality and efficient care are paramount to keeping CMS accountable to the beneficiaries and the American taxpayers.

What this bill does is strip the transparency and the information CMS needs to detect and prevent waste, fraud, and abuse. Supporting this amendment is consistent with what our new President has said in terms of his pledge to make sure government works, that government is transparent, and that we actually know where we are spending our money and whether it is working and effective. We have a duty to make sure taxpayers are only paying for the services and the people who are entitled to benefits. This is a simple amendment to just shed transparency on a government bureaucracy.

Madam President, I ask unanimous consent to set aside that amendment and call up amendment No. 47.

Mr. BAUCUS. Madam President, reserving the right to object, I would like to see the amendment.

Madam President, might I ask if the Senator from Oklahoma could right now begin talking about his amendment while we have a chance to look at it, and then we could bring it up as soon as we have a chance to look at it. It saves some time.

Mr. COBURN. The Senator does not want to move on this amendment?

Mr. BAUCUS. I am just saying speak on the amendment. Then we will make a decision to move it after we have had a chance to look at it.

Mr. COBURN. OK. I thank the Senator.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 47

Mr. COBURN. Madam President, the purpose of this amendment is to make sure children don't lose their private insurance and uninsured children can get access to private health insurance.

This amendment would require a premium assistance approach for new Medicaid or SCHIP expansions under this act. It would cut bureaucratic redtape for States to use a premium assistance approach.

I will be the first to say SCHIP was created for targeted low-income children, those families making less than 200 percent of the Federal poverty

level, and I believe that is where the program should stay focused. The Department of Health and Human Services just released new numbers on the Federal poverty level. For a family of four, it is $22,050 a year. That means the current SCHIP without expansions is available to children whose families are making $44,000 a year. That is close to the national median income of $50,000.

The underlying bill will expand the SCHIP program up to families making $66,000 a year or $88,000 if you are fortunate enough to live in the State of New York. I am concerned about this for a number of reasons, but there is little question the majority has the votes to pass the underlying bill and President Obama will pass it. Therefore, my amendment is not about whether to expand SCHIP; my amendment is about how to expand SCHIP.

Are we going to put the majority of American kids on a government-run program? If that is our goal, then we should totally reject this amendment. Or are we going to use an approach that ensures children in America have access to market-based insurance?

Let me tell my colleagues why this is important. Today, only 40 percent of the physicians will take an SCHIP or a Medicaid patient. Sixty percent would not even let them darken their door. So what we have in essence done is put a stamp on the foreheads of people in these programs that says: You get the doctors who are not busy enough so they have to take SCHIP and Medicaid.

What this amendment is designed to do is, if they have an opportunity for insurance, we give them that opportunity, which takes that stamp off their foreheads. In other words, we don't relegate them to lower class health care.

My amendment would require States to use a premium assistance approach to keep kids in private coverage if they want to expand their Medicaid or SCHIP under this bill. The American people know the market generally does a better job of controlling costs and improving the quality than government can. We know that because when we look at outcomes of Medicare versus private insurance, we see it. When we look at outcomes of private insurance versus Medicaid, we see it. When we look at outcomes of private insurance versus SCHIP, we see it. We know that is true. If they need a little extra help to get the private insurance, this amendment would make sure they have it. I believe parents—not government bureaucrats—should be able to make the decisions about the health care of their kids. This amendment will reduce crowdout of private insurance.

Anytime the government offers to give something away for free, it is common sense that an employer or an individual will take them up on the offer. As we offer free health care to higher income children, many of whom already have coverage, we are going to see a resulting drop or crowdout in the number of employers willing to pay for private coverage.

The Massachusetts Institute of Technology economist Jonathan Gruber has estimated the crowdout rate of expanding SCHIP to new eligibility groups at 60 percent. The Congressional Budget Office shows that 400,000 children will be newly covered in higher income families, and there will be a reduction in existing private insurance for another 400,000 children. That is our own Congressional Budget Office. If we send the bill as it is written to President Obama, it is going to break one of his campaign promises when he stated last fall:

> If you already have insurance, the only thing that will change under my plan is that we will lower your premiums.

Voting in support of this amendment ensures that President Obama can keep his promise. Not only does crowdout take away the private coverage higher income children have now, it is a bad deal for taxpayers. For those new populations covered by CHIPRA 2009, the SCHIP legislation, one new child for the cost of two. CBO says the bill will cover 1.9 million SCHIP kids in 2013 at a cost of $2,160. However, because of crowdout, taxpayers will actually pay $4,430 for every newly insured kid because we are picking up the tab for those kids who already had insurance. The purpose of this amendment is to minimize that crowdout. Rather than encourage government dependence, it is to help people stay in a private insurance plan. It is also cost effective because the State will only have to subsidize the employee's share of the health insurance benefit rather than having taxpayers pay the entire benefit.

This amendment also cuts bureaucratic redtape to make it easier for States to use a premium assistance approach. Current laws allow premium assistance, but the administrative requirements are so cumbersome that only a handful of States have premium assisted programs. I will note that the underlying bill permits premium assistance but would also note that the administrative burdens would once again discourage States from using this approach.

According to the Kaiser Family Foundation, 55 percent of the 78.6 million children in America have employer-sponsored insurance. If that coverage is working for the majority of American kids, why can't it work for kids who are eligible for SCHIP? The answer is, it can and we have a duty to make sure it does.

The premium assistance language in the underlying bill also denies parents the right to choose certain types of coverage for their children. This language gives parents the right to choose from more coverage options. Parents, not bureaucrats, know best about what fits the needs of their children. A parent should be able to use premium assistance for their share of the employer-sponsored insurance, to buy insurance in the nongroup market, or to buy a consumer-directed product. All this does is give parents that right to make individual decisions about what is best for their children, about what doctor they will have for their children.

Don't forget most people in SCHIP don't get a real choice about who is going to take care of their children. They have a very limited choice. What this amendment does is ensures that a large portion of them can actually choose the doctor they want for their child.

It is not about—this amendment isn't about whether we should cover American kids; it is about the best way to cover those kids. I believe keeping kids with their parents and market-based coverage is going to be better for American kids, better for our country in the long run, and I will guarantee it will give us better outcomes for the children who are covered.

With that, I yield the floor.

Mr. BAUCUS. Madam President, I listened carefully to the Senator from Oklahoma, and I might say he has some interesting thoughts and interesting ideas. Let me think about them and maybe there is something we can do about them, and I thank the Senator.

Mr. COBURN. I thank the chairman for his consideration.

Mr. BAUCUS. Madam Chairman, I yield the floor.

Mrs. SHAHEEN. Madam President, I do not wish to speak to the amendments on the floor but to the underlying bill, and I rise today to express my strong support for H.R. 2, the Children's Health Insurance Program Improvements Act.

Providing children access to doctors and medicine is absolutely critical to a good start in life, but there are many children in New Hampshire and across this country whose families can't afford private health insurance but who are also not eligible to receive help such as Medicaid. It is the future of these children that we are considering this week on the floor of the Senate.

This is an issue that is near and dear to me. After children's health insurance was first passed—and I appreciate the efforts of so many people in this body to get that done—I was the Governor of New Hampshire, and I tried to start a children's health insurance program in New Hampshire, but the State legislature was unwilling to fund New Hampshire's share of the cost. I believed the program was important enough to keep working on it, and so we secured a waiver to allow private foundations to put up what would be the State's share. The program was successful and the State's share was funded in the next budget because there were so many families in New Hampshire who had received health insurance for their children, they came to the legislature and the legislature agreed to support it.

After enacting New Hampshire's children's health insurance program, tens

of thousands of New Hampshire children have obtained affordable coverage through this program. I have seen firsthand what a difference the program can make for middle-class working families.

Consider the case of Quint Stires from Keene, NH. I had the pleasure of meeting Quint on the campaign trail last year. Quint had advanced thyroid cancer, and he had to quit his job after becoming too sick to work. Then his wife also lost her job. Of course, they lost their health insurance. But, fortunately, in this instance, in the toughest of circumstances, Quint and his wife didn't have to worry about how they were going to provide health care for their two sons. They had New Hampshire's children's health insurance.

Unfortunately, Quint has since passed away, and my thoughts go out to his family. But I think it is important to share his story as we talk about this children's health insurance legislation on the floor of the Senate because sometimes we lose sight of the individuals the legislation we enact is really going to help. The Children's Health Insurance Program offered help to the Stires family when they needed it the most, and we have the opportunity to make sure other families have the same safety net available to them.

Due to the uncertain economy we face today, there are going to be many more parents and children in tough circumstances. Families and businesses are being forced to cut back on just about everything. People are losing their jobs, and employers are struggling to offer health care, leaving a rising number of Americans in need of affordable coverage options for their kids.

The legislation we are considering reauthorizes children's health insurance through September 2013 and provides enough funding to cover an additional 4 million uninsured children across the country. In New Hampshire, the estimate is that over two-thirds of our uninsured children are eligible for either Medicaid or children's health insurance, what we call New Hampshire Healthy Kids Silver. The Senate legislation increases funding for outreach so we can identify eligible children and enroll them, it streamlines the signup process, it provides incentives to States that achieve enrollment benchmarks, and it provides enough funding to cover every eligible child in New Hampshire.

For those who are as concerned about our mounting national debt as I am, the costs of this bill are fully offset through an increase in the Federal tobacco tax. Moreover, it is simply more cost-effective to get preventive health care for children than to have them treated in emergency rooms or to suffer from permanent conditions due to lack of care.

Today, more than 76,000 children in New Hampshire have health coverage, either through Medicaid or through our Children's Health Insurance Program. But I know we can do better because all children need regular checkups, all children need access to medicine, all children deserve a shot at preventing disease later in life, and all families need to know they can provide for their kids without going into insurmountable debt.

I am pleased that the Senate is considering this very important legislation so early in the 111th Congress. I believe it reflects our commitment to the children of this country. I urge my colleagues to support the legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Montana is recognized.

GETTING AMERICA WORKING AGAIN

Mr. TESTER. Mr. President, I rise today to urge the Senate and the Congress to act now to put people back to work and begin taking the steps necessary to restore economic growth in the near term and opportunity over the long haul.

The House passed a jobs bill yesterday, and the Senate Appropriations Committee passed its jobs bill out of committee on Tuesday. As a new member of that committee, I look forward to working with my colleagues from both sides of the aisle to pass a good jobs bill and get it to the President so we can start to get people back to work now and lay the foundation for broad-based economic growth and opportunity.

The need for this jobs bill is as plain as day. Each day, news brings fresh evidence that America's economy is on the wrong track. According to the experts, unemployment last month rose by 632,000 workers to 7.2 percent. Those are the highest levels in nearly 16 years, and the trendline is downright scary. Even so-called growth companies, such as Microsoft, are announcing layoffs, while retail companies such as Circuit City go belly-up in the wake of the meltdown of the financial markets. Just this week, Home Depot, Caterpillar, General Motors, United Airlines, Pfizer, and Sprint Nextel have announced massive job cuts, some 75,000 in 1 day, and the numbers continue to go higher and higher.

In Montana, we unfortunately are not immune to the economic gloom. Mining companies are experiencing significant layoffs. Car dealers are struggling. And the timber industry in our State is on the verge of collapse. The Montana Contractors Association said last month that the construction sector in our State has fallen more than 7.5 percent in the last year and a half. And the wild volatility of the worldwide energy markets has left both consumers and producers in the Treasure State feeling the effects of the boom-and-bust roller coaster ride.

Let me tell you, when you take away a worker's job, you take away the family's hope for the future. Montanans do not want an unemployment check. What they want is a job and a paycheck.

A recent picture in the Whitefish Pilot explained it well. A lone man stood on a street corner with a cardboard sign that said, ''Work needed.'' In the caption, he is quoted as saying:

> It's humbling, but I'm a workaholic. I do whatever it takes to pay my bills.

A woman from Kalispell wrote me about herself and her husband, both of whom are out of work. She said:

> I would be happy to clean your office, answer phones or do office work for you . . . or I will sweep streets with a broom if you can recommend me to the right person.

The unemployment rate hit 8.7 percent in Flathead County last month. These are proud working folks, and they are not looking for a handout. They are looking for a job, an opportunity to make a living, to provide for their families.

I come to my job in the Senate from our family farm in Montana. Although we might not register much more than a blip on the radar screen of national statistics, let me tell you, folks in rural America and our frontier communities feel the effects when the big picture is out of whack. We feel the effects of a national turndown in a big way.

Virtually every economic recession in American history started in farm country. This one is no different. Input costs are high and commodity prices are low. This is a recipe for financial failure.

So what do we do? The first thing we need to do is pass a good jobs bill, and we need to do it now. Rather than continuing to lurch from bailout to bailout, we need a good jobs bill that will put people to work right now and begin to rebuild our economy from the ground up by investing in infrastructure.

Yesterday, the American Society of Civil Engineers gave efforts to repair our Nation's infrastructure a grade of D. They said the repair costs have grown more than $500 billion in the last 4 years. Specifically, more than 26 percent—that is more than one in four—of our Nation's bridges are either structurally deficient or functionally obsolete. One-third of America's major roads are either poor or in mediocre condition.

In Montana, water is a huge infrastructure. I will give a few examples. The town of Stevensville's water supply dates to 1909, and there have been no significant or substantial improvements to that water system in 30 years. That town alone needs 150,000 bucks to upgrade the system to bring it into compliance with Federal drinking water standards and to ensure good public health. The town of Dutton, MT, needs half a million dollars to rehabilitate wastewater lagoons built back in 1946 to avert possible catastrophic dike failure and to serve the citizens of the town in compliance with current standards. These are just two examples of the need for infrastructure funding that will get people working now, enhance quality of life, and set the

groundwork for vigorous economic growth.

Some may criticize the need to upgrade infrastructure as nothing more than filling potholes. But I can tell you that after many years of failure at the national level to fund infrastructure, our national ''front end'' is a little more than a little out of alignment.

If we do it right, investing in infrastructure will be a win-win. Smart long-term infrastructure projects will put people to work right now and will also build for the future, for future generations, for our kids and our grandkids.

We know that every billion dollars in infrastructure investment produces 30,000 good jobs in our communities. When these infrastructure dollars are spent correctly, they will result in good-paying jobs and improvements that will allow our communities and businesses to grow and prosper.

We have sound local projects in process right now. All they need is an infusion of capital. These local projects will put people to work building roads, bridges, water systems, modernizing schools, bringing new sources of energy online, and the list goes on and on.

These Federal dollars will produce results that will benefit our communities for generations to come. We need an effective partnership on the Federal, State, and local levels to identify these priority projects with rock-solid merit, and we will work as public servants to get worthy projects the money they need to make them happen.

The jobs bill must have first-rate accountability. We have seen enough bridges to nowhere to know a boondoggle when we see one. We need full transparency so the American people can judge for themselves the worthiness of individual projects through a process that is more open than ever.

We need to pass this jobs bill in the Senate for one reason: We need to get America working again. Beyond the bricks and mortar and asphalt and concrete, we need to invest in our people. That is human infrastructure. A good first step would be to pass the children's health insurance bill that is on the floor right now to ensure the youngest and most vulnerable Americans have access to quality, affordable health care. I hope the Senate can get that goal done tomorrow. We need to focus on education and training to equip middle-class families to succeed over the long haul. We need to modernize our schools with new technology and build new ones where necessary.

Unfortunately, we have seen some folks playing politics with our country's future. They even criticize a proposal to increase Pell grants for working families to send their kids to college. Anyone who does not get how important college financial aid is to Middle America is out of touch with the tough decisions that are made around kitchen tables every day in this country.

It is also important to consider how we got here. Years of trickle-down economics, massive tax breaks for the well-to-do and the well connected, and a complete lack of regulation in the marketplace—that is the legacy of greed and abuse we need to correct. Just like the referees on the football field for Super Bowl Sunday, we need to put the referees back on the field on Wall Street. We need to make sure the crooks never again swindle honest people.

Our Founding Fathers said:

> If men were angels, no government would be necessary.

Thomas Jefferson noted in his first inaugural address that among the elements of good government is the need to ''restrain men from injuring one another.''

We have our marching orders. We need to get to work. I serve on the Senate Banking Committee, and I want to make sure the Treasury Department, the Justice Department, and the Securities and Exchange Commission all have the tools they need in their toolbox. If they need more tools, we need to go out there and get them for them.

Over the long haul, we need balanced priorities to rebuild this economy from the ground up. We need jobs. We need to put people first.

I am proud to give a voice to family farmers and ranchers. I want Washington, DC, to start seeing the world through the eyes of rural America. The wealthy special interests have had the run of this place for all too long and have run this economy into the ditch.

I was pleased to hear the Senate minority leader state last week that he intends to cooperate to pass a jobs bill and other vital legislation. Working together always results in a better work product.

I am disappointed, though, that others have decided to play politics at a time when so many American workers are struggling and families are worried about how to make ends meet. We have financial markets melting down, an economy that is cratered, and a future that is bleaker than any we have faced in generations. We need a new plan. We need a new direction. We need change.

I applaud President Obama for his leadership in proposing this new jobs bill, and I stand ready to work with him and all my colleagues to rebuild this economy from the ground up. We don't need bailouts. We need jobs.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. TESTER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak up to 10 minutes each.

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

TARP

Mr. GRASSLEY. Mr. President, it is no secret that I have worked for decades to bring greater transparency and accountability to all facets of Government operations. If there is one thing I have learned over those years, it is that you cannot achieve the goal of greater transparency and accountability without the access to information.

Today, we are experiencing the greatest financial crisis of our Nation's history. Daily we hear of more companies failing and the need for many more billions of Federal funds to save this bank or that investment company. In response to this crisis, the Treasury Department unveiled an initial plan to buy stakes in banks and other financial firms. That program is known as the Troubled Asset Relief Program known to all of us around here by the acronym TARP, T–A–R–P, and it is costing the American taxpayers nearly three-quarters of $1 trillion.

In an effort to bring maximum accountability to the people for the TARP funds, Congress created a strong Inspector General with the broad powers to investigate and oversee the program, including access to the records of TARP fund recipients. Similarly, in an effort to provide maximum transparency, Congress required the Government Accountability Office, known around here as GAO, to monitor and oversee the TARP program as well. The Government Accountability Office's mission is to look at the overall performance of the initiative and its impact on the financial system.

The Government Accountability Office is also required to prepare regular reports for Congress. However, the Government Accountability Office cannot do its job without access to information, and I have learned that it does not have all the access it needs. Although the Government Accountability Office can examine the records of the Treasury itself and of any of its agents or representatives, the Government Accountability Office does not have access to the books and records of private entities that receive TARP funds. The connection there is public dollars. The public ought to have the right to know.

Believe it or not, the Government Accountability Office can't have access to information from the banks and investment companies that receive billions of taxpayers' dollars; that is the problem. This legislation I am introducing is intended to fix that as well. The Government Accountability Office is supposed to be the eyes and ears of the Congress of the United States. Well, it can't do that job wearing blinders and ear plugs.

HONORING OUR ARMED FORCES

CORPORAL JOSEPH M. HERNANDEZ

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of CPL Joseph M. Hernandez from Hammond, IN. Joseph was 24 years old when he lost his life on January 9, 2009, from injuries sustained from a roadside bomb attack in Jaldak, Afghanistan. He was a member of the 1st Battalion, 4th Infantry Regiment of Hohenfels, Germany.

Today, I join Joseph's family and friends in mourning his death. Joseph will forever be remembered as a loving husband, father, brother, son, and friend to many. Joseph is survived by his wife, Alison; his sons, Jacob and Noah; his brothers, Jesse and Jason; his parents, Elva and Jessie; and a host of other friends and relatives.

Joseph joined the Army in 2005 and had been stationed in Afghanistan for 1 month. Prior to entering the service, Joseph graduated from Mount Carmel High School in Chicago, attended the College of the Holy Cross and had entered the mechanical engineering and biology programs at Purdue University in West Lafayette, IN. Joseph was a man of great faith and an active member of Our Lady of Perpetual Help Church of Hammond, where he served as an altar boy and was a member of the choir. Joseph had many passions in life: he was a volunteer at the local animal humane society, and his interests ranged from boxing to model airplanes and vintage cars. Above all, Joseph's greatest passion was his family, who he hoped to take to a Chicago Cubs game at the end of his deployment.

While we struggle to express our sorrow over this loss, we can take pride in the example Joseph set as both a soldier and a father. Today and always, he will be remembered by family, friends and fellow Hoosiers as a true American hero, and we cherish the legacy of his service and his life.

It is my sad duty to enter the name of Joseph M. Hernandez in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. I pray that Joseph's family can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Joseph.

RURAL LAW ENFORCEMENT ASSISTANCE ACT OF 2009

Mr. HATCH. Mr. President, I rise today to express my support as a cosponsor of S. 150, the Rural Law Enforcement Assistance Act of 2009, introduced by my colleague on the Senate Judiciary Committee, Senator LEAHY. As our Nation copes with economic turbulence, we here in Washington are faced with tough decisions regarding the Federal budget. Back in our home States, State and local legislators are facing their own tough decisions and are examining drastic cuts to budgets that could impact law enforcement services provided to citizens. These cuts are leaving law enforcement administrators wrestling to do more with less. Unfortunately, we are finding out that these administrators are forced with the only choice of serving their public with fewer officers, less money for training and less money for tools and resources for the more than 800,000 men and women who keep our citizens safe from crime. I fear we have only seen the tip of the iceberg that is our present economic state. Large cities and small towns are seeing the possibility of not filling vacant law enforcement officer positions due to the recent budget crisis. In my home State of Utah, with the exception of a few law enforcement agencies, most of the departments patrol rural jurisdictions. Some of the hardest hit areas by this economic downturn are rural communities. Police agencies in these communities often lose out to larger metropolitan areas for consideration of justice assistance grants. Under the present form of the Department of Justice's Byrne Memorial Justice Assistance Grant Program, the sheriff's departments and police departments in Utah have seen a 65-percent decrease in justice assistance grant funding received from this program. These areas have their own challenges—issues such as illicit drug use that are not just unique to cities but transcend city limits and have manifested themselves in rural communities in much the same way they do in urban settings.

Press reports in the preceding weeks have been very grim to say the least. Joblessness is on the rise. The combination of revenue losses and budget shortfalls will see an increased demand for services on the part of these rural agencies. These issues will make it challenging to continue to meet the demands of normal calls for service. According to the chiefs and sheriffs in Utah, because of this economic downturn, the cost of everything is going up, including crime.

If passed, the Rural Law Enforcement Assistance Act would level the playing field by reauthorizing the rural law enforcement assistance grant under the Byrne Memorial Justice Assistance Grant Program. This reauthorization will make agencies located in rural States and populous States with rural areas candidates for this grant assistance. These grants can be used to hire officers, pay for officer training, crime prevention programs, and victim assistance programs. For example, in the coming fiscal year some Utah agencies may not be able to purchase essential items and tools like rape-investigation kits which are critical in the gathering of physical evidence after a victim has been assaulted. Grants awarded under the Rural Law Enforcement Assistance Act could be used to purchase these kits and other critical tools needed for investigations. As a longtime advocate for victims' rights, I find this troubling that there might be agencies in this country that may not have the necessary budget to purchase essential tools needed to investigate these heinous crimes.

For decades criminologists and economists have debated the link between crime and the economy. Some researchers have concluded that there is a ripple effect from the economy and it radiates out and displays itself in the form of increased calls for service, increased domestic violence, and increased property crimes. Presently, we do not have current crime statistics for 2008, but I will use a less scientific method: it is called listening to the professionals who each and every day answer the calls for police services in these rural areas. They tell me that they are seeing an increase in burglaries, domestic violence, emergency mental health committals, and more calls for service. Some agencies are down in personnel numbers. However, these law enforcement professionals are forging ahead doing the very best they can with whatever means they have. They are not looking at these grants as a free pass to purchase frivolous big-ticket items that have little to do with their agency's mission. These administrators tell me they are hopeful this act will pass so that they can continue to serve the rural communities who have come to expect the most basic of police services as a right guaranteed by the Constitution in ''ensuring domestic tranquility.''

My colleagues in this Chamber have taken great pains to examine and discuss a way to lead our country out of this crisis and get our economy moving again. We should be scrutinizing Government spending in this tight economy. But I cannot think of a better form of economic stimulus than making justice assistance grants available to rural communities and metropolitan areas alike. However, rural agencies currently find themselves on the outside looking in under the present JAG formula. The reauthorization of the Rural Law Enforcement Assistance Act would give rural agencies a better opportunity at receiving this grant assistance.

In closing, I quote the Greek philosopher Plato who said the following about communities: ''The community which has neither poverty nor riches will always have the noblest principles.''

This Nation is one large framework of communities and was founded on some of the noblest principles ever recorded in history. Some of our citizens choose a city lifestyle, and some have selected a rural small town life. Crime does not distinguish between urban and rural. The more than 800,000 men and women who make up the law enforcement community that keep our streets

safe in metropolitan cities and Main Street USA know this firsthand. One of the viscous subplots of this economic turmoil is that crime and the need for police services undoubtedly will increase. The small town rural police department may be the only Government entity that answers the phone in the middle of the night when a citizen has just lost a job and is contemplating suicide. A sheriff's deputy or police officer dispatched to the scene might be the only direct intervention that this citizen has with a government service. If there are not enough deputies or officers to go around, the response to this cry for help may be delayed or, worse yet, might not get there in time. When you reframe this issue relative to the scenario that I just laid out, it troubles me deeply and impresses upon me just how much our rural law enforcement community needs this reauthorization.

REMEMBERING HARRY ROBERTS

Mr. BARRASSO. Mr. President, today I wish to honor the life of a true Wyoming gentleman, a public servant, a veteran, a father to five girls, and—I am privileged to say—a friend.

Kearsley Harrison Roberts, better known to us as Harry Roberts of Kaycee, WY, died today, January 28, 2009, in Vero Beach, FL.

Harry Roberts was really a renaissance man, the kind of which are the lore of Western legends.

He was a Yale-educated sheep rancher, a Navy veteran of ''the greatest generation,'' an expert in public education—successfully elected statewide as Superintendent of Wyoming's public schools, a leader in Wyoming economic policy, and most of all he was a caring father.

I think we can imagine what brought him the most joy his family and of course, his five spirited daughters Mandy, Joan, Sheila, Ginny, and Susan.

Harry led quite a ranch crew. Picture five girls growing up on the Wyoming wildlands in the same area where Butch Cassidy and the Hole in the Wall Gang stowed rustled livestock and outran the law.

This was north central Wyoming, Barnum, a small community near Kaycee where to this day more rodeo cowboys than any one town in the West call home.

They call this part of Johnson County, WY, Outlaw Country, and after an eastern education, it inspired one western soul to work a sheep ranch for the love of the Wyoming way of life.

Harry Roberts found home and heart on this ranch, and today, I like to think of him back on his range, with the great western sky warming his big, signature smile.

Wyoming's Harry Roberts was the genuine Wyoming gentleman.

He was also the proud father-in-law to this body's beloved former colleague, U.S. Senator Craig Thomas. Harry's daughter Susan Roberts Thomas married Craig Thomas and the two were inseparable in life.

Susan, I speak for so many here in this Chamber and for all of Wyoming when I say our thoughts and prayers are with you today and with your entire family.

We grieve, as we did for Craig, the natural end of a purposeful life.

We recall a man who served his State, his country, and his family selflessly.

And we say, we remember Harry, as we do Craig, because of what he did and how he did it always with distinction and with honor.

Harry is and always will be a proud and patriotic member of the ''greatest generation.''

In fact he was what sailors call a ''plank owner.''

At that time, a ''plank owner'' referred to an individual who was a member of the crew of a ship when that ship was placed in commission. As part of the vessel decommissioning and disposal process, the Navy formerly removed a small portion of the deck as a traditional reminder of the time when ''wooden walls and iron men'' were a key part of the Navy.

In Harry's case, it was a boat—a submarine in fact.

After his military service Harry worked and lived in Wyoming, eventually running for superintendent of Public Instruction in 1967. Harry was known as a reformer of course and someone who cared deeply for Wyoming children.

In 1970, in one of the closest races in Wyoming's history, Harry lost a race for Wyoming's lone U.S. House race losing by only 608 votes to Teno Roncalio.

Harry was a leader in our State on issues that went well beyond education. He served as director of the Wyoming Heritage Foundation and counted many successes during an especially exciting and challenging time in our State's history.

It was at the Heritage Foundation that my wife, then Bobbi Brown, first met Harry and learned so much under his guidance for several years.

Harry personified the Wyoming Heritage Foundation's mission for a strong, prosperous, diverse and sustained economy for the citizens of Wyoming. His goals and initiative are felt to this day.

More recently after his retirement, he returned to Washington often to visit his daughter Susan and to see his son-in-law Craig Thomas.

Susan became a teacher of course, following in the footsteps of her father who held the profession so highly.

It was in May of 2004 that Senator Thomas hosted a very special reception along with Vice President Cheney here in Washington.

Craig invited Harry and his fellow ''plank owners'' to be recognized along with the dedication of the National World War II Memorial on the National Mall.

It was a special occasion to acknowledge and pay tribute to the duty, sacrifices, and valor of all the members of the Armed Forces of the United States who served in World War II.

And it was also for Harry and his fellow sailors.

I have talked to several folks who were there that day. I know the pride that Susan and Craig felt for their father, for his service, and for his example.

I will end now with the Navy Hymn, a song and a benediction that Harry would have heard often at sea in service to our country. I will recite the first and last verse.

Eternal Father, Strong to save,
Whose arm hath bound the restless wave,
Who bid'st the mighty Ocean deep
Its own appointed limits keep;
O hear us when we cry to thee,
for those in peril on the sea.

O Trinity of love and power!
Our brethren shield in danger's hour;
From rock and tempest, fire and foe,
Protect them where-so-ever they go;
Thus evermore shall rise to Thee,
Glad hymns of praise from land and sea.

REMEMBERING THE SHURRAB FAMILY

Mr. LEAHY. Mr. President, we have all seen the photographs of houses, schools and other civilian infrastructure destroyed in Gaza, and the reports of civilian deaths, including over 400 children, and many thousands more injured. Behind each of these statistics is a story of a family tragedy. I want to take this opportunity to talk about one that has touched the lives of Vermonters, and which should cause each of us deep concern.

Amer Shurrab is a recent graduate of Middlebury College, which is located not very far from my home in Vermont. Amer is also a Palestinian, whose family was living in Gaza during the recent Israeli invasion. His father, Muhammed Kassab Shurrah, is a farmer who grows fruits and vegetables on a small plot of land.

On January 16, Amer's father and brothers were returning home with provisions from their farm during the 3-hour humanitarian cease-fire that was in effect that day. Although there was apparently no indication that the route was unsafe for a civilian vehicle carrying civilian passengers, Israeli soldiers fired from a civilian house at their car as it passed for reasons that remain unknown. In a panic, Amer's brother, Kassab, already wounded, got out of the vehicle and was shot a total of 18 times and died a short distance away. Israeli bullets also hit Amer's father and younger brother Ibrahim, who were unable to leave the car to get medical attention because Israeli soldiers refused to allow movement in or out of the area.

Muhammed tried everything he could to save his son Ibrahim, who was bleeding to death before his eyes. He phoned a hospital with his cell phone, but the hospital told him the Israeli Army was

preventing an ambulance from reaching them. He called relatives, who contacted the Red Cross on his behalf to ask for assistance, but the Red Cross had to wait for assurance from Israeli authorities that an ambulance would get through unscathed, assurance which was not forthcoming. He spoke with several members of the press, including the BBC, who even broadcast his plea for help. But an ambulance could not reach them until 22 hours after the incident, even though the hospital was located less than a mile away. By this time, Ibrahim had died in his father's arms. Israeli troops reportedly looked on and ignored Muhammed's pleas for help.

This case cries out for an immediate, thorough, credible and transparent investigation by the Israeli Government. Any individuals determined to have violated the laws of war should be prosecuted and appropriately punished. In addition, it is important that the U.S. Embassy determine whether any Israeli soldiers who were equipped by the U.S. violated U.S. laws or agreements governing the use of U.S. equipment, both in relation to this incident and others involving civilian casualties. This should include the use of white phosphorous in heavily populated areas, which is alleged to have caused serious injuries to civilians.

Mr. President, this is a heartbreaking story. My thoughts and prayers go out to Amer Shurrab and his family and friends, and to the families of other civilians, Palestinian and Israeli, who died or suffered other grievous losses in this latest escalation of violence.

ADDITIONAL STATEMENTS

TRIBUTE TO CAROLYN E. ''BETSY'' FLYNN

• Mr. BUNNING. Mr. President, today I pay tribute to Carolyn E. ''Betsy'' Flynn of Benton, KY, for her recent appointment to the Federal Reserve Board's Consumer Advisory Council.

Mrs. Flynn currently serves as president and vice chairman of Community Financial Services Bank in Benton, KY, which manages around $400 million in assets. This institution has served the Benton community for almost 120 years and Mrs. Flynn has contributed to its success since 1976. For 24 years, Betsy Flynn has also instructed at the Barret School of Banking in Memphis, TN. Her public service record is extensive as well. She has served on several economic development boards, the city council, the chamber of commerce, the tourist commission, and has recently been appointed to the Kentucky Investment Commission.

The Consumer Advisory Council serves a vital role in advising the Federal Reserve Board on guidelines under the Consumer Credit Protection Act and issues regarding consumer financial services. Mrs. Flynn's impressive resume provides a solid foundation for her new role on the council. Her expertise in the banking and financial industry will serve her and the advisory council well.

I now ask my fellow colleagues to join me in congratulating Mrs. Flynn for her remarkable achievement. Kentucky and the entire country should be proud to have such a distinguished individual serving them.•

HONORING GEORGE FOREMAN

• Mr. BUNNING. Mr. President, today I wish to congratulate and recognize a distinguished citizen of Kentucky, Mr. George Foreman of Danville, who was recently named Danville Art Citizen of the Year by the Arts Commission of Danville/Boyle County.

This prestigious award is meant to identify an individual in the community who has made it possible for the arts to become an integral part in other people's lives. The Arts Commission of Danville/Boyle County issued the first Art Citizen of the Year award in 2004.

As managing director of the Norton Center for the Arts and Associate Professor at Centre College, Mr. Foreman has accomplished impressive things, including forming and directing Danville's own Advocate Brass Band, receiving the 1996 Bruce Montgomery Leadership Award, and also founding the Great American Brass Band Festival. There is no doubt that Mr. Foreman's service has made his community a better place because of his dedication to the arts and the citizens of his town.

During his years of service, Mr. Foreman has played host to all the major U.S. military bands, who presented their concerts free to the public. He also partnered with Stage One, a children's theatre in Louisville, to bring the Norton Center a children's theatre. Mr. Foreman has made the arts a central focus in his life, and I look forward to his future projects.

Once again, I congratulate Mr. Foreman on this award. He is truly an inspiration to all of Kentucky, and I wish him luck on all of his future endeavors.•

HONORING EAST RESTAURANT & LOUNGE

• Ms. SNOWE. Mr. President, I wish to recognize a small business in my home State of Maine that has risen to the top during its very short existence. East Restaurant & Lounge, located in Wells, was recently named one of the top Chinese restaurants in America—the first time a Maine restaurant has been recognized with such a distinction.

Opened in June 2008 by owner Ri Teng Li, East Restaurant & Lounge has quickly impressed its clients with delicious Chinese, Thai, and Japanese cuisine. Mr. Li previously owned and operated the popular Yum Mee Restaurant in Wells, and East Restaurant allows him to keep long-loved classic dishes from the prior establishment while greatly expanding his menu. With more than 400 items, ranging from Peking duck to sushi to Pad Thai, as well as an expansive and impressive buffet on Sundays, East has something for everyone. The restaurant also has a spacious lounge, where guests can relax after work and enjoy a specialty cocktail. And East offers catering services for a variety of events.

Perhaps most notable about East Restaurant is the building. It is housed in a striking and eye-catching structure, with a stunning interior full of beautiful decor, from ornate chandeliers and staircases to gorgeous glass doors. There is also a gift shop on the restaurant's upper level, with unique and rare gifts that include charming jewelry.

Despite its youth, East Restaurant has rapidly accumulated regular customers and well-deserved accolades. Most recently, Chinese Restaurant News, a San Francisco-based monthly publication dedicated to the more than 45,695 Chinese restaurant owners and operators across America, named East Restaurant as one of the top 10 Chinese restaurants for overall excellence in the United States, a truly remarkable feat. Restaurants were evaluated for eight categories, including decor and atmosphere, food quality, and sanitation. And because of its astonishing appearance, East Restaurant was recognized as the No. 1 establishment in the best decor category. Mr. Li was recently presented with the awards at a ceremony in Las Vegas earlier this month.

Mr. Li is an entrepreneur who has consistently aimed to improve each of his new ventures. He came to the United States in the mid-1980s with minimal knowledge of English and knowing hardly anyone. He began working at the restaurant of a friend of his in New York City, and through hard work, determination, and perseverance, Mr. Li realized his dream and opened his own restaurant. After moving to Maine, he established several other restaurants and now operates one in the neighboring town of Kennebunk, as well as a gift shop in Portland.

A civic-minded restaurateur, Mr. Li has constantly found ways to give back to the community. An avid contributor to the local Rotary Club and the Wells & Ogunquit Senior Center, Mr. Li has also donated to scholarship funds at Wells High School, where his daughter attends.

Mr. Li's marvelous story is a reminder of the benefits and rewards of commitment and resolve. His dedication to providing quality food in an inviting and distinctive atmosphere is commendable, and the results have been astounding. Congratulations to Mr. Li and everyone at East Restaurant & Lounge on their well-deserved acknowledgement, and I wish them many more years of success to come.•

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 4:50 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 181. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, January 28, 2009, she had presented to the President of the United States the following enrolled bill:

S. 181. An act to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, and was referred as indicated:

EC–553. A communication from the Chair of the Board of Directors, Office of Compliance, transmitting, pursuant to Section 304(b)(3) of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1384(b)(3), a report relative to the adoption of Uniformed Services Employment and Reemployment Rights Act regulations; to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Eric H. Holder, Jr., of the District of Columbia, to be Attorney General.

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

*Dennis Cutler Blair, of Pennsylvania, to be Director of National Intelligence.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHNSON (for himself, Mr. ENZI, Mr. TESTER, Mr. THUNE, Mrs. MCCASKILL, Mr. DORGAN, Mr. NELSON of Nebraska, Mr. BARRASSO, and Mr. CONRAD):

S. 337. A bill to prohibit the importation of ruminants and swine, and fresh and frozen meat and products of ruminants and swine, from Argentina until the Secretary of Agriculture certifies to Congress that every region of Argentina is free of foot and mouth disease without vaccination; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN:

S. 338. A bill to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust and to provide for the conduct of certain activities on the land; to the Committee on Indian Affairs.

By Mr. BINGAMAN (for himself and Mrs. HUTCHISON):

S. 339. A bill to provide financial aid to local law enforcement officials along the Nation's borders, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 340. A bill to enhance the oversight authority of the Comptroller General of the United States with respect to expenditures under the Troubled Asset Relief Program; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW:

S. 341. A bill to amend the Economic Adjustment Assistance grant program to improve assistance for areas affected by long-term economic deterioration and severe economic dislocation relating to the manufacturing industry sector, to amend the Workforce Investment Act of 1998 to expand the national emergency grants program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself, Mr. BEGICH, and Mr. INOUYE):

S. 342. A bill to provide for the treatment of service as a member of the Alaska Territorial Guard during World War II as active service for purposes of retired pay for members of the Armed Forces; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself and Mr. BROWNBACK):

S. Res. 24. A resolution commending China's Charter 08 movement and related efforts for upholding the universality of human rights and advancing democratic reforms in China; to the Committee on Foreign Relations.

By Mr. DORGAN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. KERRY, Ms. SNOWE, Mrs. FEINSTEIN, Mr. WICKER, and Mrs. BOXER):

S. Res. 25. A resolution expressing support for designation of January 28, 2009, as "National Data Privacy Day"; considered and agreed to.

By Mr. DODD (for himself, Mr. REID, Mr. LEAHY, Mr. LEVIN, Mr. CARDIN, Mr. HARKIN, Mr. MENENDEZ, Ms. LANDRIEU, Mr. KENNEDY, Mr. BENNET of Colorado, Mr. KERRY, Mr. BROWN, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. LUGAR, Mr. BAYH, Mr. WYDEN, Mr. CRAPO, Mrs. BOXER, Mr. VOINOVICH, Mr. REED, and Ms. MIKULSKI):

S. Con. Res. 3. A concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 100th anniversary; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 96

At the request of Mr. VITTER, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 96, a bill to prohibit certain abortion-related discrimination in governmental activities.

S. 102

At the request of Mr. VITTER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 102, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

S. 205

At the request of Mr. BINGAMAN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 205, a bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes.

S. 211

At the request of Mrs. MURRAY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 306

At the request of Mr. NELSON of Nebraska, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 306, a bill to promote biogas production, and for other purposes.

S. 313

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 313, a bill to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes.

S. 321

At the request of Mr. VOINOVICH, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 321, a bill to require the Secretary of Homeland Security and the Secretary of State to accept passport cards at airports of entry and for other purposes.

S. 324

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 324, a bill to provide for research on, and services for individuals with, postpartum depression and psychosis.

S. 331

At the request of Mr. SCHUMER, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 331, a bill to increase the number of Federal law enforcement officials investigating and prosecuting financial fraud.

AMENDMENT NO. 46

At the request of Mr. KYL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 46 proposed to H.R. 2, a bill to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 65

At the request of Mr. MARTINEZ, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of amendment No. 65 proposed to H.R. 2, a bill to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of amendment No. 65 proposed to H.R. 2, supra.

At the request of Mr. CORKER, his name was added as a cosponsor of amendment No. 65 proposed to H.R. 2, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON (for himself, Mr. ENZI, Mr. TESTER, Mr. THUNE, Mrs. MCCASKILL, Mr. DORGAN, Mr. NELSON of Nebraska, Mr. BARRASSO, and Mr. CONRAD):

S. 337. A bill to prohibit the importation of ruminants and swine, and fresh and frozen meat and products of ruminants and swine, from Argentina until the Secretary of Agriculture certifies to Congress that every region of Argentina is free of foot and mouth disease without vaccination; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. JOHNSON. Mr. President, today I introduce the Foot and Mouth Disease Prevention Act of 2009 with my colleague from Wyoming, Senator MIKE ENZI, and with broad organizational support. I drafted this bill with one goal in mind: to keep America Foot and Mouth Disease, FMD, free.

The United States Department of Agriculture, USDA, under the Bush administration proposed throwing open our borders to Argentine livestock, fresh meat and fresh product. While the United States of America has been free of FMD without vaccination since 1929, Argentina has consistently struggled with the disease, experiencing outbreaks as recently as 2006. Argentina has failed to remain FMD free for any length of time and arguably lacks the infrastructure necessary for this proposal to fly. In fact, a 2001 outbreak in Argentina went unreported and was hidden by the Argentine government, raising serious questions regarding their communication on this front.

The Foot and Mouth Disease Prevention Act of 2009 doesn't interrupt the status quo. Argentina can import product that is dried or cooked, for example, that doesn't pose a risk for disease transmission. And we're not saying that increased trade is permanently prohibited. We are simply asking for Argentina to comply with certain acceptable standards for trade that would ensure the country as a whole is FMD free, and FMD free without vaccination. Additionally, our requirement that the Secretary of Agriculture ''certifies to Congress'' that Argentina as a country is free of FMD is merely a reporting process regarding Argentina's disease status.

Senator ENZI and I consulted extensively with nationally recognized livestock health experts on USDA's proposal. These livestock health experts resoundingly voiced their concern for USDA's plan, which fails to put American farmers and ranchers first. Dr. Sam Holland, South Dakota State Veterinarian and Past President of the National Assembly of State Animal Health Officials, NASAHO, has been instrumental with offering his guidance and expertise. A poll was taken within NASAHO and the majority of state veterinarians oppose regionalizing for FMD. While regionalization may be an appropriate approach in various other circumstances, it is unequivocally unacceptable in responding to Foot and Mouth Disease. An FMD outbreak in the United States is projected to cost our agricultural economy billions of dollars, and it is with good reason that the American Veterinary Medical Association, AVMA, has deemed FMD to be the most devastating of all livestock diseases.

USDA Animal and Plant Health Inspection Services, APHIS, arguably violated its own World Organization for Animal Health–complaint regionalization plan in proposing increased meat trade with Argentina. APHIS must address eleven points when initiating the regionalization process, including points six and seven which speak to the degree of separation of the region and the extent to which movement can be determined and controlled. Nationally recognized livestock health experts believe that in the case of regionalizing for FMD, sound scientific evidence argues against USDA's proposal.

This past fall, USDA APHIS Chief Veterinarian Dr. Clifford discussed with my staff his intention not to proceed with the Argentina plan until a review of the 2005 risk assessment was completed. It is my understanding that a team will be sent to Argentina to conduct this review in late February. Additionally, the new Administration is reviewing proposed rules, of which the Argentina plan is included. While both of these developments are encouraging, it is essential that we continue to communicate the potentially disastrous consequences of this plan.

Organizations across the agricultural industry support this legislation, including the American Sheep Industry Association, United States Cattlemen's Association, R–CALF, National Farmers Union, South Dakota Stockgrowers Association, South Dakota Cattlemen's Association, Wyoming Stock Growers Association, South Dakota Farmers Union, Women Involved in Farm Economics, and Dakota Rural Action.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

SOUTH DAKOTA
ANIMAL INDUSTRY BOARD,
Pierre, SD, January 27, 2009.

Hon. TIM JOHNSON,
U.S. Senator, Hart Office Building, Washington, DC.

DEAR SENATOR JOHNSON: As a follow-up to our conversation on Regionalization of Argentina for FMD:

As you recall NASAHO was overwhelmingly opposed to such regionalization during the last session of congress.

As I understand a more current review and risk assessment is planned regarding such regionalization. While a recent review will provide useful risk information, concerns remain.

Personally, the issues I stated in the past appear still valid.

(1) Economic benefits do not justify the risk of embarking on a regionalization for this disease.

(2) Inability to effectively monitor risk on an ongoing basis.

(3) Resources, Biosecurity, and experience in monitoring FMD freedom are inadequate.

(4) Regionalization for one of the world's most highly contagious virus disease(s) (FMD) is much more complicated than regionalization for tuberculosis, brucellosis and many other diseases. FMD virus is not only arguably the most contagious virus known for animals, but also is particularly resilient in the environment and may persist in fomites and be transmitted by such through aerosol or contact.

While I certainly support trade based on science, prioritization must occur. Regionalization efforts should start at home and resources should be spent on enhancing animal health in the United States, along with efforts to increase our exports, prior to spending precious resources in foreign countries in attempts to increase food imports.

Sincerely,

SAM D. HOLLAND,
State Veterinarian and Executive Secretary.

U.S. CATTLEMEN'S ASSOCIATION,
San Lucas, CA, January 28, 2009.

Hon. TIM JOHNSON,
Hon. MIKE ENZI,
U.S. Senate,
Washington, DC.

DEAR SIRS: The U.S. Cattlemen's Association (USCA) applauds your leadership in introducing the Foot and Mouth Disease Prevention Act. This bill would prohibit the importation of ruminants and swine and fresh or frozen ruminant and pork products from any region of Argentina until the United States Department of Agriculture (USDA) can certify to Congress that Argentina is free of Foot and Mouth Disease (FMD).

This bill is extremely important as it protects the U.S. cattle herd from FMD. If FMD

infiltrates our borders, entire herds would be destroyed leaving ranchers in financial ruin. Furthermore, the scare would immediately shut global markets to U.S. beef products, a move that would have a disastrous economic effect on rural economies.

The American Veterinary Medical Association has deemed FMD the most economically devastating of all livestock disease. A recent study by Kansas State University found that an outbreak of FMD would cost the State of Kansas alone nearly $1 billion.

Despite the risks, the Department of Agriculture continues to consider the implementation of a regionalized beef trade plan with Argentina. FMD is an airborne disease that will not stop at an imaginary border controlled by a foreign nation. Argentina has proven time and time again that it does not have America's best interests at heart. This is a country that has attacked U.S. agriculture in the World Trade Organization (WTO) and has intentionally turned its back on, and still refuses to pay, billions in U.S. loans despite U.S. court judgments mandating it do so.

USCA is committed to working with you and moving this bill forward by garnering support both on Capitol Hill and in the country. USCA is firmly resolved to ensuring the U.S. cattle industry is protected by the highest import standards possible, and to seeing that this bill becomes law.

Sincerely,

JON WOOSTER,
President.

NATIONAL FARMERS UNION,
Washington, DC, January 27, 2009.

Hon. TIM JOHNSON,
U.S. Senate,
Washington D.C.

DEAR SENATOR JOHNSON: On behalf of the family farmers, ranchers and rural residents of National Farmers Union (NFU), I write in strong support of your legislation to prohibit the importation of Argentine ruminants, swine, fresh and frozen meat, and fresh and frozen products from ruminants and swine until the U.S. Department of Agriculture (USDA) Secretary certifies the country Foot and Mouth Disease (FMD) free without vaccination. I applaud your leadership to ensure all measures are employed to protect the American livestock industry and consumer confidence in our meat supply.

The ban proposed in your legislation is necessary in order to prevent jeopardizing our own efforts to eradicate livestock diseases, and thereby protecting the food supply. Your legislation enhances food safety through requiring every region of Argentina to be FMD-free without vaccination before exporting ruminants, swine and meat products to the United States.

FMD is a highly infectious virus that, if introduced into the United States, could contaminate entire herds and leave producers in financial ruin, as infected herds must be culled to prevent the spread of the disease. FMD is so devastating the American Veterinary Medical Association considers it to be the most economically destructive of all livestock diseases. The United States suffered nine outbreaks of FMD in the early twentieth century, but has been FMD-free since 1929. According to USDA's Animal and Plant Health Inspection Service, the economic impacts of a re-occurrence of FMD in the United States could cost the economy billions of dollars in the first year alone.

America's family farmers and ranchers produce the safest, most abundant food supply in the world. FMD presents a very real threat to American agriculture and its introduction into the United States can and must be prevented. Requiring a country like Argentina, with such an apparent problem with this devastating disease, to prove FMD-free status is an acceptable standard to trade. Opening our borders to Argentine ruminant products is a risk that American producers simply cannot afford. Your legislation is needed to ensure harmful products are not allowed into the United States and that Argentina is not an exception to the rule.

I thank you for introducing this important legislation, and look forward to working with you to ensure its passage.

Sincerely,

TOM BUIS,
President, National Farmers Union.

R-CALF
UNITED STOCKGROWERS OF AMERICA,
Billings, MT, January 26, 2009.

Hon. TIM JOHNSON,
U.S. Senate,
Washington, DC.
Hon. MIKE ENZI,
U.S. Senate,
Washington, DC.

DEAR SENATORS JOHNSON AND ENZI: On behalf of the thousands of cattle-producing members of R-CALF USA located throughout the United States, we greatly appreciate and strongly support the reintroduction in the 111th Congress of your joint legislation to prohibit the importation of certain animals and animal products from Argentina until every region of Argentina is free of foot-and-mouth disease (FMD) without vaccination.

Foot-and-mouth disease is recognized internationally as one of the most contagious diseases of cloven-hoofed animals and it bears the potential to cause severe economic losses to U.S. cattle producers. Your legislation recognizes that the most effective prevention measure against this highly contagious disease is to ensure that it is not imported into the United States from countries where FMD is known to exist or was recently detected.

R-CALF USA stands ready to assist you in building both industry and congressional support for this important disease-prevention measure. Thank you for reintroducing this needed legislation in the 111th Congress to protect the U.S. cattle industry from the unnecessary and dangerous exposure to FMD from Argentinean imports.

Sincerely,

R.M. THORNSBERRY,
President,

SOUTH DAKOTA
CATTLEMEN'S ASSOCIATION,
January 26, 2009.

Senator TIM JOHNSON,
Hart Senate Office Building,
Washington, DC.
Senator MIKE ENZI,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS JOHNSON AND ENZI: I'm writing on behalf of the 1,000 beef producer members of the South Dakota Cattlemen's Association (SDCA) to express support for the Foot and Mouth Disease Prevention Act of 2009. In light of numerous unanswered questions regarding the status of Foot and Mouth Disease in Argentina, we believe passage of the Foot and Mouth Disease Prevention Act is critical to ensure this devastating disease doesn't enter the U.S. cattle herd through the importation of Argentine cattle and beef products.

SDCA supports free and fair trade based on OIE standards that will protect the health of our cattle herd and the economic livelihood of our cattlemen. Our top trade priority is to regain market access for U.S. beef in order to recapture the lost value of exports that occurred after the occurrence of BSE in 2003. To that end, we've worked closely with elected and regulatory officials to ensure adequate measures are taken to protect our herd health and maintain consumer confidence in U.S. beef.

We commend your willingness to stand up for South Dakota's beef producers and look forward to working with you on this important issue.

Regards,

JODIE HICKMAN,
Executive Director.

By Mrs. FEINSTEIN:

S. 338. A bill to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust and to provide for the conduct of certain activities on the land; to the Committee on Indian Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to reintroduce the Lytton Gaming Oversight Act, a bill that will ensure federal law is followed when a Native American tribe seeks to operate any new gaming facilities.

This legislation is simple, straightforward, and fair. It would amend language inserted in the Omnibus Indian Advancement Act of 2000 that required the Secretary of the Interior to take a card club and adjacent parking lot in the San Francisco Bay Area into trust for the Lytton tribe as their reservation. That legislation also required that the acquisition be backdated to October 17, 1988, before the passage of the Indian Gaming Regulatory Act, IGRA.

The ''two-part'' determination process in the Indian Gaming Regulatory Act is a critical component to tribal land acquisition for gaming purposes and should not be circumvented. Specifically, it requires the Governor's consent and the Secretary of the Interior to consult with nearby tribes and the local community and its representatives.

The legislation that I am introducing would require the Lytton Band of Pomo Indians to follow these same critical oversight guidelines laid out in Section 20 of the Indian Gaming Regulatory Act before engaging in Class III, or Nevada-style, gaming on land acquired after the passage of IGRA in 1988.

The bill allows the tribe to continue operating a Class II facility at the current site provided the tribe follows IGRA regulations for gaming on newly-acquired lands in the future. The bill also precludes any expansion of the tribe's current Class II facility.

The bill would not modify or eliminate the tribe's federal recognition status, alter the trust status of the new reservation, or take away the tribe's ability to conduct gaming through the standard process prescribed by the Indian Gaming Regulatory Act. The bill serves only to restore the jurisdiction of IGRA over the gaming process, as originally intended by Congress.

Section 20 of the Indian Gaming Regulatory Act provides an established and clear process for gaming on newly-

acquired lands taken into trust after the enactment of IGRA in 1988. The ''two-part determination'' process allows for federal and state approval, and for input from nearby tribes and local communities.

Circumventing this process can have negative and severe impacts on local citizens and deprive local and tribal governments of their ability to represent their communities on an incredibly important and contentious issue.

If this bill is not approved, the Lytton tribe could take the former card club that serves as their reservation and turn it into a large gaming complex operating outside the regulations set up by the Indian Gaming Regulatory Act. In fact, this is exactly what was proposed in the summer of 2004.

I am pleased that the tribe has abandoned a plan seeking a sizable Class III casino, but without this legislation the tribe could reverse these plans at any time. Allowing this to happen would set a dangerous precedent in California and any state where tribal gaming is permitted.

Instead, Congress should reaffirm its intent that all new gaming facilities should be subject to IGRA without preference or prejudice.

Ms. MURKOWSKI (for herself, Mr. BEGICH, and Mr. INOUYE):

S. 342. A bill to provide for the treatment of service as a member of the Alaska Territorial Guard during World War II as active service for purposes of retired pay for members of the Armed Forces; to the Committee on Armed Services.

Ms. MURKOWSKI. Last Thursday evening I came to the floor to speak to a decision by the United States Army, I understand at the urging of the Department of Defense, to reverse its position on whether service in the Alaska Territorial Guard during World War II is creditable toward military retirement. I have asked repeatedly for a copy of the legal opinion supporting this decision. I am still waiting.

One of the most troubling aspects of the decision was that it was to come into effect on February 1, 2009, in the dead of Alaska winter, and without any advance warning to those affected. The decision reduces the retirement pay received by 25 or 26 former members of the Territorial Guard by as much as $557 a month for one individual. The reduction in retirement pay to several others exceeds $500 a month. That is a substantial loss of income at any time of the year but it is especially difficult during the winter.

This afternoon, Pete Geren, the Secretary of the Army, announced that the Army would make a onetime gratuitous payment from funds appropriated to cover emergency and extraordinary expenses to these individuals, representing 2 months of the difference between what each would receive if service in the Alaska Territorial Guard were included in the retirement pay calculation and what each will receive as a retirement check beginning on February 1, 2009. I deeply appreciate Secretary Geren's compassionate decision. Increases in the cost of food and heat are making it very difficult for our Native people in rural Alaska to make ends meet this winter. I understand that the vast majority, if not the entire list of people who will receive this additional payment live in the villages of rural Alaska.

However, I remain disappointed that the Army cannot continue its policy of paying retirement benefits on account of Alaska Territorial Guard service. Today I join with my colleagues in introducing legislation that clarifies that service in the Alaska Territorial Guard during World War II is creditable toward military retirement.

Since I raised this issue on the floor last Thursday evening the response I have received from around the country has been nothing but overwhelming. I deeply appreciate all of those who have called and written to express their support for our efforts to protect the benefits that the members of our Alaska Territorial Guard earned through their legendary service.

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

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

S. 342

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

SECTION 1. TREATMENT AS ACTIVE SERVICE FOR RETIRED PAY PURPOSES OF SERVICE AS A MEMBER OF THE ALASKA TERRITORIAL GUARD DURING WORLD WAR II.

(a) IN GENERAL.—Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 705) shall be treated as active service for purposes of the computation under chapter 71, 371, or 1223 of title 10, United States Code, as applicable, of the retired pay to which such individual may be entitled under title 10, United States Code.

(b) APPLICABILITY.—Subsection (a) shall apply with respect to amounts of retired pay payable under title 10, United States Code, for months beginning on or after August 9, 2000. No retired pay shall be paid to any individual by reason of subsection (a) for any period before that date.

(c) WORLD WAR II DEFINED.—In this section, the term ''World War II'' has the meaning given that term in section 101(8) of title 38, United States Code.

[From the Anchorage Daily News, Jan. 25, 2009]

FIX THIS NOW—CUT IS NO WAY TO TREAT OLD VETS

The Army has decided that some veterans of the World War II Alaska Territorial Guard have been mistakenly drawing retirement pay. So they've cut off some men in their 80s who worked for nothing to defend Alaska during the war. The argument is that a law that recognized their service was only intended to provide benefits like health care, not retirement pay. The Army says the law was misinterpreted. Then the Army should stand by its misinterpretation and pay these men. They're in their 80s. They served their country at a time when neither their country nor their territory fully recognized their rights because they were Natives. Their guard service should count toward retirement pay out of sheer decency. Sens. Lisa Murkowski and Mark Begich are working on legislation to make the misinterpretation stand by making it the law. Good. We don't care if the means is legislation, executive order, administrative waiver or papal dispensation. Just fix this so that some old men who did honorable service get their due. Now. These soldiers earned their retirement pay. They should receive it.

[From the Fairbanks Daily News-Miner, Jan. 25, 2009]

CREDIT FOR SERVICE: RESTORE RETIREMENT PAY TO THE ESKIMO SCOUTS

The wheels of bureaucracy turn slowly, but they grind no less thoroughly for their lack of speed. Unless the federal administration and Alaska's congressional delegation can reverse a recent decision, retirement pensions for a few dozen old soldiers from Alaska's Territorial Guard will fall victim to those wheels. The question of whether service in the Territorial Guard—better known as the Eskimo Scouts—counted as active-duty service for purposes of calculating military retirement pay was answered years ago. In 2001, Congress said yes, it counts. At least that's what most people thought Congress said. The Department of Defense, for example, concluded as much and began sending retirement checks to elderly Alaskans based on their service as Eskimo Scouts. Recently, the Department of Defense reversed its decision. It now asserts that the law requires credit when calculating military benefits such as health care—but not when calculating retirement pay. So, as of Feb. 1, according to the congressional delegation, retirement benefits will be cut by more than $500 per month in some cases. An Army spokesman said the decision simply reinterprets the 2001 law as it should have been all along. If that's the case, the law should be clarified. That could take some time for the congressional delegation to accomplish, though. In the meantime, the Defense Department needs to find a better solution than simply cutting the pay to a group of elderly military pensioners. The issue arises because the Eskimo Scouts from 1942 to 1947 were volunteers. Their service was no less real than others in the military, especially since they worked in Alaska, the only place in the country where enemy forces successfully occupied territory during World War II. The Japanese held several islands in the Aleutian chain and bombed Dutch Harbor. It was real military service; those who signed up deserve full credit for it, as Congress intended.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 24—COMMENDING CHINA'S CHARTER 08 MOVEMENT AND RELATED EFFORTS FOR UPHOLDING THE UNIVERSALITY OF HUMAN RIGHTS AND ADVANCING DEMOCRATIC REFORMS IN CHINA

Mr. CASEY (for himself and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 24

Whereas the People's Republic of China adopted in 1971 the Universal Declaration of Human Rights, and has signed or ratified numerous international covenants and conventions protecting human rights, including the International Covenant on Civil and Political Rights, done at New York December 16, 1966, and entered into force March 23, 1976, the International Covenant on Economic, Social and Cultural Rights, done at New York December 16, 1966, and entered into force January 3, 1976, and the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984, and entered into force June 26, 1987, among others;

Whereas the Constitution of the People's Republic of China ''protects and guarantees human rights'' by providing citizens with equality under the law, freedom of speech, press, assembly, association, procession, and demonstration, the right to own and inherit private property, freedom of religion, equality for women, and numerous other rights consistent with the Universal Declaration of Human Rights and other international human rights conventions and covenants;

Whereas, since 1991, the Governments of the United States and China have held 13 Human Rights Dialogues, the most recent of which took place in May 2008 in Beijing;

Whereas, in January 1977, more than 200 citizens of Czechoslovakia, representing different professions, faiths, and beliefs, formed a ''loose, informal, and open association of people... united by the will to strive individually and collectively for respect for human and civil rights'' and issued a document called Charter 77, which called on their government to protect basic civic and human rights as enshrined under national laws;

Whereas, inspired by the Charter 77 movement, on December 10, 2008, an informal group of more than 300 citizens of China from a wide array of backgrounds, professions, faiths, and beliefs issued a public statement entitled ''Charter 08'', a 19-point plan calling for greater rights and political reform in China, increased liberties, democracy, religious freedom, and rule of law;

Whereas authorities in China have detained several affiliates of that Charter 08 effort, including Liu Xiaobo, who remains in custody;

Whereas the Department of State has called on the Government of China to release Liu Xiaobo and cease harassment of all Chinese citizens who peacefully express their desire for internationally-recognized fundamental freedoms; and

Whereas thousands of individuals have added their names to the Charter 08 petition, and the document has been referenced in over 300,000 websites and blogs: Now, therefore, be it

Resolved, That the Senate—

(1) notes the numerous commitments the China has made to the international community as a signatory to the United Nations Universal Declaration of Human Rights and other international conventions;

(2) commends the citizens of China who have signed onto Charter 08 and are upholding principles consistent with China's international commitments on human rights and its own constitution;

(3) calls on the Government of China to release all people detained because of their involvement or affiliation with the Charter 08 effort, including Liu Xiaobo, in addition to all prisoners of conscience detained in violation of the domestic law and international commitments of China; and

(4) calls on President Barack Obama and Secretary of State Hillary Clinton to engage with the Government of China on human rights issues at every reasonable opportunity and using all diplomatic means available, including the U.S.-China Human Rights Dialogue, and resist pressure to replace this dialogue with a weaker alternative.

SENATE RESOLUTION 25—EXPRESSING SUPPORT FOR DESIGNATION OF JANUARY 28, 2009, AS ''NATIONAL DATA PRIVACY DAY''

Mr. DORGAN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. KERRY, Ms. SNOWE, Mrs. FEINSTEIN, Mr. WICKER, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 25

Whereas the Internet and the capabilities of modern technology cause data privacy issues to figure prominently in the lives of many people in the United States at work, in their interaction with government and public authorities, in the health field, in e-commerce transactions, and online generally;

Whereas many individuals are unaware of data protection and privacy laws generally and of specific steps that can be taken to help protect the privacy of personal information online;

Whereas ''National Data Privacy Day'' constitutes an international collaboration and a nationwide and statewide effort to raise awareness about data privacy and the protection of personal information on the Internet;

Whereas government officials from the United States and Europe, privacy professionals, academics, legal scholars, representatives of international businesses, and others with an interest in data privacy issues are working together on this date to further the discussion about data privacy and protection;

Whereas privacy professionals and educators are being encouraged to take the time to discuss data privacy and protection issues with teens in high schools across the country;

Whereas privacy is a central element of the mission of the Federal Trade Commission and the Commission will need to continue to educate consumers about protecting their personal information, and their consumer education campaigns should be part of a National effort;

Whereas the recognition of ''National Data Privacy Day'' will encourage more people nationwide to be aware of data privacy concerns and to take steps to protect their personal information online; and

Whereas January 28, 2009, would be an appropriate day to designate as ''National Data Privacy Day'': Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of a ''National Data Privacy Day'';

(2) encourages State and local governments to observe the day with appropriate activities that promote awareness of data privacy;

(3) encourages privacy professionals and educators to discuss data privacy and protection issues with teens in high schools across the United States; and

(4) encourages individuals across the Nation to be aware of data privacy concerns and to take steps to protect their personal information online.

SENATE CONCURRENT RESOLUTION 3—HONORING AND PRAISING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ON THE OCCASION OF ITS 100TH ANNIVERSARY

Mr. DODD (for himself, Mr. REID, Mr. LEAHY, Mr. LEVIN, Mr. CARDIN, Mr. HARKIN, Mr. MENENDEZ, Ms. LANDRIEU, Mr. KENNEDY, Mr. BENNET of Colorado, Mr. KERRY, Mr. BROWN, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. LUGAR, Mr. BAYH, Mr. WYDEN, Mr. CRAPO, Mrs. BOXER, Mr. VOINOVICH, Mr. REED, and Ms. MIKULSKI) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 3

Whereas the National Association for the Advancement of Colored People (referred to in this resolution as the ''NAACP''), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of Abraham Lincoln's birth, by a multiracial group of activists who met in a national conference to discuss the civil and political rights of African-Americans;

Whereas the NAACP was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance upon the press, the petition, the ballot, and the courts, and has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minority Americans;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the Supreme Court's decision in Brown v. Board of Education, 347 U.S. 483 (1954);

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama—an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of the Civil Rights Acts of 1957, 1960, and 1964, the Voting Rights Act of 1965, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006, and the Fair Housing Act, laws that ensured Government protection for legal victories achieved;

Whereas in 2005, the NAACP launched the Disaster Relief Fund to help survivors in Louisiana, Mississippi, Texas, Florida, and Alabama to rebuild their lives;

Whereas in the 110th Congress, the NAACP was prominent in lobbying for the passage of H. Res. 826, whose resolved clause expresses that: (1) the hanging of nooses is a horrible act when used for the purpose of intimidation and which under certain circumstances can be criminal; (2) this conduct should be investigated thoroughly by Federal authorities; and (3) any criminal violations should be vigorously prosecuted; and

Whereas in 2008 the NAACP vigorously supported the passage of the Emmett Till Unsolved Civil Rights Crime Act of 2007 (28 U.S.C. 509 note), a law that puts additional Federal resources into solving the heinous crimes that occurred in the early days of the civil rights struggle that remain unsolved and bringing those who perpetrated such crimes to justice: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) recognizes the 100th anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) honors and praises the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all persons.

AMENDMENTS SUBMITTED AND PROPOSED

SA 74. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table.

SA 75. Mr. ROBERTS (for himself, Mr. HATCH, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 2, supra.

SA 76. Mr. ROBERTS (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 77. Ms. MURKOWSKI (for herself, Mr. SPECTER, Mr. JOHANNS, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2, supra.

SA 78. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 79. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 2, supra.

SA 80. Mr. HATCH (for himself, Mr. VITTER, Mr. BROWNBACK, Mr. THUNE, Mr. BENNETT, Mr. JOHANNS, Mr. DEMINT, Mr. ROBERTS, Mr. RISCH, Mr. INHOFE, Mr. BARRASSO, Mr. GREGG, Mr. ENSIGN, Mr. GRASSLEY, Mr. MARTINEZ, Mr. MCCAIN, Mr. ENZI, Mr. CRAPO, Mr. CORKER, Mr. KYL, Mr. GRAHAM, Mr. COBURN, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 81. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 74. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 75, strike line 18 and all that follows through page 76, line 2, and insert the following:

''(B) INCREASED FUNDING FOR OUTREACH AND ENROLLMENT GRANTS.—

''(i) APPROPRIATION.—In addition to amounts appropriated under subsection (g) of section 2113 for the period of fiscal years 2009 through 2013, there is appropriated, out of any money in the Treasury not otherwise appropriated, the amount described in clause (ii), for the purpose of the Secretary awarding grants under that section.

''(ii) AMOUNT DESCRIBED.—The amount described in this clause is the amount equal to the amount of additional Federal funds that the Director of the Congressional Budget Office certifies would have been expended for the period beginning April 1, 2009, and ending September 30, 2013, if subparagraph (A) did not apply to any State that, on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2009, has an approved State plan amendment or waiver to provide, or has enacted a State law to submit a State plan amendment to provide, expenditures described in such subparagraph under the State child health plan.''.

SA 75. Mr. ROBERTS (for himself, Mr. HATCH, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; as follows:

Strike section 114 and insert the following:

SEC. 114. LIMITATION ON FEDERAL MATCHING PAYMENTS.

(a) DENIAL OF FEDERAL MATCHING PAYMENTS FOR COVERAGE OF HIGHER INCOME CHILDREN.—Section 2105(c) (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

''(8) DENIAL OF PAYMENTS FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE FOR HIGHER INCOME CHILDREN.—

''(A) IN GENERAL.—No payment may be made under this section for any expenditures for providing child health assistance or health benefits coverage under a State child health plan under this title, including under a waiver under section 1115, with respect to any child whose gross family income (as defined by the Secretary) exceeds the lower of—

''(i) $65,000; or

''(ii) the median State income (as determined by the Secretary).

''(B) NO PAYMENTS FROM ALLOTMENTS UNDER THIS TITLE IF MEDICAID INCOME ELIGIBILITY LEVEL FOR CHILDREN IS GREATER.—No payment may be made under this section from an allotment of a State for any expenditures for a fiscal year quarter for providing child health assistance or health benefits coverage under the State child health plan under this title to any individual if the income eligibility level (expressed as a percentage of the poverty line) for children who are eligible for medical assistance under the State plan under title XIX under any category specified in subparagraph (A) or (C) of section 1902(a)(10) in effect during such quarter is greater than the income eligibility level (as so expressed) for children in effect during such quarter under the State child health plan under this title.''.

SA 76. Mr. ROBERTS (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007 (CHIPRA II).

The text of the Children's Health Insurance Program Reauthorization Act of 2007 (H.R. 3963, 110th Congress) as passed by the Senate on November 1, 2007, is hereby incorporated by reference.

SA 77. Ms. MURKOWSKI (for herself, Mr. SPECTER, Mr. JOHANNS, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. DEVELOPMENT OF BEST PRACTICE RECOMMENDATIONS AND COVERAGE OF LOW INCOME CHILDREN.

(a) DEVELOPMENT OF BEST PRACTICE RECOMMENDATIONS.—Section 2107 (42 U.S.C. 1397gg) is amended by adding at the end the following:

''(g) DEVELOPMENT OF BEST PRACTICE RECOMMENDATIONS.—Not later than 12 months after the date of enactment of this Act, the Secretary, in consultation with States, including Medicaid and CHIP directors in States, shall publish in the Federal Register, and post on the public website for the Department of Health and Human Services—

''(1) recommendations regarding best practices for States to use to address CHIP crowd-out; and

''(2) uniform standards for data collection by States to measure and report—

''(A) health benefits coverage for children with family income below 200 percent of the poverty line; and

''(B) on CHIP crowd-out, including for children with family income that exceeds 200 percent of the poverty line.

The Secretary, in consultation with States, including Medicaid and CHIP directors in States, may from time to time update the best practice recommendations and uniform standards set published under paragraphs (1) and (2) and shall provide for publication and posting of such updated recommendations and standards.''.

(b) LIMITATION ON PAYMENTS FOR STATES COVERING HIGHER INCOME CHILDREN.—

(1) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 601(a), is further amended by adding at the end the following new paragraph:

''(12) LIMITATION ON PAYMENTS FOR STATES COVERING HIGHER INCOME CHILDREN.—

''(A) DETERMINATIONS.—

''(i) IN GENERAL.—The Secretary shall determine, for each State that is a higher income eligibility State as of October 1 of 2010 and each subsequent year, whether the State meets the target rate of coverage of low-income children required under subparagraph (C) and shall notify the State in that month of such determination.

''(ii) DETERMINATION OF FAILURE.—If the Secretary determines in such month that a higher income eligibility State does not meet such target rate of coverage, no payment shall be made as of April 30 of the following year, under this section for child health assistance provided for higher-income children (as defined in subparagraph (D)) under the State child health plan unless and until the Secretary establishes that the

State is in compliance with such requirement, but in no case more than 12 months.

''(B) HIGHER INCOME ELIGIBILITY STATE.—A higher income eligibility State described in this clause is a State that—

''(i) applies under its State child health plan an eligibility income standard for targeted low-income children that exceeds 300 percent of the poverty line; or

''(ii) because of the application of a general exclusion of a block of income that is not determined by type of expense or type of income, applies an effective income standard under the State child health plan for such children that exceeds 300 percent of the poverty line.

''(C) REQUIREMENT FOR TARGET RATE OF COVERAGE OF LOW-INCOME CHILDREN.—The requirement of this subparagraph for a State is that the rate of health benefits coverage (both private and public) for low-income children in the State is not statistically significantly (at a p=0.05 level) less than 80 percent of the low-income children who reside in the State and are eligible for child health assistance under the State child health plan.

''(D) HIGHER-INCOME CHILD.—For purposes of this paragraph, the term 'higher income child' means, with respect to a State child health plan, a targeted low-income child whose family income—

''(i) exceeds 300 percent of the poverty line; or

''(ii) would exceed 300 percent of the poverty line if there were not taken into account any general exclusion described in subparagraph (B)(ii).''.

(2) CONSTRUCTION.—Nothing in the amendment made by paragraph (1) or this section this shall be construed as authorizing the Secretary of Health and Human Services to limit payments under title XXI of the Social Security Act in the case of a State that is not a higher income eligibility State (as defined in section 2105(c)(12)(B) of such Act, as added by paragraph (1)).

SA 78. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, between lines 11 and 12, and insert the following:

''(3) EXCEPTION.—

''(A) IN GENERAL.—Notwithstanding paragraph (1)(B), if a State submits, by not later than 18 months after the date of enactment of this paragraph, a plan to the Secretary that the Secretary determines is likely to reduce the levels of improper payments for the State under the Medicaid program under title XIX and the program under this title, such paragraph shall be applied with respect to such State by substituting 'second succeeding fiscal year' for 'succeeding fiscal year'.

''(B) DETERMINATION.—In making the determination under subparagraph (A), the Secretary shall take into account the results of the study conducted under paragraph (4).

''(4) GAO STUDY AND REPORT ON IMPROPER PAYMENTS UNDER THE MEDICAID AND CHIP PROGRAMS AND WAYS TO REDUCE SUCH IMPROPER PAYMENTS.—

''(A) STUDY.—The Comptroller General of the United States shall conduct a study on—

''(i) the mechanisms that States are currently using to reduce improper payments under the Medicaid program under title XIX the program under this title;

''(ii) the levels of such improper payments for each State; and

''(iii) the mechanisms that States should implement in order to reduce such improper payments.

''(B) REPORT.—Not later than 12 months after the date of enactment of this paragraph, the Comptroller General of the United States shall submit a report to Congress on the study conducted under subsection (a) together with such recommendations as the Comptroller General determines appropriate.''.

SA 79. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

After section 622 insert the following:

SEC. 623. ONE-TIME PROCESS FOR HOSPITAL WAGE INDEX RECLASSIFICATION IN ECONOMICALLY-DISTRESSED AREAS.

(a) RECLASSIFICATIONS.—

(1) Notwithstanding any other provision of law, effective for discharges occurring on or after April 1, 2009, and before March 31, 2012, for purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) to St. Vincent Mercy Medical Center (provider number 36-0112), such hospital is deemed to be located in the Ann Arbor, MI metropolitan statistical area.

(2) Notwithstanding any other provision of law, effective for discharges occurring on or after April 1, 2009 and before March 31, 2012, for purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) to St. Elizabeth Health Center (provider number 36-0064), Northside Medical Center (provider number 36-3307), St. Joseph Health Center (provider number 36-0161), and St. Elizabeth Boardman Health Center (provider number 36-0276), such hospitals are deemed to be located in the Cleveland-Elyria-Mentor metropolitan statistical area.

(b) RULES.—

(1) Except as provided in paragraph (2), any reclassification made under subsection (a) shall be treated as a decision of the Medicare Geographic Classification Review Board under section 1886(d)(10) of the Social Security Act (42 U.S.C. 1395ww(d)(10)).

(2) Section 1886(d)(10)(D)(v) of the Social Security Act (42 U.S.C. 1395ww(d)(10)(D)(v)), as it relates to reclassification being effective for 3 fiscal years, shall not apply with respect to a reclassification made under subsection (a).

SEC. 624. TREATMENT OF CERTAIN CANCER HOSPITALS.

(a) IN GENERAL.—

(1) TREATMENT.—Section 1886(d)(1)(B)(v) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(v)) is amended—

(A) in subclause (II), by striking ''or'' at the end;

(B) in subclause (III), by striking the semicolon at the end and inserting '', or''; and

(C) by inserting after subclause (III) the following new subclause:

''(IV) a hospital—

''(aa) that the Secretary has determined to be, at any time on or before December 31, 2011, a hospital involved extensively in treatment for, or research on, cancer,

''(bb) that is a free standing hospital, the construction of which had commenced as of December 31, 2008; and

''(cc) whose current or predecessor provider entity is University Hospitals of Cleveland (provider number 36-0137).''.

(2) INITIAL DETERMINATION.—

(A) A hospital described in subclause (IV) of section 1886(d)(1)(B)(v) of the Social Security Act, as inserted by subsection (a), shall not qualify as a hospital described in such subclause unless the hospital petitions the Secretary of Health and Human Services for a determination of such qualification on or before December 31, 2011.

(B) The Secretary of Health and Human Services shall, not later than 30 days after the date of a petition under subparagraph (A), determine that the petitioning hospital qualifies as a hospital described in such subclause (IV) if not less than 50 percent of the hospital's total discharges since its commencement of operations have a principal finding of neoplastic disease (as defined in section 1886(d)(1)(E) of such Act (42 U.S.C. 1395ww(d)(1)(E))).

(b) APPLICATION.—

(1) INAPPLICABILITY OF CERTAIN REQUIREMENTS.—The provisions of section 412.22(e) of title 42, Code of Federal Regulations, shall not apply to a hospital described in subclause (IV) of section 1886(d)(1)(B)(v) of the Social Security Act, as inserted by subsection (a).

(2) APPLICATION TO COST REPORTING PERIODS.—If the Secretary makes a determination that a hospital is described in subclause (IV) of section 1886(d)(1)(B)(v) of the Social Security Act, as inserted by subsection (a), such determination shall apply as of the first full 12-month cost reporting period beginning on January 1 immediately following the date of such determination.

(3) BASE PERIOD.—Notwithstanding the provisions of section 1886(b)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(E)) or any other provision of law, the base cost reporting period for purposes of determining the target amount for any hospital for which such a determination has been made shall be the first full 12-month cost reporting period beginning on or after the date of such determination.

(4) REQUIREMENT.—A hospital described in subclause (IV) of section 1886(d)(1)(B)(v) of the Social Security Act, as inserted by subsection (a), shall not qualify as a hospital described in such subclause for any cost reporting period in which less than 50 percent of its total discharges have a principal finding of neoplastic disease (as defined in section 1886(d)(1)(E) of such Act (42 U.S.C. 1395ww(d)(1)(E))).

SEC. 625. RECONCILIATION AND RECOVERY OF ALL SERVICE-CONCLUDED MEDICARE FEE-FOR-SERVICE DISEASE MANAGEMENT PROGRAM FUNDING.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall provide for the immediate reconciliation and recovery of all service-concluded Medicare fee-for-service disease management program funding.

SA 80. HATCH (for himself, Mr. VITTER, Mr. BROWNBACK, Mr. THUNE, Mr. BENNETT of Utah, Mr. JOHANNS, Mr. DEMINT, Mr. ROBERTS, Mr. RISCH, Mr. INHOFE, Mr. BARRASSO, Mr. GREGG, Mr. ENSIGN, Mr. GRASSLEY, Mr. MARTINEZ, Mr. MCCAIN, Mr. ENZI, Mr. CRAPO, Mr. CORKER, Mr. KYL, Mr. GRAHAM, Mr. COBURN, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, after line 23, add the following:

SEC. 116. TREATMENT OF UNBORN CHILDREN.

(a) CODIFICATION OF CURRENT REGULATIONS.—Section 2110(c)(1) (42 U.S.C. 1397jj(c)(1)) is amended by striking the period at the end and inserting the following: '', and includes, at the option of a State, an unborn child. For purposes of the previous sentence, the term 'unborn child' means a member of the species Homo sapiens, at any stage of development, who is carried in the womb.''.

(b) CLARIFICATIONS REGARDING COVERAGE OF MOTHERS.—Section 2103 (42 U.S.C. 1397cc) is amended by adding at the end the following new subsection:

''(g) CLARIFICATIONS REGARDING AUTHORITY TO PROVIDE POSTPARTUM SERVICES AND MATERNAL HEALTH CARE.—Any State that provides child health assistance to an unborn child under the option described in section 2110(c)(1) may—

''(1) continue to provide such assistance to the mother, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of pregnancy) ends; and

''(2) in the interest of the child to be born, have flexibility in defining and providing services to benefit either the mother or unborn child consistent with the health of both.''.

SA 81. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 273, line 8, strike ''inserting ''$24.78''.'' and all that follows through page 276, line 9, and insert ''inserting ''$2.8311 cents''.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, January 28, 2009, at 10 a.m., to hold a hearing entitled ''Addressing Global Climate Change: The Road to Copenhagen.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. MENENDEZ. 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 28, 2009, at 10 a.m. to conduct a hearing entitled ''Lessons from the Mumbai Terrorist Attacks, Part II.''

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

COMMITTEE ON THE JUDICIARY

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Wednesday, January 28, 2009, at 10 a.m. in room SH–216 of the Hart Senate Office Building.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. MENENDEZ. 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 28, 2009.

The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICE, AND INTERNATIONAL SECURITY

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Wednesday, January 28, 2009, at 2:30 p.m. to conduct a hearing entitled, ''The Impact of the Economic Crisis on the U.S. Postal Service''.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, January 28, 2009 at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Madam President, I ask unanimous consent that Terri Postma and Rachel Miller, members of my staff, be granted the privilege of the floor during the debate of H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. TESTER. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 6, 7, 8, 10, and all nominations on the Secretary's Desk in the Air Force, Army, Marine Corps, and Navy; that the nominations be confirmed, and the motions to reconsider be laid upon the table, en bloc; that no further motions be in order, and any statements relating to the nominations be printed in the RECORD; and that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brigadier General Donald A. Haught
Brigadier General Thomas J. Haynes
Brigadier General Craig D. McCord
Brigadier General Robert M. Stonestreet
Brigadier General Edward W. Tonini
Brigadier General Francis A. Turley

To be brigadier general

Colonel Margaret H. Bair
Colonel James H. Bartlett
Colonel Jorge R. Cantres
Colonel Sandra L. Carlson
Colonel Stephen D. Cotter
Colonel James T. Daugherty
Colonel Gretchen S. Dunkelberger
Colonel Robert A. Hamrick
Colonel Chris R. Helstad
Colonel Cecil J. Hensel, Jr.
Colonel Frank D. Landes
Colonel Robert L. Leeker
Colonel Rickie B. Mattson
Colonel Maureen McCarthy
Colonel John E. McCoy
Colonel John W. Merritt
Colonel Thomas R. Schiess
Colonel Rodger F. Seidel
Colonel Glenn K. Thompson
Colonel Dean L. Winslow
Colonel William M. Ziegler

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. John M. Croley
Brig. Gen. Tracy L. Garrett

IN THE ARMY

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brigadier General Peter M. Aylward
Brigadier General Grant L. Hayden
Brigadier General David L. Jennette, Jr.
Brigadier General Robert E. Livingston, Jr.
Brigadier General William M. Maloan
Brigadier General Randy E. Manner
Brigadier General Randall R. Marchi
Brigadier General Stuart C. Pike
Brigadier General Eddy M. Spurgin
Brigadier General Charles L. Yriarte

To be brigadier general

Colonel Dennis J. Adams
Colonel Robbie L. Asher
Colonel Christopher D. Bishop
Colonel Glenn A. Bramhall
Colonel Dominic A. Cariello
Colonel Robert C. Clouse, Jr.
Colonel Robert W. Enzenauer
Colonel Peter J. Fagan
Colonel Jack R. Fox
Colonel Wilton S. Gorske
Colonel Louis H. Guernsey, Jr.
Colonel Stephen L. Huxtable
Colonel Timothy J. Kadavy
Colonel James E. Keighley
Colonel Gerald W. Ketchum
Colonel Leonard H. Kiser
Colonel Timothy L. Lake
Colonel Gregory A. Lusk
Colonel David V. Matakas
Colonel Owen W. Monconduit
Colonel Timothy E. Orr
Colonel William R. Phillips, II
Colonel Renaldo Rivera
Colonel Kenneth C. Roberts
Colonel Stephen G. Sanders
Colonel William L. Smith

Colonel Michael A. Stone
Colonel Scott L. Thoele
Colonel Robert L. Tucker, Jr.
Colonel Charles R. Veit
Colonel Roy S. Webb
Colonel Michael T. White

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Dennis Cutler Blair, of Pennsylvania, to be Director of National Intelligence.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN2 AIR FORCE nomination of Edmund P. Zynda II, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN3 AIR FORCE nomination of Daniel C. Gibson, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN4 AIR FORCE nominations (2) beginning DONALD L. MARSHALL, and ending CHARLES E. PETERSON, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN5 AIR FORCE nominations (3) beginning PAUL J. CUSHMAN, and ending LUIS F. SAMBOLIN, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN6 AIR FORCE nominations (4) beginning CHRISTOPHER S. ALLEN, and ending DEEPA HARIPRASAD, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN7 AIR FORCE nomination of Ryan R. Pendleton, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN8 AIR FORCE nomination of Howard L. Duncan, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN9 AIR FORCE nominations (5) beginning JEFFREY R. GRUNOW, and ending PAMELA T. SCOTT, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN10 AIR FORCE nomination of Eugene M. Gaspard, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN11 AIR FORCE nominations (2) beginning MICHAEL R. POWELL, and ending VALERIE R. TAYLOR, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN12 AIR FORCE nominations (2) beginning MARY ELIZABETH BROWN, and ending GERALD J. LAURSEN, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN13 AIR FORCE nominations (3) beginning GARY R. CALIFF, and ending C. MICHAEL PADAZINSKI, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN14 AIR FORCE nominations (5) beginning STEPHEN SCOTT BAKER, and ending PHILLIP E. PARKER, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN15 AIR FORCE nominations (9) beginning JOSEPH ALLEN BANNA, and ending JOSEPH TOCK, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN16 AIR FORCE nominations (69) beginning KEITH A. ACREE, and ending STEVEN L. YOUSSI, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

IN THE ARMY

PN17 ARMY nomination of Scott A. Gronewold, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN18 ARMY nominations (2) beginning ROBERT L. KASPAR JR., and ending DAVID K. SCALES, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN19 ARMY nomination of Emmett W. Mosley, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN20 ARMY nominations (2) beginning ANDREW C. MEVERDEN, and ending APRIL M. SNYDER, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN21 ARMY nominations (6) beginning DOUGLAS M. COLDWELL, and ending STEPHEN MONTALDI, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN22 ARMY nomination of Thomas S. Carey, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN23 ARMY nomination of Scottie M. Eppler, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN24 ARMY nomination of Pierre R. Pierce, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN25 ARMY nominations (2) beginning CHERYL A. CREAMER, and ending AGA E. KIRBY, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN26 ARMY nominations (24) beginning KATHRYN A. BELILL, and ending SUZANNE R. TODD, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN27 ARMY nominations (73) beginning CHRISTOPHER ALLEN, and ending D060522, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN28 ARMY nominations (137) beginning JOHN L. AMENT, and ending WENDY G. WOODALL, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN29 ARMY nominations (143) beginning TERRYL L. AITKEN, and ending SARAHTYAH T. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

IN THE MARINE CORPS

PN30 MARINE CORPS nomination of Matthew E. Sutton, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN31 MARINE CORPS nomination of Andrew N. Sullivan, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN32 MARINE CORPS nomination of Tracy G. Brooks, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN33 MARINE CORPS nominations (2) beginning PETER M. BARACK JR., and ending JACOB D. LEIGHTY III, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN34 MARINE CORPS nominations (2) beginning DAVID G. BOONE, and ending JAMES A. JONES, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN35 MARINE CORPS nominations (2) beginning WILLIAM A. BURWELL, and ending BALWINDAR K. RAWALAYVANDEVOORT, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN36 MARINE CORPS nominations (2) beginning KURT J. HASTINGS, and ending CALVIN W. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN37 MARINE CORPS nominations (3) beginning JAMES P. MILLER JR., and ending MARC TARTER, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN38 MARINE CORPS nomination of David S. Pummell, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN39 MARINE CORPS nomination of Robert M. Manning, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN40 MARINE CORPS nomination of Michael A. Symes, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN41 MARINE CORPS nomination of Paul A. Shirley, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN42 MARINE CORPS nomination of Richard D. Kohler, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN43 MARINE CORPS nominations (2) beginning JULIE C. HENDRIX, and ending MAURO MORALES, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN44 MARINE CORPS nominations (4) beginning CHRISTOPHER N. NORRIS, and ending SAMUEL W. SPENCER III, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN45 MARINE CORPS nominations (3) beginning ANTHONY M. NESBIT, and ending PAUL ZACHARZUK, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN46 MARINE CORPS nominations (3) beginning GREGORY R. BIEHL, and ending BRYAN S. TEET, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN47 MARINE CORPS nominations (2) beginning TRAVIS R. AVENT, and ending GREGG R. EDWARDS, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN48 MARINE CORPS nominations (4) beginning JOSE A. FALCHE, and ending CLENNON ROE III, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN49 MARINE CORPS nominations (6) beginning KEITH D. BURGESS, and ending BRIAN J. SPOONER, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN50 MARINE CORPS nominations (3) beginning MARK L. HOBIN, and ending TERRY G. NORRIS, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN51 MARINE CORPS nominations (26) beginning KEVIN J. ANDERSON, and ending EDWARD P. WOJNAROSKI JR., which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

IN THE NAVY

PN53 NAVY nomination of Steven J. Shauberger, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN54 NAVY nomination of Karen M. Stokes, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN56 NAVY nominations (7) beginning CRAIG W. AIMONE, and ending MATTHEW

M. WILLS, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

NOMINATION OF DENNIS C. BLAIR

Mrs. FEINSTEIN. Mr. President, I rise today as chairman of the Select Committee on Intelligence to urge the Senate to confirm Admiral Dennis C. Blair to be the next Director of National Intelligence.

Admiral Blair is well known to many of us from his years of service as the Commander in Chief of the U.S. Pacific Command. He has served with distinction in the national security field all his adult life, entering the Naval Academy in 1964 and serving for 34 years.

During his naval career, Admiral Blair was involved in the intelligence field and in policymaking. He worked twice in the White House, first as a fellow and then on the National Security Council staff. He worked for 2 years at the CIA as the Associate Director for Military Support. And he was named to be the Director of the Joint Staff in 1996.

He has been a consumer and a manager of intelligence through his career, and he has a strong understanding of the importance of providing the President, the Congress, and other policymakers with accurate, actionable, and timely intelligence.

Admiral Blair will be the Nation's third Director of National Intelligence, a position that was left vacant by the resignation of ADM Mike McConnell earlier this week. It is critical that Admiral Blair be confirmed so that the intelligence community has the leadership it needs.

I hope that the Senate will confirm Admiral Blair on a strong bipartisan basis, sending the signal that we are united in our support for the nominee and in our interest in strong leadership of the intelligence community.

The position of the Director of National Intelligence was created so that there would be a single leader of the 16 intelligence agencies who could bring greater integration to the work of U.S. intelligence. The job of the Director is to break down the stovepipes and put intelligence agencies back on the right track when they go astray.

Progress has been made by the previous Directors, Ambassador Negroponte and Admiral McConnell, but they would agree much work is ahead. As Admiral Blair said to the committee, it will be his job as the DNI to see that ''the whole of the national intelligence enterprise is always more than the sum of its parts.''

Admiral Blair has pledged, however, to take forceful action when there are disagreements or when he believes an agency is not performing as it should.

He has a keen appreciation both for the many smart, dedicated and brave professionals in the intelligence community workforce and for the role of the DNI to give these professionals the right missions, and the right tools, to collect the intelligence we need and conduct professional and accurate analysis.

President-elect Obama announced his intention to nominate Admiral Blair on January 9, 2009, and then President Obama submitted the nomination to the Senate on his first afternoon in office. The Intelligence Committee carefully reviewed Admiral Blair's record and his views on the role of the Director of National Intelligence, the threats facing the United States, and the appropriate way for the intelligence community to handle its missions.

The committee held a public hearing with Admiral Blair on January 22, at which he was introduced and supported by our distinguished colleague and very first chairman of the Senate Intelligence Committee, Senator INOUYE.

Before and after the hearing, Admiral Blair answered numerous questions for the record. His answers can be found on the committee's Web site, and I commend them to all Members and the public for a better understanding of his views about the important office to which he has been nominated, and the challenges he will face on behalf of the American people.

I have been especially pleased with the commitment of Admiral Blair to address the issue of congressional oversight. In our prehearing questions, we asked Admiral Blair about his views on keeping the intelligence committees fully and currently informed of intelligence activities.

We asked him to address in particular the failure to brief the entire membership of the intelligence committees on the CIA's interrogation, detention, and rendition program, and the NSA's electronic surveillance program. His direct answer recognized a fundamental truth: ''These programs were less effective and did not have sufficient legal and constitutional foundations because the intelligence committees were prevented from carrying out their oversight responsibilities.''

Admiral Blair has pledged that he will work closely with the committee and the Congress to build a relationship of trust and candor. He has said that the leadership of the intelligence community must earn the support and trust of the intelligence oversight committees if it is to earn the trust and support of the American people. I wholeheartedly agree.

I am confident that Admiral Blair will ensure that the membership of the select committee is given access to the information it needs to perform its oversight role, and U.S. intelligence programs will have a stronger foundation because of it.

He has also agreed to come before the committee on a monthly basis to have candid discussions with all members on the major issues he sees and the challenges he faces. These sessions are enormously important for the committee to truly understand the workings of the intelligence community and to carry out our oversight responsibilities.

In addition, Admiral Blair will have a pivotal role in the implementation of the recent presidential Executive orders to close the detention center in Guantanamo and ensure there is a single standard for the humane and lawful treatment of detainees by U.S. military and intelligence services.

These executive orders represent an extraordinarily important turning point for our Nation. Admiral Blair has made strong statements to the committee that torture is not moral, legal, or effective, and that the U.S. Government must have a single clear standard for the treatment and interrogation of detainees. I am convinced he will help ensure we are once more true to our ideals and protecting our national security.

Having been an early advocate of the creation of the position, it is for me a distinct honor that my very first floor responsibility as the new chairman of the Intelligence Committee is to report this nomination.

I am pleased to relay to my colleagues that the Intelligence Committee met today, on January 28, and voted to report favorably the nomination of Admiral Blair to be the Director of National Intelligence.

The Senate has moved quickly to act on this recommendation. It is a testament to the importance of the position and the qualifications of the nominee. I thank the vice chairman for working with me to move the nomination quickly but with the due diligence appropriate for this position.

Admiral Blair has my strong support to lead the intelligence community and I look forward to working with him closely in the days to come.

Mr. ROCKEFELLER. Mr. President, I rise to congratulate Admiral Denny Blair on his unanimous confirmation as the Director of National Intelligence, one of the most important and demanding jobs in our government. This position requires a leader with tremendous management skills—someone capable of bringing the 16 disparate agencies of the intelligence community into a cohesive organization that provides timely, accurate intelligence to our government.

This intelligence is necessary to keep our Nation and our people safe, so Admiral Blair undertakes a sober, solemn responsibility today. He will take on this task at a time when we are fighting two wars as well as a global fight against terrorist networks, not to mention enormous long-term strategic challenges—including those that have arisen in recent months in the wake of the global financial and economic crisis.

These are perilous times, but I am confident he is up to the task. Admiral Blair brings a wealth of valuable experience to the job. As a senior military commander he was a high level consumer of intelligence and familiar with the systems used to collect and produce intelligence. He also knows the Central Intelligence Agency having spent time as the first Associate Director for Military Affairs.

Perhaps his greatest attribute, however, is his experience directing a large, sprawling organization, made up of disparate agencies and cultures, to achieve a common mission. That is what he accomplished successfully as the commander of all U.S. military forces in the Pacific, and that is exactly what his mission will be as the DNI.

I think this is a very promising time for our intelligence community and our national security, and Admiral Blair's confirmation is a big part of that. I want to underscore what he told us in his confirmation hearing—that we are entering a ''new era in the relationship'' between Congress and the executive branch on matters of intelligence.

Specifically, Admiral Blair said that he will place great importance on keeping Congress informed—not just formally notified, but fully informed—on intelligence activities. He said that he will work to ensure that classification is not used as a way to, in his words, ''hide things'' from Members of Congress who need to know about them.

He stated clearly and I quote, ''We need to have processes which don't just check a block on telling somebody but actually get the information across to the right people.''

These are very important commitments, and they portend good things for our intelligence community and for our national security. I have had the opportunity to speak with Admiral in great depth over the past several months, and these discussions have given me confidence in his sincerity with these commitments.

And I expect that, likewise, he and the Obama administration have confidence that Congress will hold them to it. In fact this cooperation has already begun.

With this new era of cooperation in mind, I want to state for the record that we have an opportunity to make a sharp turn toward new intelligence policies that will bolster our counterterrorism efforts and strengthen our national security in general.

To be accurate and valuable, intelligence must be politically neutral information, not spin. And it must be collected with methods that enjoy bipartisan support as both legal and effective.

To ensure this, secret intelligence activities must be subject to rigorous congressional oversight. We are the only independent reviewers of secret intelligence activities, and we are the only outside check on activities that are not legal or not effective.

Oversight should not be adversarial—it is a necessary partnership between the executive branch and the Congress.

I have fought to remove politics from intelligence and to restore Congress's vital oversight role since I joined the committee in 2001, and I will keep fighting for it now.

I don't want to get into who is at fault for the cycle we were caught in over the past several years. Instead I want to look ahead to what is possible now.

I think there is a real chance that in this new year, we can have a new start.

We can and should debate how we go about collecting and analyzing intelligence—for instance on interrogation policies—but we can do that without the stain of political considerations.

Between the executive and legislative branches, we can and should engage and debate these policies, but we can do that in partnership, with the knowledge that more information exchanges and deliberations give rise to better intelligence collection and analysis.

In short, we can recognize that we are all on the same team when it comes to finding out the sensitive information we need to protect this great Nation.

If we play on that same team, I know we can have accurate, reliable intelligence that is collected in a way that makes this country proud, and is analyzed without the taint of political influence.

I congratulate Admiral Denny Blair on his confirmation.

Mr. BOND. Mr. President, I wish to express my support for the nomination of ADM Dennis Blair to be the next Director of National Intelligence.

Over the past several weeks, Admiral Blair and I have spoken at length about the role of the DNI and the expectations that we in Congress will have of him.

First and foremost, we expect that the DNI will direct the intelligence community and not be a coordinator or consensus-seeker or govern by majority.

Second, the DNI must be a strong leader, standing on equal footing with the Secretary of Defense and other Cabinet officials.

Third, the DNI must assert appropriate authority over the CIA—it is the DNI, and the DNI alone, who should speak and act as the President's intelligence adviser.

I am pleased that Admiral Blair has pledged that he will come back to Congress to ask for any additional authorities if he determines that such authorities are needed to direct the intelligence community.

The intelligence community needs a strong leader right now. As we know, last week the President signed a number of Executive orders that not only will have a lasting impact on how we fight this war on terror but have created immediate and serious legal and practical problems in handling terrorist detainees.

Admiral Blair will play a key role in the implementation of these Executive orders.

I believe that the sooner he learns all the facts about the CIA's interrogation and detention program and the ramifications of closing Guantanamo Bay, the better he will be able to guide that process in a manner that will not jeopardize American lives.

Admiral Blair has had a long and distinguished career in Government service. He brings a lifetime of sound judgment and strong character to this difficult job.

I believe Admiral Blair is up to the task of leading the intelligence community and I would urge my colleagues to support his nomination.

NOMINATIONS DISCHARGED

Mr. TESTER. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged of PN65–15 and 65–9; the Budget and Homeland Security Committee be discharged of PN65–12; and the Banking Committee be discharged of PN64–15; and the Senate then proceed, en bloc, to the nominations; that the Senate then proceed to vote on confirmation of the nominations, en bloc.

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

The question is, Will the Senate advise and consent to the nominations of James Steinberg to be Deputy Secretary of State; Jacob Lew to be Deputy Secretary of State, Management and Resources; Robert Nabors to be Deputy Director, OMB; and Christina Romer to be a member of the Council of Economic Advisors?

The nominations were confirmed.

Mr. TESTER. I move to reconsider and table; and I ask unanimous consent that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's actions and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

Jacob J. Lew, of New York, to be Deputy Secretary of State for Management and Resources.

OFFICE OF MANAGEMENT AND BUDGET

Robert L. Nabors II, of New Jersey, to be Deputy Director of the Office of Management and Budget.

COUNCIL OF ECONOMIC ADVISERS

Christina Duckworth Romer, of California, to be a Member of the Council of Economic Advisers.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

PROVIDING FOR AN ADJOURNMENT OF THE HOUSE

Mr. TESTER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 26, the House adjournment resolution, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 26) providing for an adjournment of the House.

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

Mr. TESTER. I ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 26) was agreed to.

NATIONAL DATA PRIVACY DAY

Mr. TESTER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 25, submitted earlier today by Senator DORGAN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 25) expressing support for designation of January 28, 2009, as ''National Data Privacy Day.''

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

Mr. TESTER. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 25) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 25

Whereas the Internet and the capabilities of modern technology cause data privacy issues to figure prominently in the lives of many people in the United States at work, in their interaction with government and public authorities, in the health field, in e-commerce transactions, and online generally;

Whereas many individuals are unaware of data protection and privacy laws generally and of specific steps that can be taken to help protect the privacy of personal information online;

Whereas ''National Data Privacy Day'' constitutes an international collaboration and a nationwide and statewide effort to raise awareness about data privacy and the protection of personal information on the Internet;

Whereas government officials from the United States and Europe, privacy professionals, academics, legal scholars, representatives of international businesses, and others with an interest in data privacy issues are working together on this date to further the discussion about data privacy and protection;

Whereas privacy professionals and educators are being encouraged to take the time to discuss data privacy and protection issues with teens in high schools across the country;

Whereas privacy is a central element of the mission of the Federal Trade Commission and the Commission will need to continue to educate consumers about protecting their personal information, and their consumer education campaigns should be part of a National effort;

Whereas the recognition of ''National Data Privacy Day'' will encourage more people nationwide to be aware of data privacy concerns and to take steps to protect their personal information online; and

Whereas January 28, 2009, would be an appropriate day to designate as ''National Data Privacy Day'': Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of a ''National Data Privacy Day'';

(2) encourages State and local governments to observe the day with appropriate activities that promote awareness of data privacy;

(3) encourages privacy professionals and educators to discuss data privacy and protection issues with teens in high schools across the United States; and

(4) encourages individuals across the Nation to be aware of data privacy concerns and to take steps to protect their personal information online.

ORDERS FOR THURSDAY, JANUARY 29, 2009

Mr. TESTER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, January 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 2, the Children's Health Insurance Program Reauthorization Act.

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

PROGRAM

Mr. TESTER. Mr. President, tomorrow Senators should expect rollcall votes throughout the day as we continue to work through the remaining amendments to the children's health care bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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

There being no objection, the Senate, at 7:32 p.m., adjourned until Thursday, January 29, 2009, at 9:30 a.m.

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

James Braidy Steinberg, of Texas, to be Deputy Secretary of State.

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

Jacob J. Lew, of New York, to be Deputy Secretary of State for Management and Resources.

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

Robert L. Nabors II, of New Jersey, to be Deputy Director of the Office of Management and Budget.

The Senate Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

Christina Duckworth Romer, of California, to be a Member of the Council of Economic Advisers.

CONFIRMATIONS

Executive nominations confirmed by the Senate Wednesday, January 28, 2009:

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

DENNIS CUTLER BLAIR, OF PENNSYLVANIA, TO BE DIRECTOR OF NATIONAL INTELLIGENCE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

JACOB J. LEW, OF NEW YORK, TO BE DEPUTY SECRETARY OF STATE FOR MANAGEMENT AND RESOURCES.

JAMES BRAIDY STEINBERG, OF TEXAS, TO BE DEPUTY SECRETARY OF STATE.

EXECUTIVE OFFICE OF THE PRESIDENT

CHRISTINA DUCKWORTH ROMER, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

ROBERT L. NABORS II, OF NEW JERSEY, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIGADIER GENERAL DONALD A. HAUGHT
BRIGADIER GENERAL THOMAS J. HAYNES
BRIGADIER GENERAL CRAIG D. MCCORD
BRIGADIER GENERAL ROBERT M. STONESTREET
BRIGADIER GENERAL EDWARD W. TONINI
BRIGADIER GENERAL FRANCIS A. TURLEY

To be brigadier general

COLONEL MARGARET H. BAIR
COLONEL JAMES H. BARTLETT
COLONEL JORGE R. CANTRES
COLONEL SANDRA L. CARLSON
COLONEL STEPHEN D. COTTER
COLONEL JAMES T. DAUGHERTY
COLONEL GRETCHEN S. DUNKELBERGER
COLONEL ROBERT A. HAMRICK
COLONEL CHRIS R. HELSTAD
COLONEL CECIL J. HENSEL, JR.
COLONEL FRANK D. LANDES
COLONEL ROBERT L. LEEKER
COLONEL RICKIE B. MATTSON
COLONEL MAUREEN MCCARTHY
COLONEL JOHN E. MCCOY
COLONEL JOHN W. MERRITT
COLONEL THOMAS R. SCHIESS
COLONEL RODGER F. SEIDEL
COLONEL GLENN K. THOMPSON
COLONEL DEAN L. WINSLOW
COLONEL WILLIAM M. ZIEGLER

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN M. CROLEY
BRIG. GEN. TRACY L. GARRETT

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE

RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL PETER M. AYLWARD
BRIGADIER GENERAL GRANT L. HAYDEN
BRIGADIER GENERAL DAVID L. JENNETTE, JR.
BRIGADIER GENERAL ROBERT E. LIVINGSTON, JR.
BRIGADIER GENERAL WILLIAM M. MALOAN
BRIGADIER GENERAL RANDY E. MANNER
BRIGADIER GENERAL RANDALL R. MARCHI
BRIGADIER GENERAL STUART C. PIKE
BRIGADIER GENERAL EDDY M. SPURGIN
BRIGADIER GENERAL CHARLES L. YRIARTE

To be brigadier general

COLONEL DENNIS J. ADAMS
COLONEL ROBBIE L. ASHER
COLONEL CHRISTOPHER D. BISHOP
COLONEL GLENN A. BRAMHALL
COLONEL DOMINIC A. CARIELLO
COLONEL ROBERT C. CLOUSE, JR.
COLONEL ROBERT W. ENZENAUER
COLONEL PETER J. FAGAN
COLONEL JACK R. FOX
COLONEL WILTON S. GORSKE
COLONEL LOUIS H. GUERNSEY, JR.
COLONEL STEPHEN L. HUXTABLE
COLONEL TIMOTHY J. KADAVY
COLONEL JAMES E. KEIGHLEY
COLONEL GERALD W. KETCHUM
COLONEL LEONARD H. KISER
COLONEL TIMOTHY L. LAKE
COLONEL GREGORY A. LUSK
COLONEL DAVID V. MATAKAS
COLONEL OWEN W. MONCONDUIT
COLONEL TIMOTHY E. ORR
COLONEL WILLIAM R. PHILLIPS II
COLONEL RENALDO RIVERA
COLONEL KENNETH C. ROBERTS
COLONEL STEPHEN G. SANDERS
COLONEL WILLIAM L. SMITH
COLONEL MICHAEL A. STONE
COLONEL SCOTT L. THOELE
COLONEL ROBERT L. TUCKER, JR.
COLONEL CHARLES R. VEIT
COLONEL ROY S. WEBB
COLONEL MICHAEL T. WHITE

IN THE AIR FORCE

AIR FORCE NOMINATION OF EDMUND P. ZYNDA II, TO BE MAJOR.

AIR FORCE NOMINATION OF DANIEL C. GIBSON, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH DONALD L. MARSHALL AND ENDING WITH CHARLES E. PETERSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH PAUL J. CUSHMAN AND ENDING WITH LUIS F. SAMBOLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTOPHER S. ALLEN AND ENDING WITH DEEPA HARIPRASAD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

AIR FORCE NOMINATION OF RYAN R. PENDLETON, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF HOWARD L. DUNCAN, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH JEFFREY R. GRUNOW AND ENDING WITH PAMELA T. SCOTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

AIR FORCE NOMINATION OF EUGENE M. GASPARD, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL R. POWELL AND ENDING WITH VALERIE R. TAYLOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH MARY ELIZABETH BROWN AND ENDING WITH GERALD J. LAURSEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH GARY R. CALIFF AND ENDING WITH C. MICHAEL PADAZINSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH STEPHEN SCOTT BAKER AND ENDING WITH PHILLIP E. PARKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH JOSEPH ALLEN BANNA AND ENDING WITH JOSEPH TOCK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH KEITH A. ACREE AND ENDING WITH STEVEN L. YOUSSI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

IN THE ARMY

ARMY NOMINATION OF SCOTT A. GRONEWOLD, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH ROBERT L. KASPAR, JR. AND ENDING WITH DAVID K. SCALES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

ARMY NOMINATION OF EMMETT W. MOSLEY, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH ANDREW C. MEVERDEN AND ENDING WITH APRIL M. SNYDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

ARMY NOMINATIONS BEGINNING WITH DOUGLAS M. COLDWELL AND ENDING WITH STEPHEN MONTALDI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

ARMY NOMINATION OF THOMAS S. CAREY, TO BE MAJOR.

ARMY NOMINATION OF SCOTTIE M. EPPLER, TO BE MAJOR.

ARMY NOMINATION OF PIERRE R. PIERCE, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH CHERYL A. CREAMER AND ENDING WITH AGA E. KIRBY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

ARMY NOMINATIONS BEGINNING WITH KATHRYN A. BELILL AND ENDING WITH SUZANNE R. TODD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

ARMY NOMINATIONS BEGINNING WITH CHRISTOPHER ALLEN AND ENDING WITH D060522, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

ARMY NOMINATIONS BEGINNING WITH JOHN L. AMENT AND ENDING WITH WENDY G. WOODALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

ARMY NOMINATIONS BEGINNING WITH TERRYL L. AITKEN AND ENDING WITH SARAHTYAH T. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF MATTHEW E. SUTTON, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF ANDREW N. SULLIVAN, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF TRACY G. BROOKS, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATIONS BEGINNING WITH PETER M. BARACK, JR. AND ENDING WITH JACOB D. LEIGHTY III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

MARINE CORPS NOMINATIONS BEGINNING WITH DAVID G. BOONE AND ENDING WITH JAMES A. JONES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

MARINE CORPS NOMINATIONS BEGINNING WITH WILLIAM A. BURWELL AND ENDING WITH BALWINDAR K. RAWALAYVANDEVOORT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

MARINE CORPS NOMINATIONS BEGINNING WITH KURT J. HASTINGS AND ENDING WITH CALVIN W. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

MARINE CORPS NOMINATIONS BEGINNING WITH JAMES P. MILLER, JR. AND ENDING WITH MARC TARTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

MARINE CORPS NOMINATION OF DAVID S. PUMMELL, TO BE MAJOR.

MARINE CORPS NOMINATION OF ROBERT M. MANNING, TO BE MAJOR.

MARINE CORPS NOMINATION OF MICHAEL A. SYMES, TO BE MAJOR.

MARINE CORPS NOMINATION OF PAUL A. SHIRLEY, TO BE MAJOR.

MARINE CORPS NOMINATION OF RICHARD D. KOHLER, TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH JULIE C. HENDRIX AND ENDING WITH MAURO MORALES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

MARINE CORPS NOMINATIONS BEGINNING WITH CHRISTOPHER N. NORRIS AND ENDING WITH SAMUEL W. SPENCER III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

MARINE CORPS NOMINATIONS BEGINNING WITH ANTHONY M. NESBIT AND ENDING WITH PAUL ZACHARZUK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

MARINE CORPS NOMINATIONS BEGINNING WITH GREGORY R. BIEHL AND ENDING WITH BRYAN S. TEET, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

MARINE CORPS NOMINATIONS BEGINNING WITH TRAVIS R. AVENT AND ENDING WITH GREGG R. EDWARDS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

MARINE CORPS NOMINATIONS BEGINNING WITH JOSE A. FALCHE AND ENDING WITH CLENNON ROE III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

MARINE CORPS NOMINATIONS BEGINNING WITH KEITH D. BURGESS AND ENDING WITH BRIAN J. SPOONER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

MARINE CORPS NOMINATIONS BEGINNING WITH MARK L. HOBIN AND ENDING WITH TERRY G. NORRIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

MARINE CORPS NOMINATIONS BEGINNING WITH KEVIN J. ANDERSON AND ENDING WITH EDWARD P. WOJNAROSKI, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

IN THE NAVY

NAVY NOMINATION OF STEVEN J. SHAUBERGER, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF KAREN M. STOKES, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH CRAIG W. AIMONE AND ENDING WITH MATTHEW M. WILLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

EXTENSIONS OF REMARKS

OUR MILITARY MUST BE ENVIRONMENTALLY RESPONSIBLE TOO

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. FILNER. Madam Speaker, I have introduced the Military Environmental Responsibility Act (H.R. 672). The purpose of this bill is to require the Department of Defense to fully comply with Federal and State environmental laws.

Military exemptions from requirements and enforcement provisions under environment, public safety, and worker protection laws harm the environment and human health. Our constituents who border military bases should have the same protections as other municipalities.

This bill will not compromise military readiness. Environmental laws currently include exemptions for the military in the event of ''paramount interest of the United States''. These exemptions have only been used a handful of times, and the President would retain that authority over this legislation.

Americans believe that their government should be accountable to them and play by the same rules that they have to follow. Much of the cynicism and apathy of recent years can be traced directly to public perception that government officials and agencies are not accountable to anyone. We can only begin to restore faith in government and participation in democracy by ensuring that the federal government works under the same laws and regulations as private businesses and individuals.

CONGRATULATIONS JUDGE PAIGE GOSSETT

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. WILSON of South Carolina. Madam Speaker, I wish to congratulate my long time friend, Paige Jones Gossett, as she receives the Oath of Office and takes the bench as United States Magistrate Judge for the District of South Carolina.

Known by her nickname Cricket, she is a Phi Beta Kappa graduate of the University of South Carolina Honors College, finished as the third highest rated graduate in her law school class, and received nearly every academic award available. Prior to her election as a South Carolina Administrative Law Judge in 2006, she had over ten years of private practice experience as a partner in the Willoughby & Hoefer law firm in Columbia.

I also want to congratulate Chief Judge David C. Norton and the other District Judges in South Carolina for selecting Judge Gossett from a large pool of highly qualified applicants. Her intelligence and temperament are the ideal qualities that we should seek in judicial candidates.

On a personal note, I am particularly grateful for her success which is complemented by the achievement of her husband, my former State Senate Chief of Staff, Jeff Gossett, who is the first Republican Clerk of the South Carolina Senate in over 100 years. They are raising three outstanding children: Jackson Keith Gossett, Ainsley Cooper Gossett, and Anna Katherine Gossett.

Congratulations, Judge Paige Gossett.

RECOGNIZING LIFESOUTH COMMUNITY BLOOD CENTERS IN HERNANDO COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor LifeSouth Community Blood Centers, Inc. in Hernando County for their work improving the lives and welfare of area residents.

In life and death emergencies, when every second counts, it is vitally important that healthcare providers and emergency responders have access to safe and ready supplies of blood for transfusions. LifeSouth Community Blood Center is currently the only blood provider for many of our area hospitals, including ones at Oak Hill, Brooksville Regional and Spring Hill. Their hard work ensures that medical professionals in Hernando County have the blood necessary to save lives and help our local community.

Throughout the country each year there will be almost five million Americans who need blood transfusions. In Hernando County alone, LifeSouth collects 13,000 units of blood annually, utilizing more than 300 blood drives with their Bloodmobiles to meet the demand. The local donor center is open 363 days a year and employs thirty people to collect, process and distribute the blood to area hospitals.

Whether you have ever needed a blood transfusion yourself, or just know someone who has, it is organizations like LifeSouth that help ensure you will be taken care of in an emergency. For area residents who donate blood, please know that all of the blood collected in Hernando County stays within the County, so your donation will help your friends and neighbors. When you donate blood it is not an exaggeration to say that you are truly giving the gift of life.

This January 31, I will be hosting my annual veteran benefit fair. LifeSouth has agreed to take part in the event and is bringing one of their Bloodmobiles to the site to collect much needed blood. With more than 105,000 veterans in the 5th District, many of whom are in need of medical attention, it is important for the community to donate blood and help meet that need.

Madam Speaker, I ask that you join me in recognizing LifeSouth Community Blood Centers for their commitment to the local community. Without their blood collection, processing and dissemination efforts, area hospitals would face severe shortages of life-saving blood. I commend LifeSouth for their efforts and thank them for helping the veterans of Hernando County at this year's veteran benefit fair.

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. SOUDER. Madam Speaker, I rise today in support of H. Res. 39, and especially in support of the work being done in Fort Wayne, Indiana, at Bishop Dwenger High School.

According to the 1972 statement by National Conference of Catholic Bishops: ''The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives.''

Madam Speaker, Bishop Dwenger has been improving the Fort Wayne community since it welcomed over 200 students in the fall of 1963. They now enroll over 1,100 students and the school has accumulated an impressive list of both academic and athletic accomplishments.

In 2004, the Department of Education recognized Bishop Dwenger as a No Child Left Behind Blue Ribbon School, an accomplishment that places them among the top 10 percent of schools nationwide. Two years later, Bishop Dwenger was recognized as one of the top 50 Catholic schools in the nation.

The school's drive for excellence goes beyond the classroom. Madam Speaker, the students are involved in community service activities to fulfill the school's commitment ''to social awareness through service to others.'' With over 80 percent of Dwenger students involved in at least one extracurricular activity, they have won state championships in football, gymnastics, Spell Bowl and more.

In an increasingly competitive economic environment, a quality education is a prerequisite for future success. Madam Speaker, I ask my colleagues to join me in support of Bishop Dwenger and Catholic schools across the country. These institutions are essential in preparing well-rounded individuals who will be among the future leaders of our country.

TRIBUTE TO HARLAND MIESER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. SKELTON. Madam Speaker, let me take this moment to recognize the career of Harland Mieser of Lafayette County, Missouri. Mr. Mieser served as Associate Commissioner of Lafayette County for 18 years.

Mr. Mieser has been an outstanding public official, serving as a member of the West Central Missouri Solid Waste Management District Region F, the Waverly Regional Youth Center Liaison Council, Inc., Lafayette County Inter-Agency, Prairie Rose Resource Conservation and Development Council, Pioneer Trails Regional Planning Commission, and the Highway 13 Coalition Committee. His public service culminated with position as Lafayette County Commissioner. From 1991–1994 he served as the Eastern Associate Commissioner in Lafayette County and then from 1997–2008 he served as Southern Associate Commissioner of Lafayette County.

As Mr. Mieser retires from his current post, I trust that the Members of the House will join me in thanking him for his outstanding leadership in the Missouri community.

CELEBRATING THE 80TH ANNIVERSARY OF THE BOK TOWER GARDENS

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. PUTNAM. Madam Speaker, I rise today to recognize the upcoming 80th anniversary of the Bok Tower Gardens. President Calvin Coolidge first dedicated the Bok Tower Gardens for visitation on February 1, 1929.

Edward Bok, a Pulitzer Prize winning author, commissioned the building of the gardens and bird sanctuary in the early 1920s in Lake Wales, FL. The gardens were originally designed by Frederick Law Olmsted, Jr., atop a 14-acre area on Iron Mountain, one of the highest points in Florida. The gardens have expanded to cover nearly 700 acres today.

Architect Milton Medary was commissioned to design and construct the tower in 1926. The tower stretches 205 feet into the sky and is intended to be the focal point of the gardens. It is primarily made of marble and includes a 60-bell carillon at the top.

Mr. Bok died on January 9, 1930, less than a year after the completion of the tower. He is now buried at the base of the tower. His dream of creating and preserving a place of beauty and peace is still alive today, a true and long-lasting gift to our State. It has played host to concerts, weddings, educational and charity events, as well as numerous other important community benefits. It is also a wonderful place for a family get together.

The Garden Sanctuary and Tower were designated as National Historic Landmarks on April 19, 1993. The Bok Tower Gardens serve as one of Florida's most beautiful natural settings. I urge my colleagues to join me in celebrating the anniversary of this great Florida landmark.

HONORING STATE REPRESENTATIVE TREY MARTINEZ FISCHER AND FAMILY

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. GONZALEZ. Madam Speaker, I rise today to congratulate Texas State Representative Trey Martinez Fischer and his wife Elizabeth Provencio on the arrival of their first born, Francesca Maria Provencio Fischer. Francesca Maria was born on January 4th, 2009 at 6:01 a.m. and I'm proud to report that Francesca Maria and her mother are both healthy and doing well.

As both Trey and Elizabeth now know, words cannot quite describe the joy and thrill of being a new parent. I am certain that Francesca Maria will grow up in a loving environment and learn from the great example set by her parents of duty, responsibility, and compassion.

The journey they are embarking upon together will prove to be an unparalleled life experience, and I wish their entire family the best for a healthy and happy lifetime together.

IN TRIBUTE TO THEODORE BIKEL

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today to congratulate Theodore Bikel on receiving the Creative Leadership Award from the National Jewish Theater and the American Theater Festival. Throughout his life, Mr. Bikel has displayed an unwavering commitment to arts awareness, human rights, and Jewish activism, and his service to our nation is truly inspiring. No stranger to the Sunshine State, Theodore Bikel was the co-creator, co-author and co-star of the successful play Sholom Aleichem Lives, performed in early 1997 in several Florida theatres. He is also the writer and star of Sholom Aleichem: Laughter Through Tears, which recently had its world premiere in Washington, D.C. Additionally, on his long list of accomplishments, Mr. Bikel created the role of Baron Von Trapp in the original Broadway production of The Sound of Music and starred as Tevye in Fiddler on the Roof more than 2,000 times. Bikel's career began in Tel Aviv, Israel, where he co-founded the Cameri Theatre, and performed classical and modern drama in Hebrew. Some of his most prominent honors include receiving an Emmy Award in 1988, having held the position of senior vice president of the American Jewish Congress, and accepting both a Doctor of Humane Letters from Hebrew Union College and the title of MAGGID from the World Union for Progressive Judaism. As Mr. Bikel marks his 85th birthday this June with a celebratory concert at Carnegie Hall, I feel grateful for this talented individual whose artistic vision and civic activism have profoundly touched the lives of all Americans.

HELP OUR BORDER COMMUNITIES

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. FILNER. Madam Speaker and colleagues, I rise today to speak about a very important bill that I just introduced, the Save Our Border Communities Act (H.R. 670). The bill would reimburse police, firefighters and other first responders for services associated with U.S. Ports of Entry.

Local law enforcement and first responders are bearing the brunt of protecting our borders. The federal government has not reimbursed border towns for border-related incidents and its drain on local police, firefighters and first responders is increasingly unbearable.

In Imperial County, California, the already strained local police department has announced that due to the high volume of border-related requests, it will no longer respond to most calls from the U.S.-Mexico Port of Entry. The local police department stated they cannot afford to process and transport the numerous individuals with out-of-county misdemeanor warrants to the local jail. Now, instead of being brought to justice, these individuals are set free.

It is about time the federal government pays its fair share. I urge my colleagues to join me in ensuring all our border communities are fully reimbursed for protecting our nation's borders by supporting the Save Our Border Communities Act.

INTRODUCTION OF LEGISLATION ALLOWING INTERSTATE SHIPMENT OF UNPASTEURIZED MILK

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. PAUL. Madam Speaker, I rise to introduce legislation that allows the shipment and distribution of unpasteurized milk and milk products for human consumption across state lines. This legislation removes an unconstitutional restraint on farmers who wish to sell or otherwise distribute, and people who wish to consume, unpasteurized milk and milk products.

My office has heard from numerous people who would like to obtain unpasteurized milk. Many of these people have done their own research and come to the conclusion that unpasteurized milk is healthier than pasteurized milk. These Americans have the right to consume these products without having the Federal Government second-guess their judgment about what products best promote health. If there are legitimate concerns about the safety of unpasteurized milk, those concerns should be addressed at the state and local level.

I urge my colleagues to join me in promoting consumers' rights, the original intent of the Constitution, and federalism by cosponsoring my legislation to allow the interstate shipment of unpasteurized milk and milk products for human consumption.

DTV DELAY ACT

SPEECH OF

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2009

Mr. MARKEY of Massachusetts. Mr. Speaker, I want to commend you for quickly putting this Senate legislation (S. 328) before the House for immediate consideration. This is a bill that is responsive to the slate of digital television issues confronting consumers and the television industry.

In several weeks, without immediate action, millions of Americans may remain unprepared for the digital television transition. Mr. Speaker, as you know, I have had a long interest in the digital television transition. I held the very first hearing on ''High Definition TV'' in October of 1987—more than 20 years ago. In 1990, I battled hard and successfully as then-Chairman of the House Telecommunications and Finance Subcommittee to get the Federal Communications Commission to switch from pursuing an ''analog'' HDTV standard to a ''digital'' standard. Moreover, I fought to build into the Telecomm Act in 1996 the appropriate way in which broadcasters could utilize ''spectrum flexibility'' to multiplex the digital signal into several video programming channels or offer wireless interactive television or information services. And I pushed unsuccessfully in the context of the 1997 budget battles to prohibit the sale of ''analog-only'' televisions by the year 2000—an amendment that was opposed by every Republican in our Committee markup in 1997. The result was over a hundred million analog-only sets were sold into the marketplace even as the government was stipulating it intended to turn off the analog TV signal. The failure to mandate ''dual tuner'' TVs sooner has compounded the difficulty of this transition immeasurably by increasing the base of TV receivers that need converter boxes to receive digital TV signals.

Most recently, for the last two years as the Telecommunications and Internet Subcommittee Chairman, I convened six DTV hearings, requested and received three Government Accountability Office (GAO) reports, and wrote numerous oversight letters to the FCC, to NTIA, and to industry and consumer representatives in headlong pursuit of ensuring a successful digital television transition on February 17th.

At the last DTV hearing that we held the second week of September—just after the Wilmington, North Carolina switch-over test—the GAO testified:

> ''NTIA is effectively implementing the converter box subsidy program, but its plans to address the likely increase in coupon demand as the transition nears remain unclear. . . . With a spike in demand likely as the transition date nears, NTIA has no specific plans to address an increase in demand; therefore, consumers might incur significant wait time before they receive coupons as the transition nears and might lose television service during the time they are waiting for the coupons.''

In response, I asked the Acting NTIA Administrator to give the Subcommittee a contingency plan for dealing with the expected surge in coupons within 30 days. Now, that contingency plan did not arrive in 30 days. Instead, it arrived to us on November 6th—just after Election Day. The NTIA's ''Final Phase'' plan did not echo the GAO's alarm bells, but rather stated the following:

> ''This Plan demonstrates that the Coupon Program has both sufficient funds and system processing capabilities to achieve this goal . . . . and to do so without the creation a large backlog. Also, NTIA has built flexibility into the Program to respond to various or unexpected events. Moreover, based on actual, cumulative redemption data, NTIA would not exhaust the authorized $1.34 billion in coupon funding despite increased demand leading up to the analog shut-down on February 17th, and, in fact, may return as much as $340 million to the U.S. Treasury.''

That's from the NTIA just over two months ago. ''No problem,'' the agency is saying. In essence the agency is telling Congress, ''We have a plan to deal with the surge and we don't need any more money. No large backlog. And we'll have hundreds of millions of dollars left over.''

Now, why is this important? It is important because we were actually in session in November. We could have acted during the ''lame duck'' session if the Bush Administration had said, ''yes, we will likely have a shortfall'', or ''please, Congress, let's err on the side of caution and budget a couple hundred million more just in case . . .''. Yet NTIA told us all just the opposite. The agency said everything was fine and they didn't need additional money for coupons.

In late December, I asked for an urgent status update on the program. That's when NTIA wrote back to me—on December 24th—stating that a waiting list was going to begin in January of this year because the coupon program was hitting its funding ceiling. The agency indicated that to solve this issue and spend up to the $1.34 Billion in the underlying statute for coupons that another 250 million dollars at a minimum might be needed. And that amount would not necessarily reflect the actual demand for coupons the agency was newly projecting. The waiting list now represents approximately 3 million coupons.

In an attempt to respond quickly, I reached out the first week we returned here in January to Ranking Member JOE BARTON (R–TX) and said if we work together on an accounting fix we could start to address the waiting list issue and get the coupons flowing to consumers again and buy some time. I want to thank Rep. BARTON for his willingness to proceed on such a bill.

But that effort has simply become overtaken by events. If we passed it and also gave NTIA a couple hundred million dollars for additional coupons in a measure that passed through the House and through the Senate today, and arrived to the President's desk this evening, we simply wouldn't be able to address the backlog and get coupons out to people who have requested them by February 17th.

Not every media market will be as unprepared as others on February 17th. I know that in the Boston market, our local commercial and noncommercial broadcasters, as well as our local cable operators, have worked diligently to be ready on February 17th and I commend them for their model efforts. Yet even in Boston, it is important to note that a recent test brought a flood of calls to consumer call centers from citizens confused about or unprepared for the switchover. Many other media markets, in part due to the demographic makeup of such markets, will have an even greater risk of significant dislocation without immediate action. The Bush Administration has simply left us with so little time to make the needed adjustments on a national basis absent a short, one-time delay.

So, although this is the last place we all wanted to be, and in spite of the fact that we toiled mightily to make this effort work, it is my judgment that a short delay is in the public interest in order to protect consumers. I urge passage of this emergency DTV legislation.

LAW ENFORCEMENT STATUS FOR LAW ENFORCEMENT OFFICERS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. FILNER. Madam Speaker, I recently reintroduced, along with my colleague JOHN MCHUGH, The Law Enforcement Officers Equity Act (H.R. 673). The purpose of this bill is simply to give law enforcement status to all federal law enforcement officers!

Many federal officials—for example, the Border Patrol—are classified as ''law enforcement officers,'' for the purposes of determining salary and retirement benefits. But many other officers—such as Immigration and Customs Enforcement (ICE) Inspectors, Veterans' Affairs Police Officers, U.S. Mint Police Officers, Internal Revenue Officers, Customs and Border Protection Seized Property Specialists, and police officers in about two dozen other agencies—do not have equal pay and benefits status.

The tragic irony, Madam Speaker, is that the only time these officers are classified as law enforcement officers is when they are killed in the line of duty. Then their names are inscribed on the wall of the National Law Enforcement Officers Memorial right here in Washington.

Let me say that again. It is only when they are killed that they are called law enforcement officers, and that is a tragic irony.

My district encompasses the entire California-Mexico border and is home to two of the busiest border crossings in the entire world, so I am very familiar with the work of our nation's border inspectors. They wear bulletproof vests, they carry firearms, and, unfortunately, have to use them. Most importantly, these inspectors are subject to the same risks as other officers with whom they serve side-by-side. However, they are not eligible for early retirement and other benefits, which are designed to maintain a young and vigorous law enforcement workforce that we need to combat those who pose life-threatening risks to our society.

The Law Enforcement Officers Equity Act will provide well-deserved pay and retirement benefits to the officers protecting our borders, our ports of entry, our military and veterans' installations and other sensitive government buildings. The costs of these benefits would likely be off-set by savings in training costs and increased revenue collection. The bill will also reduce turnover, increase yield, decrease recruitment and development costs and enhance the retention of a well-trained and experienced workforce.

Madam Speaker, the simple fact is that these officers have dangerous jobs and deserve to be recognized as law enforcement officers, just like others with whom they serve,

side by side, and who share the same level of risk. I encourage my colleagues to join me and Mr. MCHUGH in co-sponsoring, the Law Enforcement Officers Equity Act. The valiant officers who protect us deserve no less.

IN TRIBUTE TO JEWEL PEDI

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. GALLEGLY. Madam Speaker, I rise in tribute to my longtime friend Jewel Pedi, a person of enormous intelligence and drive, who is retiring at the tender age of 83 to spend well-earned time with her family.

More than 30 years ago, Jewel founded FOOD Share with a small group of like-minded members of the Ventura County, CA, community. The structure she built should ensure its survival for many years to come.

Jewel's dedication comes from a compassion rooted in her faith. That faith led her to work 3 years with state lawmakers on farm bills; to build coalitions with some 200 other non-profit agencies; and to step up to help those in need during the Northridge earthquake, southern California's numerous wildfires, the La Conchita landslide, and hurricanes across the Nation.

Along the way she has been honored with the American Red Cross 4th Annual Clara Barton Award; the city of Ventura Humanitarian of the Year Award; the P.W. Gillibrand Company, Inc., Humanitarian of the Year Award, among others.

Jewel is moving to Bullhead City, AZ, to be closer to her children. While retiring from her current calling, her faith is leading her to another. A pastor, Jewel will perform weddings; and, she said, she will see if another calling awaits her.

Madam Speaker, I know my colleagues will join my wife, Janice, and me in thanking Jewel for making Ventura County a stronger and more compassionate community and in wishing her Godspeed in her retirement.

NATIONAL BLOOD DONOR MONTH HONORS FLORIDA BLOOD SERVICES VOLUNTEERS AND STAFF

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. YOUNG of Florida. Madam Speaker, The foundation of our nation is built upon one person helping another in their time of greatest need. This month we honor those volunteers who "Give the Gift of Life" during National Blood Donor Month.

Florida Blood Services, which I have the privilege to represent in St. Petersburg, Florida, provides life-saving blood products for the 14 counties of the Tampa Bay, Northwest Florida and Southern Alabama areas, supplying 61 hospitals and ambulatory care centers. This fine organization also tests and screens blood for 30 East Coast blood centers and medical facilities from Maine to the north all the way to Puerto Rico to the south.

The heart of Florida Blood Service's operations is its volunteers. Last year, 100,000 blood and platelet donors rolled up their sleeves to donate one pint at a time to save the life of complete strangers near and far away. This includes some remarkable individuals who have made blood donation their passion. Frank Knight, III has donated 96 gallons of blood, Bobbie Bernstein 86 gallons, and my former District Director and now the Vice Mayor of Clearwater, George Cretekos, has donated 36 gallons of blood.

Florida Blood Services has an outstanding staff and Board of Directors that manages donor recruitment, collection, distribution and quality control programs. Don Doddridge is the Chief Executive Officer and this year also serves as President of America's Blood Centers. He has devoted his entire working career to promoting the need for blood donation and to ensure the safety of the procedure and the quality of the products. It has been a pleasure to work with Don and his staff over the years on a number of federal issues related to blood collection. This includes Don's work to focus national attention on ensuring that blood collection is a key part of our nation's disaster contingency planning and that plans are in place to be able to distribute blood products to areas in crisis. He has also seen that Florida Blood Services and other national blood banks are available to provide critical blood products to those serving in uniform here and abroad.

Finally, Madam Speaker, I want to commend Florida Blood Services for instilling in our nation's youth the need to serve others, in this case as blood donors. Through its unique high school leadership program, Florida Blood Services recruits high school students to organize and sponsor blood drives in high schools throughout the four-county Tampa Bay area. It was a real honor for me last April to be asked to speak to its High School Leadership Conference where they brought together more than 400 students who had led efforts in their schools. Together, students at these school-based drives donated 27,000 units of blood.

Madam Speaker, I would ask my colleagues to join me in paying tribute to Florida Blood services and their volunteer donors of all ages. Like blood donors all across America, they "Give the Gift of Life" every day to complete strangers out of a sense of service and compassion. We honor all these heroes during this National Blood Donor Month.

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

SPEECH OF

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. SOUDER. Madam Speaker, I rise today in support of H. Res. 39, and specifically in support of the work being done at St. Charles Borromeo in Fort Wayne, Indiana.

According to the 1972 statement by National Conference of Catholic Bishops: "The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives."

Madam Speaker, since its founding the St. Charles Borromeo school has been enriching the lives of individuals across Northeastern Indiana. With its emphasis on the traditions and principles of the Catholic faith, the school seeks to infuse in its students a sense of obligation to their community.

Elementary and Middle School are the early steps many individuals take on their way to academic achievement and lifelong learning. With its focus on math, computer training and science, St. Charles Borromeo equips students with the skills needed to thrive in a 21st century economy. Furthermore, by requiring all seventh and eighth grade students to study a foreign language, the school helps prepare students for the globalized marketplace.

As the mission of St. Charles Borromeo states, "all children deserve a safe, loving, and respectful environment where children and faculty can grow spiritually and academically." Madam Speaker, I second these thoughts and am grateful for the contributions the faculty and staff at St. Borromeo make in the lives of young people. I urge my colleagues to join me in support of this resolution and the efforts of Catholic schools across the country.

HONORING REVEREND CLAUDE BLACK JUNIOR

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. GONZALEZ. Madam Speaker, I rise today just days after the historic inauguration of our country's 44th President to honor a similarly honorable and trailblazing individual, Reverend Claude Black Jr. of San Antonio. On Sunday, January 18th, 2009, Rev. Black will be honored at Realizing the Dream's second annual Holiday Commemoration of Dr. Martin Luther King, Jr. with the organization's Testament of Hope Award. I join the organization in offering my congratulations for all his achievements and contributions to our country.

Born in a segregated San Antonio in 1916, Rev. Black's lifelong commitment to civil rights, justice, and equality is well-deserving of this recognition and honor. From leading marches for civil rights to attending the White House's Conference on Civil Rights in 1966 with President Lyndon Johnson, he has always been at the forefront of the fight for equality. And as the first African American Mayor Pro Tem of San Antonio in 1974, he paved the way for future African Americans to seek elected office and rightfully participate in our democracy.

Rev. Black is a hero and inspiration to all Americans. His efforts to better our society are not only worthy of this recognition but also our sincere gratitude. I am honored to call him a constituent, congratulate him for this recognition, and thank him for all he has done on behalf our community and our country.

LET DEPARTMENT OF DEFENSE AND CIVILIAN POLICE COORDINATE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. FILNER. Madam Speaker, I recently introduced the Department of Defense and Civilian Law Enforcement Coordination Act of 2009 (H.R. 675). My bill would amend federal law to permit Department of Defense law enforcement officers to better coordinate and cooperate with civilian law enforcement agencies. I drafted this legislation in cooperation with the Fraternal Order of Police (FOP) because many DOD law enforcement officers in my district have informed me that they are prohibited from basic coordination and cooperation with civilian agencies near DOD facilities. We need to ensure that federal, state, and local law enforcement are able to work together to apprehend criminals and to prevent and solve crimes. I hope that my colleagues will join me in co-sponsoring this important legislation.

CONGRATULATING THE GRAMBLING STATE UNIVERSITY FOOTBALL TEAM

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. ALEXANDER. Madam Speaker, I rise today to congratulate the Grambling State University (GSU) Tiger Football Team for becoming the State Farm Bayou Classic Champions, the Southwestern Athletic Conference (SWAC) Champions and the Sheridan National Black College Champions for 2008.

By defeating Southern University 29–14 in the 35th Annual State Farm Bayou Classic on November 29, GSU won the SWAC West Division and earned the opportunity to meet Jackson State University (JSU) in the SWAC Championship Game. This battle provided the Tigers a rematch against the victors of last year's game.

On December 13, GSU secured their 10th consecutive win of the 2008 football season, making the Tigers the new champs of this competitive conference. This win marked the Tigers 22nd time to capture the SWAC Football Championship. In addition, GSU head coach Ron Broadway was named the SWAC Coach of the Year.

Shortly following this victory, the Tigers were crowned the Sheridan National Black College Champions—marking their 14th time to win this national title in the school's history. This outstanding recognition is the second earned by Broadway in three years.

The Tigers finished the season with an impressive 11–2 record—matching the record of the 2005 GSU Football Team, which also earned these titles.

I would like to recognize the accomplishments of the players, coaches, students and staff that were instrumental in these triumphs.

Madam Speaker, I ask my colleagues to join me in congratulating the 2008 GSU Tiger Football Team for all of their successes achieved during this season.

HONORING THE HEROIC ACTIONS OF THE PILOT, CREW, AND RESCUERS OF US AIRWAYS FLIGHT 1549

SPEECH OF

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mr. ROTHMAN. Madam Speaker, I rise today in support of House Resolution 84, legislation to honor the heroic efforts of Flight 1549's Captain Chesley B. Sullenberger III, his flight crew, the First Responders and private citizens that prevented a catastrophic engine failure on a commercial aircraft from resulting in a single loss of life.

Just five minutes after lifting off on January 15, 2009, Captain Sullenberger's aircraft was struck by a flock of birds, resulting in the loss of two of his engines. The instant those engines failed, Captain Sullenberger, his crew, the passengers entrusted to his care, and residents of the 9th Congressional District of New Jersey who were in the plane's potential flight path were at grave risk. And yet, rather than give in to panic, Captain Sullenberger wrestled his damaged aircraft into a controlled water landing—an act described in the Wall Street Journal as ''one of the rarest and most technically challenging feats in commercial aviation.''

When his plane hit the water Captain Sullenberger and his flight crew—including First Officer Jeffrey Sikes and Flight Attendants Doreen Welsh, Donna Dent, and Sheila Dail—worked quickly and calmly to evacuate their passengers, not stopping until every man, woman and child was out of harm's way. Outside, they were aided by a growing flotilla not just of Coast Guard and police boats, but civilian ferries as well.

Once Flight 1549 was emptied of passengers, Captain Sullenberger walked up and down the aisles of the sinking aircraft twice, only exiting when he was absolutely certain that he had discharged his duty to completely evacuate the plane. His grace under pressure, as well as that of the rescue workers and flight crew, ensured that an emergency in the air did not become a disaster on the ground.

Madam Speaker, I urge my colleagues to join me in supporting House Resolution 84. The courage, level-headed professionalism and sheer heroism of the Captain and crew of Flight 1549 are an inspiration to all Americans.

HONORING DEBRA JORDAN

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. COURTNEY. Madam Speaker, I rise today with a heavy heart to mark the passing of a true champion for the working families of eastern Connecticut. Debra Jordan of Plainfield, beloved daughter, wife and mother, passed away on January 25, 2009 after a long and courageous battle with cancer.

Debra was a consummate professional who cared deeply about the rights of working men and women. She was an active member of UNITE HERE, serving as local 217's secretary-treasurer for more than 15 years. She fought tirelessly for the people with whom she worked, always believing that no matter what one's station in life might be, that everyone deserved to be treated fairly and justly.

Although her professional career was marked by her commitment to working families, it was the love of her own family that defined her life. Whether it was caring for her grandson Lucien Dube, or at the track watching her son Tim race, anyone who knew Debra could tell you that these were the moments that brought joy to her life and that great smile to her face. While we lament her passing, we know that her memory will live on in her beloved family, including her husband Patrick, to whom she was married for 25 years.

This has been a trying week for those of us who had the privilege to call Debra our friend. She left us too early, but as we grieve her we must remember the joy that she brought to the lives of all she touched. I ask my colleagues to join me in mourning the loss of Debra Jordan.

HONORING PURPLE HEART RECIPIENT FRANCIS J. SEYFRIED

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor an American hero and Purple Heart recipient, Mr. Francis J. Seyfried. A proud member of our Nation's military during World War II, Staff Sergeant Seyfried was killed over the North Atlantic when his plane evaded enemy fire, crashed into another aircraft, and his parachute landed in the frigid Atlantic waters below.

Born on November 22, 1921 in Brooklyn, New York, Mr. Seyfried joined the Army Air Corps on January 30, 1943. Stationed in Europe, he and his fellow soldiers were assigned to perform bombing runs over enemy lines. It was during his 43rd such attack on December 31, 1944 that Mr. Seyfried lost his life in battle.

Commonly known as the Piggyback incident, the midair collision of two military planes caused a sensation amongst military members at the time. Returning from a bombing run over Hamburg, Germany, Staff Sergeant Seyfried's aircraft was evading enemy fire when his plane collided with another Allied aircraft. The two planes stuck together, with the engine of one plane dug completely into the engine of the other. Instead of separating and crashing separately, the two planes continued flying together in piggyback fashion. While ten of the crew members from the two planes did manage to escape safely, Staff Sergeant Seyfried was lost in the frigid North Atlantic waters off the German coast.

Madam Speaker, soldiers like Francis J. Seyfried should be recognized for their service to our Nation and for their commitment and sacrifices in battle. I am honored to present Mr. Seyfried's family with his long overdue Purple Heart. While he has passed on from this life, his family, friends and loved ones should know that we truly consider him one of America's heroes.

LET'S REMEMBER OUR VIETNAM HEROES

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. FILNER. Madam Speaker, I have just re-introduced legislation intended to honor the service and sacrifice of many of the members of the United States Armed Forces who fought in Vietnam, the ''In Memory Medal for Forgotten Veterans Act'' (H.R. 671).

Those so recognized are veterans who have died as a result of their service in the Vietnam War but who do not meet the criteria for inclusion on The Wall of the Vietnam War Memorial in Washington, D.C. The Vietnam Veterans Memorial Fund has a program called ''In Memory'' which has raised money for a plaque that has been placed near The Wall. The plaque honors ''those who served in the Vietnam War and later died as a result of their service''. No names are on the plaque, but all names are kept in the ''In Memory Book'' at a kiosk near The Wall, and families can order a copy.

My bill adds to this recognition by presenting the families of these veterans with a medal, to be known as the ''Jesus (Chuchi) Salgado Medal'' to be issued by the Secretary of Defense. Chuchi Salgado was an outstanding individual who lived in my Congressional district, whose exposure to Agent Orange ultimately led to his death. His relatives continue to live in my district.

Because of the boundaries that have been set for the names to be placed on The Wall, Chuchi and many, many other Vietnam veterans are not honored in this manner. Now, with new veterans coming back from Iraq and Afghanistan, we are all taking a second look and a closer look at how veterans from past wars have been treated. While we must care for the newer veterans, we must also take this opportunity to do right by veterans of Vietnam, along with those of other past wars and conflicts.

I invite my colleagues to join with me in honoring these veterans. It is critical that we remember those who have fought so gallantly and sacrificed their lives for our freedom.

COMMEMORATING THE 50TH ANNIVERSARY OF THE BRANDON CHAMBER OF COMMERCE

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. PUTNAM. Madam Speaker, I rise today to recognize and applaud the Brandon Chamber of Commerce as it celebrates its 50th anniversary.

Since its establishment in 1959, the Brandon Chamber of Commerce has contributed greatly to economic growth and development in the Brandon area and has served as a valuable resource for local businesses.

The Brandon Chamber of Commerce offers programs and services that foster meaningful partnerships between businesses as well as between businesses and educational facilities. It also monitors developments in local, State, and federal government and helps coordinate member advocacy efforts.

The Chamber of Commerce provides a forum for future leaders from the Brandon area to grow and develop. It is also a great advocate for minority and women-owned businesses in the Brandon community.

In the past 10 years, membership in the Brandon Chamber has almost doubled, which is a tribute to both the employees at the Chamber and the economic vitality of the community. As Brandon has grown in size and flourished as a thriving metropolitan area, the Brandon Chamber has kept pace and helped facilitate the city's transition into a bustling commercial center.

During these challenging economic times, I know the Brandon community will look to and benefit from the guidance and expertise of the folks at the Chamber.

Under the skillful leadership of Chamber President Tammy Blackwell and the hard work of her team, I am confident the Chamber will continue to effectively serve, protect, and promote the businesses and economic interests of the Brandon community. Congratulations and best wishes on reaching this historic milestone.

DTV DELAY ACT

SPEECH OF

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2009

Mr. MATHESON. Mr. Speaker, I'd like to thank Chairman WAXMAN for addressing problems with the transition to digital television which was due to happen next month.

The simple fact is that millions of Americans are not prepared for the digital switch.

In Salt Lake City, Nielsen Media Research reports that nearly 9 percent of households are completely unprepared. Salt Lake ranks as the sixth least-ready out of 56 surveyed.

The coupons authorized by Congress 4 years ago—to help families acquire the hardware they need to view programs once the digital change is made—aren't getting to the customers.

Millions of Americans are currently waiting to receive the coupons. The agency charged with distributing them has fallen behind.

My office has been attempting to assist constituents with the program for several months. I know of cases where coupons have expired before they even reach consumer mail boxes. That's ridiculous.

I'd like to thank Chairman WAXMAN for working with the Senate to address concerns I raised about the coupon program. This is a Senate bill, but it is important to acknowledge the work of the Energy and Commerce Committee in trying to fix DTV problems.

The last thing families need right now is the prospect of additional monthly bills in order to watch television.

Finally, I am pleased to see that this bill allows for emergency services to begin using some analog space. It also provides flexibility by allowing broadcasters who are ready-to-go to switch to digital service earlier than June, which is a good idea.

DTV DELAY ACT

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2009

Mr. CASTLE. Mr. Speaker, I rise in opposition to S. 328, the DTV Delay Act.

Since 1996, our nation's first-responders have been calling for more broadcast spectrum to be made available for better and more effective communication among emergency services. Tragically, the lack of such spectrum was cited by experts as partially leading to many unnecessary deaths among those responding to the 2001 terrorist attacks in New York City. In fact, completing the digital television transition so that this spectrum may be used by police, firefighters, and emergency personnel was the main communications-related recommendation of the 9/11 Commission.

In 2005, after years of delay, Congress finally established February 17, 2009 as the date when the country will switch to all-digital broadcasting and eliminate the disruptions to public safety communications. Unfortunately, after more than a decade of preparing for the transition, the bill before us today would delay the digital transition for another three months.

Like many Delawareans, I am concerned about the management of the digital transition process and the shortfall in the number of converter box coupons available. It is critical that we act quickly to provide additional resources to address these complications and ensure our constituents are prepared for the transition date. Still, public safety services and broadcasters have spent millions of dollars preparing for the February 17th transition date and postponing the deadline again will only create more confusion and delay the implementation of this vital 9/11 Commission recommendation.

IN MEMORY OF BETH SHARON SAMUELS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. BERMAN. Madam Speaker, this month marks the second anniversary of the passing of Beth Sharon Samuels, an extraordinary Angelino who lost her life to cancer in January 2007 at the age of 31.

Beth grew up in Los Angeles, attending the Yeshiva University High School of Los Angeles and graduating as valedictorian. She went on to study at a women's seminary in Israel before graduating from Columbia University with a degree in mathematics. She then completed a three-year program at the Drisha Institute in Bible and Talmud, a Ph.D. in math at Yale, and earned an assistant professorship at the University of California, Berkeley. In the meantime, she gave birth to a daughter Danelle and later to daughter Natalia while undergoing intensive chemotherapy treatments.

Beth remains with us, even with increasing distance from her passing. We remember her passion for learning and zealous commitment to charity, her open spirit and fierce dedication

to women's Torah study. Beth's legacy will continue to grow through her students, friends, and, of course, her beautiful daughters.

I give my condolences to her parents, Elana and Zachary, her husband, Ari, her daughters, Danelle and Natalia, and her extended friends and family on this solemn occasion.

HOBART CHAMBER OF COMMERCE AWARD WINNERS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure that I stand before you today to recognize the Hobart Chamber of Commerce award winners for 2008 and to congratulate one of its member businesses, Burns Funeral Home, as they celebrate a momentous milestone, 100 years of excellent service. These outstanding recipients will be honored during the Chamber's annual awards and installation banquet, which will take place on Thursday, January 29, 2009, at the Avalon Manor in Merrillville, Indiana.

The Hobart Chamber of Commerce utilizes members of the community in order to improve and develop business, industry, and the professions. Each year, the Chamber members and friends gather together to honor the Business Award Winners, Volunteers of the Year, and to commemorate specific accomplishments within the community.

Continuing a tradition that goes back well over 50 years, the Chamber will honor its 2008 Business Award Winners. The Large Business of the Year award recipient is Saint Mary's Medical Center. The hospital continues to be a leader in providing outstanding health services to the community. For the fourth consecutive year, Saint Mary's Medical Center has also won the 2008 Distinguished Hospital for Patient Safety. The Small Business of the Year award recipient is Sebo's Nursing and Rehabilitation Center. This outstanding facility has grown into a 138-bed facility offering clinical services, specialty programming for Alzheimer's and Dementia patients, rehabilitation services, and many other amenities. The New Business of the Year award is being presented to 54 Main Bistro. The owners, Dave and Linda Papp, renovated an 1895 Victorian home and turned it into a local favorite that is known for its weekly changing menu. Each business is dedicated to providing excellent business to the community and for that reason, they are to be commended.

The Hobart Chamber of Commerce will honor the Herrick Family with the Volunteers of the Year award. Dr. James Herrick, his wife Janet Herrick, and their daughter Cheryl Herrick have been dedicated volunteers in Hobart for many years. The family continues to be a staple in the community, donating their time and effort to numerous special events, fundraisers, the Kiwanis Club, Little League, and the community's school system, to name a few. For their selfless commitment to their community, I congratulate the Herrick family on this prestigious award.

The Hobart Chamber of Commerce will also congratulate Burns Funeral Home as they celebrate their 100th anniversary. In 1908, James E. Burns opened his first funeral home in Hammond, Indiana. His business was founded on providing compassionate care to the friends and families of the departed during their time of need. It was this principle that allowed the Burns family to expand to Gary, Hobart, and finally to Crown Point in the 1980s. Today, the family owned and operated business provides the same exceptional services, and I commend Terry, Sally, Jim, Patrick, and Jimmy Burns, and their entire staff on continuing the legacy of Mr. Burns.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring the Hobart Chamber of Commerce 2008 Business Award Winners, Volunteers of the Year, and also in congratulating the Burns family and their team on the 100th anniversary of Burns Funeral Home. For their dedication and commitment to the community of Hobart as well as Northwest Indiana, they are all worthy of the honors bestowed upon them.

FAIR TAXES FOR SENIORS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. FILNER. Madam Speaker, I recently reintroduced my bill, the "Fair Taxes for Seniors Act" (H.R. 674), which will provide a one-time increase in the capital gains tax exemption on the sale of a home for citizens who are 50 years of age or older. Passing this bill will give many seniors the additional money they need for nursing home care, medical costs, and other retirement expenses.

The Fair Taxes for Seniors Act doubles the current exemption by providing a one-time increase to $500,000 for a single person and $1 million for a couple that can be excluded from the sale of a principal residence for taxpayers who have reached the age of 50. Because they will be able to keep more, an added benefit is that family members and perhaps the government will be relieved of the burden of caring for these individuals as they grow older.

I hope that my colleagues will join me in cosponsoring this important legislation.

RECOGNIZING THE LIFE OF THE HONORABLE WILLIAM JEREMIAH TOLTON, JR.

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. MILLER of Florida. Madam Speaker, I rise today in recognition of the Honorable William Jeremiah Tolton, Jr., known to his friends as "Jere," who passed away on Friday, January 23, 2009. Judge Tolton's lifetime of service in both the civic and social realm set a precedent of excellence in the Northwest Florida area and he will be greatly missed.

Throughout most of his 71 years, Judge Tolton's life was spent bettering the civic and social realm. After earning a B.A. and J.D. from Washington and Lee University in Lexington, Virginia, Judge Tolton moved to Fort Walton Beach, Florida where he began practicing law. The succeeding years were marked with frequent promotions as Judge Tolton became the attorney for the Okaloosa County Commission and the City attorney to the City of Valparaiso, Florida. In 1972, Judge Tolton was elected to the Florida House of Representatives where he served for 4 years before resigning to accept yet another job in public service: Circuit Judge for the First Judicial Circuit of Florida.

When he retired on January 1, 2007, at the age of 69, Judge Tolton's 30 years on the bench made him the longest-tenured judge in the history of Florida's First Judicial Circuit. The 30 years encompassed some of the biggest trials in Florida, including the conviction of former Florida Senate President W.D. Childers. Additionally, Judge Tolton served as President of the Blue Ridge Institute for Juvenile and Family Law Judges and was Chairman of the Judicial Ethics Advisory Committee.

Judge Tolton is survived by his wife, the former Shari Deason, as well as his children, William Jeremiah Tolton III, Lizabeth Tolton Silk, and Timothy Tolton and his grandchild, Liam Silk. My wife Vicki and I send our most sincere condolences to the family as they grieve the loss of this exceptional father, judge, and civic leader.

Judge Tolton's longstanding career in public service will benefit the Northwest Florida community for many years to come. Madam Speaker, on behalf of the United States Congress, I am proud to recognize the exceptional life of the Honorable William J. Tolton, Jr.

TEXAS FIGHT

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. POE of Texas. Madam Speaker, Coach Mack Brown and the Texas Longhorn football team had a great football season. The Longhorns played tough all year, winning 12 games, and losing only once. Among their wins, I would like to especially congratulate them on their victory on a neutral field over Oklahoma; a rivalry that has existed since 1900. With Texas beating Oklahoma again, it further extends the all-time series lead to 58 wins for UT to only 40 for OU.

For the University of Texas winning titles, championships, and individual awards are nothing new. The Longhorns have a rich tradition of conference titles, National Championships, and Heisman trophy winners. You can ask any player and they will tell you that just having the opportunity to play for the University of Texas is the dream of every football player in the great state of Texas. UT players are almost all from Texas, but occasionally an out of state player has the privilege of making his way onto the Longhorn team.

This year there was once again controversy surrounding the BCS. There were several teams including Texas that had legitimate claims to be the team playing for a National Championship. I personally think Texas and the "BCS National Champion Florida Gators" should have a real national playoff game and determine the National Championship. Only through a playoff system can we have a true National Champion every year. NCAA Division II and Division III have a football playoff system that works quite well.

While Texas beat Oklahoma, they were snubbed for the Big 12 Conference title game, which meant they had no chance to play for the National Championship. In addition to this, many felt Colt McCoy should have been given more consideration for the Heisman trophy. With everything that the Longhorns had to endure, it could have been enough for any team to just throw in the towel and give up. However, Coach Mack Brown kept his team focused and committed to their motto, ''Texas Fight.'' UT went on to play a very good Big 10, Ohio State team in the Tostitos Fiesta Bowl. In a thrilling game, Colt McCoy led a ''Heismanesk'' last minute drive and connected with Senior Quan Cosby for a 26-yard touchdown that gave Texas the win, 24–21.

You need to only look at the upbringing of quarterback Colt McCoy and receiver Jordan Shipley to see the character the Longhorns are made of. Both Colt and Jordan's fathers were teammates and roommates while playing football at my Alma Mater, Abilene Christian University. Brad McCoy was a receiver and Bob Shipley was a running back. After Bob and Brad graduated from ACU they kept in touch, raising their two families together. The two families regularly attended church together, went fishing, and other family activities. Both Brad McCoy and Bob Shipley instilled work ethic, faith in God, and leadership qualities into their two boys.

The character of these two resonates through the whole Longhorn team. They are Texas—a team committed to each other, their coaches, and the University.

Madam Speaker, University of Texas football is as much of a part of America as the flag and apple pie. It is almost a religion in the burnt orange state of Texas.

I commend the Longhorns and coaches for a great season. I look forward to another successful year in '09 along with the 59th win over Oklahoma. Hook'em Horns!

And that's just the way it is.

HONORING THE FOUR IMMORTAL CHAPLAINS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. FILNER. Madam Speaker and colleagues, I rise today to speak about an important resolution that I have reintroduced that honors the legacy of the Four Immortal Chaplains who sacrificed their lives over 65 years ago. (H. Res. 86)

On February 3, 1943, the U.S. Army Transportation Service troopship Dorchester was torpedoed in the North Atlantic by a German submarine. Of the 900 passengers and crew, 597 were military personnel, and four of those men were the ship's chaplains—Methodist chaplain George Lansing Fox, Rabbi Alexander Goode, Dutch Reformed minister Clark V. Poling and John P. Washington, a Roman Catholic priest. Each chaplain distributed life vests as the ship went down and then gave up their own when supply ran out. As the ship went down into the icy waters, survivors in the nearby rafts could see the four chaplains with their arms linked and braced against the slanting deck. According to eyewitnesses, the chaplains were heard offering prayers for the soldiers who had died in the wreckage.

In 1948, a stamp was issued honoring these four chaplains as true examples of ''Interfaith in Action.'' They were recognized by Congress and the President with a special Medal of Honor for their selfless acts of courage, compassion and faith.

The heroism of these brave men should serve as an example of love for others without regard to race, religion or creed, and an acknowledgment of the potential for human compassion. This message rings true today more than ever!

That is why I have reintroduced a resolution, which remembers the Four Immortal Chaplain and requests the President issue a proclamation calling on the Federal Government, States, localities, and the people of the United States to observe a day in their honor with appropriate ceremonies, programs, and activities.

It is important their story of extraordinary faith, courage, and selflessness is heard and should guide the way we live out lives with compassion for others, in the spirit of the four Chaplains. I invite my colleagues to join with me in honoring the Four Immortal Chaplains by supporting this important resolution.

IN HONOR OF THE REV. DR. FRANK WITMAN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. GALLEGLY. Madam Speaker, I rise in honor of my longtime friend, the Rev. Dr. Frank Witman, who is being honored this week with the prestigious Simi Valley, California, Chamber of Commerce Strathearn Lifetime Achievement Award.

None are more deserving of this recognition than Dr. Witman.

Dr. Witman planted himself in Simi Valley when he arrived in the summer of 1969 to assume the post of senior pastor of the United Methodist Church of Simi Valley. The third-generation United Methodist Church minister immediately anchored his roots, which grew and spread with every year.

Dr. Witman served on the board of directors of the Simi Valley Rotary Club, which he joined in mid-1969, and was the recipient of the Paul Harris Award, one of the highest honors Rotary bestows upon an individual.

In 1972, he led the Simi Valley Ministerial Association to join with the Businessmen Against the Card Club Ordinance to defeat organized gambling in Simi Valley.

Six years later, Dr. Witman founded the chaplain program for the Simi Valley Police Department and, for more than 30 years, he has served as the department's senior chaplain. Dr. Witman has provided comfort, counseling, prayers, and support during most of the city's traumatic and tragic events, including the untimely death of Officer Michael Clark. His support of the city and its police officers earned him the department's Volunteer of the Year Award in 1997, the department's Lifetime Service Award in 2007, and recognition from the Simi Valley City Council in 2008.

Dr. Witman also was a charter member of the Steering Committee for Leadership Simi Valley; a charter member of the Simi Valley Hospital Board Strategic Planning Committee; Simi Valley Hospital's 1995 Volunteer Chaplain of the Year; and an 8-year president of the Samaritan Center for the homeless.

In 1990, I had the honor of nominating Dr. Witman to offer a prayer to open a session of the House of Representatives as guest Chaplain, which he did on May 2, 1990.

Dr. Witman retired as Senior Pastor of the Simi Valley Unified Methodist Church in 1997, but he never ended his ministry, fellowship, service, and friendship to the people of the city.

Madam Speaker, I know my colleagues will join my wife, Janice, and me in thanking the Rev. Dr. Frank Witman for his nearly four decades of selfless service to the community, and will join the Simi Valley community in congratulating him for earning the Strathearn Lifetime Achievement Award.

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

SPEECH OF

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. SOUDER. Madam Speaker, I rise today in support of H. Res. 39, and especially in support of Bishop Luers High School in Fort Wayne, IN.

Madam Speaker, Catholic schools are an incredible asset to our country. Throughout much of our history, Catholic schools have provided a solid moral and intellectual education to millions of students, and served as a crucial stabilizing force for many immigrants to our great Nation. Catholic schools have been able to build communities of character in a way unique to much of the rest of our educational system, testified to by the untold amounts of service that have been performed by their graduates.

Bishop Luers is no different. In its mission statement, Bishop Luers pledges to equip each graduate with the spiritual, academic, and social tools they need to serve God and others—that they may be light to the world, so that, in the words of Matthew, others ''may see your good deeds and glorify your heavenly Father.''

Madam Speaker, Bishop Luers does this incredibly well. The school has many successful graduates, an excellent graduation rate, and impressive athletic achievements. In fact, Bishop Luers has been named one of the Nation's leading Catholic high schools by the national Catholic High School Honor Roll. The men and women of Bishop Luers who each day serve students and families deserve our deep gratitude.

Let me also take a moment briefly to note the incredible work Catholic schools have done and continue to do for minorities, often non-Catholic, and often for very low cost. Indeed, in many poor neighborhoods, the Catholic school is the only good option available to parents. In this way, Catholic schools play a crucial role in the pursuit of justice by building communities that respect the dignity of all people. They deserve our support.

Madam Speaker, I ask that my colleagues join with me in honoring Bishop Luers and other Catholic schools across the country. It is no exaggeration to say that such schools are critical to the future of our country.

THE INTRODUCTION OF CENTER TO ADVANCE, MONITOR, AND PRESERVE UNIVERSITY SECURITY SAFETY ACT OF 2009 (H.R. 748)

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. SCOTT of Virginia. Madam Speaker, today I rise to introduce the Center to Advance, Monitor and Preserve University Security ("CAMPUS") Safety Act of 2009. The purpose of this legislation is to enable our institutions of higher education to easily obtain the best information available on how to keep our campuses safe and how to respond in the event of a campus emergency. The bill creates a National Center for Campus Public Safety ("Center"), which will be administered through Department of Justice. The Center is designed to train campus public safety agencies in state of the art practices to assure campus safety, encourage research to strengthen college safety and security, and serve as a clearinghouse for the dissemination of relevant campus public safety information. The Director of the Center will have authority to award grants to institutions of higher learning to help them meet their enhanced public safety goals.

Over the past few years we have seen numerous tragedies occur at colleges and universities, including the disastrous events that occurred at Virginia Tech and Northern Illinois University. Unfortunately, because these events were the first of their kind for the schools, the Administrators were not fully knowledgeable on the best practices to prevent the tragedies and how to respond in the aftermath. We therefore must assist our institutions of higher learning to keep campuses safe.

The CAMPUS Safety Act will help institutions of higher learning understand how to prevent such tragedies from occurring, and how to respond in case they do.

I urge my colleagues to cosponsor and support this important legislation to ensure that the institutions of higher education have access to information on how to keep their schools safe.

RECOGNIZING JULIAN BOND

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. PRICE of North Carolina. Madam Speaker, I rise to congratulate Julian Bond, who will be recognized as the 2009 Humanitarian of the Year by the North Carolina State Conference of the NAACP. I am proud to be among those honoring him at the organization's 25th Annual Humanitarian Awards Banquet on January 31, 2009.

From his student days to his current chairmanship of the National Association for the Advancement of Colored People (NAACP), Julian Bond has been at the forefront of movements for civil rights and economic justice. As an activist jailed for his convictions, a veteran of more than 20 years in the Georgia General Assembly, and a university professor and writer, he has been on the cutting edge of social change since 1960.

Bond has experienced firsthand overt discrimination and racial prejudice, and he has spent a lifetime standing up against those who would deny him and others equal opportunity because of the color of their skin. He was a founder of the Student Nonviolent Coordinating Committee (SNCC) and was active in protests and registration campaigns throughout the South. He overcame opposition from members of the Georgia House of Representatives, and fought all the way to the United States Supreme Court in order to take his rightful seat. And he led a challenge delegation from Georgia to the 1968 Democratic Convention that successfully unseated Georgia's regular Democrats.

Bond has served since 1998 as Chairman of the Board of the NAACP, the oldest and largest civil rights organization in the United States. In 2002, he received the prestigious National Freedom Award. The holder of twenty-five honorary degrees, Bond is a distinguished professor at American University in Washington, DC, and a professor of history at the University of Virginia.

Bond currently serves as Chairman of the Premier Auto Group PAG (Volvo, Land Rover, Aston-Martin, and Jaguar) Diversity Council and is on the boards of People for the American Way, the Southern Poverty Law Center and the Council for a Livable World, and the advisory board of the Harvard Business School Initiative on Social Enterprise, among others.

Throughout his life and career, Dr. Bond has effected change and remained steadfast as an activist for social justice and civil rights for African-Americans and other minorities. He has led the nation by example, and I congratulate him for the honor he will receive in North Carolina on January 31.

THE TAX FREE TIPS ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. PAUL. Madam Speaker, I rise to help millions of working Americans by introducing the Tax Free Tips Act. As the title suggests, this legislation makes tips exempt from federal income and payroll taxes. Tips often compose a substantial portion of the earnings of waiters, waitresses, and other service-sector employees. However, unlike regular wages, a service-sector employee usually has no guarantee of, or legal right to, a tip. Instead, the amount of a tip usually depends on how well an employee satisfies a client. Since the amount of taxes one pays increases along with the size of tip, taxing tips punishes workers for doing a superior job!

Many service-sector employers are young people trying to make money to pay for their education, or single parents struggling to provide for their children. Oftentimes, these workers work two jobs in hopes of making a better life for themselves and their families. The Tax Free Tips Act gives these hard-working Americans an immediate pay raise. People may use this pay raise to devote more resources to their children's, or their own, education, or to save for a home, retirement, or to start their own businesses.

Helping Americans improve themselves by reducing their taxes will make our country stronger. I, therefore, hope all my colleges will join me in cosponsoring the Tax Free Tips Act.

CLEAN AIR FOR OUR BORDER

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. FILNER. Madam Speaker, I have introduced The Foreign Air Impact Regulation (FAIR) Air Act (H.R. 677). The purpose of this bill is to combat air pollution along our borders and to ensure that our communities are not unfairly penalized.

Our border communities are being besieged by toxic pollutants from neighboring countries. This is making the air quality along our border worse than ever—and leaves our communities with little recourse to improve the situation.

The FAIR AIR Act says that if pollution from another country causes non-attainment of air pollution regulations, then the EPA and the Secretary of State should work together to lower it! Furthermore, the effective date of reclassification should be delayed until the Secretary of State and local leaders develop a plan with the neighboring country to improve the air quality.

We cannot put this international problem on the backs of those who simply happen to live along the border. There truly needs to be a bi-national cooperative solution to address this important issue. We all breathe the same air and it is only with bi-national cooperation and working together to achieve better air quality standards for all!

IN HONOR OF SHERBURNE COUNTY SHERIFF BRUCE ANDERSON ON THE OCCASION OF HIS RETIREMENT

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mrs. BACHMANN. Madam Speaker, I rise today in honor of Bruce Anderson, who retires as Sheriff for Sherburne County, Minnesota, on Friday, January 30th. As County Board Chairman Arne Engstrom has said, Bruce Anderson "raised the bar so high for sheriffs in our state."

Bruce Anderson, raised in Elk River, Minnesota, first started with the Sheriff's Office in 1975, when he forfeited a football scholarship to the University of Minnesota to take a job as a dispatcher-jailer with Sherburne County. He was just 19 years old, but he knew he wanted a career serving his community in law enforcement.

Fourteen years ago, he took his experience with the office to a new level when he was elected to serve as the County's Sheriff. His professionalism and dedication earned him reelection three more times, without any opposition. When he told the County Board that he would be retiring, his announcement was

marked with the same humility and commitment that Sherburne residents have come to expect of his service. In fact, he thanked the Board for their support, thanked the citizens for the privilege to serve them, and thanked his staff—calling them ''unsung heroes.''

Bruce Anderson's tenure as Sheriff was marked by a number of enormous advances in the Office's operations. He oversaw an expansion of the County jail and worked out an arrangement to house federal inmates there as well. He brought extraordinary technological advances, including updating their radio system to digital to better enable Sherburne sheriffs to communicate with neighboring jurisdictions. And, he solved some real mysteries and crimes, including a high-profile 1992 murder.

Bruce's successor will be Captain Joel Brott, who has served in Sherburne County law enforcement for 12 years. Captain Brott has said that he considers Sheriff Anderson a mentor and with such tutelage, Sherburne is sure to be in good hands.

In the meantime, we look forward to seeing what next wonderful adventure in public service awaits Bruce Anderson. Sherburne County Commissioner Felix Schmiesing called Anderson's retirement ''the end of an era'' but I believe it is the start of a wonderful new chapter both for Bruce Anderson and for the people of Sherburne County, who I am certain he will continue to serve in some new way.

TRIBUTE TO PRIVATE GRANT A. COTTING

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. CALVERT. Madam Speaker, I rise to pay tribute to a hero from my congressional district, Army Private Grant A. Cotting. Today I ask that the House of Representatives honor and remember this incredible young man who died in service to his country.

Grant grew up in Corona, California and attended Santiago High School for three years before graduating from Buena Vista High School in 2007. During his senior year, Grant was part of the ROTC program and hoped to have a career in the military. School officials and counselors remember Grant fondly—he was a quiet student who never hesitated to lend a hand to fellow students.

Private Cotting enlisted in the Army after graduation and was assigned to the 515th Sapper Company, 5th Engineer Battalion, 4th Maneuver Enhancement Brigade based at Fort Leonard Wood, Missouri. A sapper company handles demolitions, laying and disarming mines, and other combat engineering tasks. On January 24, 2009, Grant was killed in Kut, Iraq, in support of Operation Iraqi Freedom. Grant leaves behind his parents, Craig and Amanda, and four younger brothers, Branden, Nick, Scott and Lucas.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men, just like Grant, who bravely fought for the ideals of freedom and democracy. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. The news of Grant's death was probably the hardest day the Cotting family has ever faced and my thoughts, prayers and deepest gratitude for their sacrifice goes out to them. There are no words that can relieve their pain and what words I offer only begin to convey my deepest respect and highest appreciation.

Private Cotting's family have all given a part of themselves in the loss of their loved one and I hope they know that their son and brother, the goodness he brought to this world, and the sacrifice he has made, will always be remembered.

TRIBUTE TO KATHLEEN CALLAN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. HIGGINS. Madam Speaker, I rise today to ask the House to join me in honoring a great Western New Yorker—one of many who are intentional Western New Yorkers, those who have chosen to live in our region as opposed to natives like myself. I rise today to honor Kathleen Callan as she ends her tenure as Executive Director of the Erie County Democratic Committee.

Kathy is a New Jersey native; a product of the Philadelphia, PA suburbs, educated first in local schools and later at American University in Washington, DC, where she earned her undergraduate degree. After high school experiences that included internships with then-Senator Bill Bradley and Congressman Rob Andrews, Kathy and her husband Tim moved to Western New York in 1995, as Tim studied for his PhD at the University at Buffalo.

Following a lengthy stint at the Western New York chapter of the American Lung Association which was marked by successful lobbying for passage of clean indoor air and anti-smoking legislation at the county and state levels, Kathy assumed the Executive Director's position upon the election of Chairman Len Lenihan in 2002.

From January 2003 to just a few days ago, Kathy served tirelessly as Executive Director, managing the day to day operations of the busiest and most successful county Democratic Party organization in upstate New York. Kathy's record of successful contributions to candidates for public office runs the gamut of offices in New York State. From trustee positions in the smallest villages of Erie County, to countywide offices like Comptroller and County Clerk, to state legislative and congressional officeholders and Justices of the State Supreme Court, several dozen public officeholders—myself included—owe Kathy a tremendous debt of gratitude for her intellect and instinct, her dedication and loyalty, and her tireless commitment to public service.

For that latter point, Madam Speaker, I do not wish to belabor, but instead to amplify. Over the past six years, Kathy worked literally scores of 80, 90 or 100-hour workweeks, dependent of course upon the time of year and the political calendar's requirements, in order to ensure that candidates for public office had the services they needed. As myself a former Secretary—a lifetime ago, it seems—of the very party she served so proudly, I can honestly say that no staff member of our local organization ever worked as hard, or as effectively, as Kathy Callan has.

So, Madam Speaker, it is with a somewhat heavy heart that we bid farewell to Kathy as Executive Director of the Erie County Democratic Committee, although I am certain that we will see her often. I hope the House will join me in wishing Kathy and her husband Tim good luck and Godspeed in all of their future endeavors, and again congratulate Kathy on a job superbly done.

DISABILITY BENEFITS FOR PEOPLE WITH HUNTINGTON'S DISEASE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. FILNER. Madam Speaker, I have introduced the Huntington's Disease Parity Act of 2009 (H.R. 678). The purpose of this bill is to improve Social Security Disability Benefits and Medicare coverage for people affected by Huntington's Disease.

Huntington's Disease (HD), is a genetic neurodegenerative disease (like Alzheimer's) that causes total physical and mental deterioration over a 10 to 25 year period. Eventually, every person diagnosed with HD will lose the ability to live independently. It is a rare disease, affecting 30,000 Americans, while another 200,000 are considered ''at risk'' of inheriting it from an affected parent.

Many people with HD who apply for Social Security disability benefits experience delays and denials due to the continued use of outdated and insufficient medical criteria. Often, by the time persons affected by HD are ''under review'' for SSA disability, many have already lost their employer-provided health insurance benefits. This legislation would address this problem by directing the Social Security Administration to revise its medical criteria for determining disability for people with HD.

The legislation would also remove the two-year waiting period for people living with HD to receive Medicare benefits after receiving Social Security disability benefits. Eliminating this waiting period will ensure individuals will get crucial care they need in the early stages of the disease. In 2000, the Centers for Medicaid and Medicare Services waived this waiting period requirement for people disabled by ALS (Amyotrophic Lateral Sclerosis or Lou Gehrig's disease), another degenerative neurological condition similar to HD.

IN APPRECIATION OF SPECIAL AGENT SCOTT SAMMIS OF THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. MOLLOHAN. Madam Speaker, I rise today to acknowledge the valuable contributions that Special Agent Scott Sammis of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has made to the House Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies this past

year specifically, and to Members of the Congress and the American people more generally.

Special Agent Scott Sammis came to the Subcommittee in February of 2008 on a professional detail from the ATF. At that time, Special Agent Sammis was Acting Division Chief of the Liaison Division within the Office of Public and Governmental Affairs. Special Agent Sammis joined the ATF nearly 20 years ago, and was first assigned to the Buffalo, New York field office. Soon after being assigned to that field office, Scott was the sole case agent on the Love Canal Bomber investigation. That investigation involved individuals who detonated two pipe bombs and set several fires in the vacant homes around the contaminated area, which had recently been declared habitable again. The individuals were arrested by Special Agent Sammis and ultimately convicted in U.S. District Court.

Then in December of 1993, four package bombs detonated throughout New York State, killing five people and injuring two. Two other packages were intercepted and rendered safe by local law enforcement. Special Agent Sammis had been investigating a large recovery of dynamite from three months earlier, and was able to connect the two investigations on the night of the bombings. He subsequently identified a suspect and obtained a 44-page signed confession within 18 hours of the bombings. The two suspects were convicted in U.S. District Court. Sammis received ATF's Johnny Masengale Memorial Award for his work on this investigation. This annual award was established in memory of Special Agent Johnny A. Masengale to recognize ATF employees involved in a special effort or special achievement in an explosives investigation or an explosives-related support activity. Special Agent Sammis and his impressive work leading to these arrests were featured on American Justice.

In October 1997, Special Agent Sammis was assigned to the Intelligence Division; specifically, the National Church Arson Task Force. As a project officer in this group, Special Agent Sammis utilized his computer skills to set up a database to track the hundreds of church fires occurring in the late 1990s. The honing of these computer skills would prove particularly invaluable to the Subcommittee on Commerce, Justice, Science and Related Agencies.

Over the following ten years, Special Agent Sammis would be assigned various positions within the ATF, including a position within the Resource Management Branch (RMB) of ATF's Financial Management Division and as the Resident Agent in Charge of the Richmond, Virginia Field Office.

Upon joining the Subcommittee, Special Agent Sammis was responsible for managing the sizable and complex database of congressional requests made of the Subcommittee. The database included several thousand individual requests made by members of Congress. His tenacity, ingenuity and thoroughness brought clarity and order to the cumbersome and time-consuming process of reviewing and tracking the myriad annual requests. He worked tirelessly into the early morning hours to ensure that the tabular material for inclusion in the Committee reports was complete and accurate and that certification letters were correct and submitted in accordance with the Rules of the House. During conference deliberations with the Senate, Scott ensured that the House and Senate tables merged correctly—a difficult task given that the House and Senate Subcommittees use different databases. Scott, as always, rose to the occasion and volunteered to take on this extremely important, time-consuming task.

In addition, Special Agent Sammis reviewed the congressional budget submissions of several independent agencies, and, at only the appropriate times, offered his impressions and observations based on his unique, personal experience in the field when questions related to law enforcement arose. When the work of the Subcommittee required late-night or extended hours, Special Agent Sammis ensured that the Subcommittee staff did not go without proper nourishment, offering suggestions from the menus of neighborhood eateries. He kept a catalog of quotable quips, day-to-day musings that brought him private amusement. His nail pin compressor, electric drill and hammer were always ready at hand, and for the sake of expediency, he insisted on moving office furniture in his suit and tie. There was little he would not do gladly. He performed his job admirably, with good humor and patience. Simply, Special Agent Sammis covered all the bases, and exceeded everyone's expectations.

It is with regret that the Subcommittee returns Special Agent Sammis to the ATF today. He has represented the law enforcement agents of the ATF with distinction and honor. I personally want to extend my appreciation, and that of Ranking Member RODNEY FRELINGHUYSEN, Senators BARBARA MIKULSKI and RICHARD SHELBY, and the Subcommittee staff for a job very well done. Once again, Scott, you have served the Congress and the American people well.

NATIONAL DATA PRIVACY DAY

SPEECH OF

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Ms. KILROY. Madam Speaker, I rise in strong support of H. Res. 31. In this digital age, people from all walks of life are affected by data privacy issues, from teenagers who maintain profiles on social networking websites to business professionals who schedule meetings and place orders online. Instant electronic communications have brought us closer together and made us prosperous in many ways, but they have also created threats to the privacy of our personal information.

As personal information becomes readily accessible online, those who endeavor to use our personal data to their own advantage are becoming increasingly sophisticated in their attempts to obtain it: the harvesting of personal information from public profiles of social networking websites, phishing and scamming e-mails, and passive monitoring of unsecured wireless networks all provide very real dangers to our personal information. The threat of identity theft, which can have devastating consequences that can take years to undo, remains very real to many people across the country as they use the Internet and go about their everyday lives.

These threats can be mitigated if individuals are vigilant in protecting their privacy, but few people are fully aware of all of the sources of potential danger to their personal information. Online security and computer security are broad subjects that encompass simple security measures such as using strong passwords as well as more complicated subjects such as the dangers of unsecured wireless networks. Increasing the awareness of these threats would greatly benefit individuals whose personal information is at risk online.

H. Res. 31 marks January 28, 2009, as "National Data Privacy Day". Our effort to establish this date as National Data Privacy Day would be in conjunction with numerous other organizations and institutions that are acting to encourage awareness of data privacy issues on this day. The Ohio State University in my district, for example, is strongly concerned with data privacy and will be printing articles, offering daily tips, distributing posters, and actively working with students, faculty and staff to raise awareness of personal information privacy issues.

Commendable efforts such as these encourage the discussion of data privacy in classrooms and living rooms across our country and will help individuals better protect themselves against the misuse of their personal information online and help them develop good security habits overall. I'm proud to be a cosponsor of this resolution and will work with my colleagues to continue to raise awareness of digital privacy, and safeguard ourselves in the digital area.

TRIBUTE TO THE APOLLO THEATER'S 75TH ANNIVERSARY SEASON AND THE CONTRIBUTIONS OF MR. PERCY SUTTON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Mr. RANGEL. Madam Speaker, I rise today to congratulate the Apollo Theater on kicking off its 75th Anniversary Season and its longtime success in showcasing many of the world's greatest entertainers. Additionally, I want to pay tribute to my dear friend Percy Sutton who saved the Apollo Theater and made this moment possible.

I also congratulate the Apollo Theater Foundation president & CEO Jonelle Procope and board chairman Richard D. Parsons for their leadership and their efforts in putting together this anniversary celebration.

Before there was American Idol, there was Amateur Night at the Apollo which launched the dreams of stardom for many of America's greatest entertainers. Among them are some of the legends: Ella Fitzgerald, Stevie Wonder, and James Brown.

Located in the heart of Harlem on 125th Street, the Apollo is the musical soul of our community. For the past 74 years, it has thrilled Americans of every race and religion who have enjoyed unforgettable performances by new and established artists. This year continues and celebrates that tradition.

I truly wish I could be there to celebrate this historic event. However, my work on the House Ways and Means Committee focusing on President Obama's economic recovery plan requires me to be in Washington.

The Apollo is special place in the entertainment world where many celebrities who started here come home and "look back." That is

the case with Dionne Warwick and Chuck Jackson who starred at the Apollo years ago and will be with us this week participating in the 75th Anniversary Season Kick-Off.

Once again, I congratulate the Apollo Theater and join in its celebration. Our district is proud to serve as the home of the Apollo and deeply appreciates all it has done for the community. We look forward to a 75th season filled with amazing talent and memorable performances.

IN RECOGNITION OF THE INSPIRATIONAL LIFE OF LAHORI RAM

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

Ms. SPEIER. Madam Speaker, our nation lost a shining light when Mr. Lahori Ram passed away earlier this month.

Mr. Ram was born in 1944 in the village of Lalwan, Punjab, India and came to America in 1972 with $308 in his pocket. He toiled in the fields of the Central Valley, picking almonds and peaches for seventy-five cents an hour while putting himself through school, eventually earning a Master's Degree in Economics and landing a job with the United States Postal Service at San Francisco International Airport.

When Lahori Ram arrived in America, he didn't know a single person. When he left us—far too soon—his friends were legion. Known as Uncle Ji to his extended family of Indian immigrants and their children, Lahori built a real estate empire in the Bay Area by buying and renovating rental properties.

A staunch supporter of his adopted country, Lahori and his beautiful wife, Pritam Kaur, raised three delightful children and saw to it that they received a stellar education and embraced their parents' dual affection for both America and the "old country" of India. His two sons, Jagdev (Jack) and Ajaipaul (Paul), are practicing attorneys and daughter Jagdish (Jackie) is on her way to an MBA. In addition, he always had time for his daughters-in-law, Ramitpal and Nelam and doted on his only grandchild, Jasmyne.

Madam Speaker, Lahori Ram was a passionate and progressive leader of the Indo-American community. He founded North America's first Sri Guru Ravidass Temple in Pittsburg, California in 1984. He tirelessly spread his message of equality for all humankind and encouraged education, hard work and love of family, community and country.

Lahori Ram was a mentor for Indians wanting to get involved in the American political process and was the first Indo-American to be appointed to a statewide commission in California. At the time of his passing, he served on California's Economic Development Commission. Previously he served on the state's Technology, Trade and Commerce Committee and the Transportation Commission.

Lahori and Prito Ram bought their first home in San Bruno in 1979. While he built a fortune—eventually owning more than 100 apartment units in the Bay Area—the family remained in their adopted community. His unexpected and sudden passing leaves many mourning the loss, but soon the mention of his name will bring only smiles as his many friends and relatives remember this good man, known worldwide for his grace, hard work and kindness. I am proud to have represented Lahori Ram and prouder still to have been his friend.

LILLY LEDBETTER FAIR PAY ACT OF 2009

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2009

Mr. RANGEL. Mr. Speaker, I rise today in support of S. 181, the Lilly Ledbetter Fair Pay Act.

The Lilly Ledbetter Fair Pay Act is critical in the struggle for financial equality. Even in 2009 women still on average earn 78 cents for every dollar earned by their male counterparts in a nation where 41 percent of women are the sole income providers for their families. Economic equality is not an issue that should be based on gender but on fairness and the quality of ones hard work. The Supreme Court Case of Ledbetter v. Goodyear Tire & Rubber Co., by the narrow 5–4 vote, greatly impaired the ability of women and others to challenge pay discrimination. The passage and enactment of this act will restore prior longstanding law which will enable women and others to challenge instances of pay discrimination within 180 days of a discriminatory pay check. For too long women have performed the same tasks and have been unequally compensated. Unequal pay is not merely a women's issue but a disparity that affects all of us.

Though there is still more work to be done in the fight for equality this legislation is an important step.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 29, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 3

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine modernizing the United States financial regulatory system.

SD–538

Daily Digest

HIGHLIGHTS

The House passed H.R. 1, American Recovery and reinvestment Act of 2009.

Senate

Chamber Action

Routine Proceedings, pages S949–S1006

Measures Introduced: Six bills and three resolutions were introduced, as follows: S. 337–342, S. Res. 24–25, and S. Con. Res. 3. **Page S994**

Measures Passed:

Adjournment Resolution: Senate agreed to H. Con. Res. 26, providing for an adjournment of the House. **Pages S1004–05**

National Data Privacy Day: Senate agreed to S. Res. 25, expressing support for designation of January 28, 2009, as ''National Data Privacy Day''. **Page S1005**

Measures Considered:

Children's Health Insurance Program Reauthorization Act: Senate continued consideration of H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, taking action on the following amendments proposed thereto: **Pages S950–90**

Rejected:

Grassley Amendment No. 41 (to H.R. 2, as amended), to strike the option to provide coverage to legal immigrants and increase the enrollment of uninsured low income American children. **Page S950**

By 32 yeas to 65 nays (Vote No. 18), McConnell Amendment No. 40 (to H.R. 2, as amended), in the nature of a substitute. **Pages S954–55**

By 37 yeas to 60 nays (Vote No. 19), Martinez Amendment No. 65 (to H.R. 2, as amended), to restore the prohibition on funding of nongovernmental organizations that promote abortion as a method of birth control (the ''Mexico City Policy''). **Pages S955–61**

Cornyn Amendment No. 67 (to H.R. 2, as amended), to ensure redistributed funds go towards coverage of low-income children or outreach and enrollment of low-income children, rather than to States that will use the funds to cover children from higher income families. (By 64 yeas to 33 nays (Vote No. 20), Senate tabled the amendment.) **Pages S961–62, S968–69**

By 36 yeas to 60 nays (Vote No. 21), Roberts Amendment No. 75 (to H.R. 2, as amended), to prohibit CHIP coverage for higher income children and to prohibit any payment to a State from its CHIP allotments for any fiscal year quarter in which the State Medicaid income eligibility level for children is greater than the income eligibility level for children under CHIP. **Pages S962–67, S969**

By 42 yeas to 56 nays (Vote No. 22), Kyl Amendment No. 46 (to H.R. 2, as amended), to reinstate the crowd out policy agreed to in section 116 of H.R. 3963 (CHIPRA II), as agreed to and passed by the House and Senate. **Pages S967–68, S969–76, S982–86**

By 47 yeas to 51 nays (Vote No. 23), Murkowski Amendment No. 77 (to H.R. 2, as amended), to provide for the development of best practice recommendations and to ensure coverage of low-income children. **Pages S976–78, S986**

Withdrawn:

Webb Amendment No. 58 (to H.R. 2, as amended), to amend the Internal Revenue Code of 1986 to provide a revenue source through the treatment of income of partners for performing investment management services as ordinary income received for performance of services and reduce accordingly the tobacco tax increase as a revenue source. **Pages S978–80**

Brown Amendment No. 79 (to H.R. 2, as amended), to strengthen and protect health care access, and to benefit children in need of cancer care or other acute care services. **Pages S980–82**

Pending:

Coburn Amendment No. 49 (to H.R. 2, as amended), to prevent fraud and restore fiscal accountability to the Medicaid and SCHIP programs. **Pages S986–87**

Coburn Amendment No. 50 (to H.R. 2, as amended), to restore fiscal discipline by making the Medicaid and SCHIP programs more accountable and efficient. **Page S987**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Thursday, January 29, 2009. **Page S1005**

Printing of Communication—Agreement: A unanimous-consent agreement was reached providing that a communication to Senator Byrd from the Office of Compliance related to USERRA regulations be printed in the Record.

Nominations Confirmed: Senate confirmed the following nominations:

Christina Duckworth Romer, of California, to be a Member of the Council of Economic Advisers.

(Prior to this action, Committee on Banking, Housing, and Urban Affairs was discharged from further consideration.)

Dennis Cutler Blair, of Pennsylvania, to be Director of National Intelligence.

James Braidy Steinberg, of Texas, to be Deputy Secretary of State.

(Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Jacob J. Lew, of New York, to be Deputy Secretary of State for Management and Resources.

(Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Robert L. Nabors II, of New Jersey, to be Deputy Director of the Office of Management and Budget.

(Prior to this action, Committee on Budget and Committee on Homeland Security and Governmental Affairs were discharged from further consideration.)

27 Air Force nominations in the rank of general.

42 Army nominations in the rank of general.

2 Marine Corps nominations in the rank of general.

Routine lists in the Air Force, Army, Marine Corps, and Navy. **Pages S1001–04, S1005–06**

Messages from the House: **Page S994**

Enrolled Bills Presented: **Page S994**

Executive Communications: **Page S994**

Additional Cosponsors: **Pages S994–95**

Statements on Introduced Bills/Resolutions: **Pages S995–99**

Additional Statements: **Page S993**

Amendments Submitted: **Pages S999–S1001**

Authorities for Committees to Meet: **Page S1001**

Privileges of the Floor: **Page S1001**

Record Votes: Six record votes were taken today. (Total—23) **Pages S954–55, S960, S969, S985, S986**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:32 p.m., until 9:30 a.m. on Thursday, January 29, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S1005.)

Committee Meetings

(Committees not listed did not meet)

HOUSING AND FINANCIAL CRISIS

Committee on the Budget: Committee concluded a hearing to examine federal response to the housing and financial crisis, after receiving testimony from Douglas W. Elmendorf, Director, Congressional Budget Office.

BUSINESS MEETING

Committee on Finance: On Tuesday, January 27, 2009, committee ordered favorably reported an original bill entitled, ''The American Recovery and Reinvestment Act''.

GLOBAL CLIMATE CHANGE

Committee on Foreign Relations: Committee concluded a hearing to examine global climate change, after receiving testimony from Former Vice President Al Gore, Nashville, Tennessee.

MUMBAI TERRORIST ATTACKS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine lessons from the Mumbai, India, terrorist attacks, after receiving testimony from Brian Michael Jenkins, RAND Corporation, Santa Monica, California; Ashley J. Tellis, Carnegie Endowment for International Peace, Washington, D.C.; and Alan Orlob, Marriott International Lodging, Bethesda, Maryland, and Michael L. Norton, Tishman Speyer, New York, New York, both on behalf of the Real Estate Roundtable.

ECONOMIC CRISIS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine impact of the economic crisis on the United States Postal Service, after receiving testimony from John E. Potter, Postmaster General and Chief Executive Officer, United States Postal Service; Dan G. Blair, Chairman, Postal Regulatory Commission; and Phillip Herr, Director, Physical Infrastructure, Government Accountability Office.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nomination Eric H. Holder, Jr., of the District of Columbia, to be Attorney General.

VETERANS ORGANIZATIONS

Committee on Veterans' Affairs: Committee concluded a hearing to examine veterans organizations' priorities for the 111th Congress, after receiving testimony from Dean Stoline, The American Legion, Rockville, Maryland; Adrian Atizado, Disabled American Veterans, Cold Spring, Kentucky; Todd Bowers, Iraq and Afghanistan Veterans of America, New York, New York; Carl Blake, Paralyzed Veterans of America, Fredericksburg, Virginia; Dennis Cullinan, Veterans of Foreign Wars of the United States, Washington, D.C.; and John Rowan, Vietnam Veterans of America, Middle Village, New York.

BUSINESS MEETING

Select Committee on Intelligence: Committee ordered favorably reported the nomination of Dennis Blair, of Pennsylvania, to be Director of National Intelligence.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 50 public bills, H.R. 734–735, 737–741, 743–785; 7 private bills, H.R. 736–742; and 13 resolutions, H. Con. Res. 29–35; and H. Res. 96–101 were introduced. **Pages H777–80**

Additional Cosponsors: **Pages H780–81**

Report Filed: A report was filed today as follows: Supplemental report on H.R. 598, to provide for a portion of the economic recovery package relating to revenue measures, unemployment, and health (H. Rept. 111–8, Pt. 2). **Page H777**

Speaker: Read a letter from the Speaker wherein she appointed Representative Tauscher to act as Speaker Pro Tempore for today. **Page H605**

Authorizing the use of the rotunda of the Capitol for a ceremony in honor of the bicentennial of the birth of President Abraham Lincoln: The House agreed to discharge from committee and agree to H. Con. Res. 27, authorizing the use of the rotunda of the Capitol for a ceremony in honor of the bicentennial of the birth of President Abraham Lincoln. **Page H607**

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure which was debated on Tuesday, January 27th:

DTV Delay Act: S. 328, amended, to postpone the DTV transition date, by a ⅔ yea-and-nay vote of 258 yeas to 168 nays, Roll No. 41. **Page H619**

Committee Elections: The House agreed to H. Res. 96, electing the following Members to certain standing committees of the House of Representatives: Committee on Homeland Security: Representatives Loretta Sanchez (CA), Harman, DeFazio, Norton, Zoe Lofgren (CA), Jackson-Lee (TX), Cuellar, Carney, Clarke, Richardson, Kirkpatrick (AZ), Luján, Pascrell, Cleaver, Al Green (TX), Himes, Kilroy, Massa, and Titus. Committee on Oversight and Government Reform: Representatives Kanjorski, Maloney, Cummings, Kucinich, Tierney, Clay, Watson, Lynch, Cooper, Connolly (VA), Norton, Kennedy, Davis (IL), Van Hollen, Cuellar, Hodes, Murphy (CT), Welch, Foster, Speier, and Driehaus. **Page H619**

American Recovery and Reinvestment Act of 2009: The House passed H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, by a yea-and-nay vote of 244 yeas to 188 nays, Roll No. 46. Consideration of the measure began on Tuesday, January 27th. **Pages H607–18, H620–H749**

Rejected the Lewis (GA) motion to recommit the bill to the Committee on Appropriations with instructions to report the same back to the House forthwith with amendments, by a recorded vote of 159 ayes to 270 noes, Roll No. 45. **Pages H746–48**

Pursuant to the rule, the amendment printed in part A of H. Rept. 111–9 shall be considered as adopted in the House and in the Committee of the Whole and the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule. **Page H642**

Accepted:

Oberstar amendment (No. 1 printed in part B of H. Rept. 111–9) that amends the aviation, highway, rail, and transit priority consideration and "use-it-or-lose-it" provisions to require that 50 percent of the funds be obligated within 90 days; **Pages H711–12**

Markey (MA) amendment (No. 2 printed in part B of H. Rept. 111–9) that requires that the Secretary require, as a condition of receiving funding under Title XIII of the Energy Independence and Security Act of 2007, that the demonstration projects utilize Internet-based or other open protocols and standards if available and appropriate, and requires that grants recipients utilize Internet-based or other open protocols and standards; **Pages H712–13**

Shuster amendment (No. 3 printed in part B of H. Rept. 111–9) that clarifies that Federal funds received by States under the bill for highway maintenance shall not be used to replace existing funds in place for transportation project; **Pages H713–17**

Nadler (NY) amendment (No. 4 printed in part B of H. Rept. 111–9) that increases transit capital funding by $3 billion; **Pages H717–20**

Waters amendment (No. 6 printed in part B of H. Rept. 111–9) that provides that job training funds may be used for broadband deployment and related activities provided in the bill; **Page H721**

Kissell amendment (No. 8 printed in part B of H. Rept. 111–9) that expands the Berry Amendment Extension Act to include DHS to require the government to purchase uniforms for more than one hundred thousand uniformed employees from U.S. textile and apparel manufacturers; **Pages H723–24**

Platts amendment (No. 9 printed in part B of H. Rept. 111–9) that inserts the text of the Whistleblower Protection Enhancement Act (H.R. 985 in the 110th Congress) regarding protections for federal employees who report waste, fraud, and abuse; and **Pages H724–31**

Teague amendment (No. 10 printed in part B of H. Rept. 111–9) that requires that the Recovery.gov website contain links and other information on how to access job information created at or by entities receiving funding under the bill; including links to local employment agencies, state, local, and other public agencies receiving recovery funds, and private firms contracted to perform work funded by the bill. **Pages H731–32**

Rejected:

Neugebauer amendment (No. 5 printed in part B of H. Rept. 111–9) that sought to strike the appropriations provisions from the bill (by a recorded vote of 134 ayes to 302 noes, Roll No. 42); **Pages H720–21, H743–44**

Flake amendment (No. 7 printed in part B of H. Rept. 111–9) that sought to strike funding for Amtrak (by a recorded vote of 116 ayes to 320 noes, Roll No. 43); and **Pages H721–23, H741–45**

Camp amendment in the nature of a substitute (No. 11 printed in part B of H. Rept. 111–9) that sought to strike everything after the enacting clause and add income tax rate deductions for bottom two income tax brackets, alternative minimum tax relief, small business deduction, bonus depreciation, small business expensing, expanded carryback of net operating losses, improved home buyer credit, unemployment benefit tax exemption, health insurance premium deduction, repeal of 3 percent withholding requirement for government contractors, extension of unemployment benefits, and a Sense of Congress against tax increases to offset outlays (by a recorded vote of 170 ayes to 266 noes, Roll No. 44). **Pages H732–43, H45**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H749**

H. Res. 92, the rule providing for further consideration of the bill, was agreed to by a yea-and-nay vote of 243 yeas to 185 nays, Roll No. 40, after agreeing to order the previous question without objection. **Pages H609–18**

A point of order was raised against the consideration of H. Res. 92 and it was agreed to proceed with consideration of the resolution by a yea-and-nay vote of 240 yeas to 174 nays, Roll No. 39. **Pages H607–09**

Meeting Hour for Monday, February 2nd: Agreed that when the House adjourns on Monday, February 2nd, it adjourn to meet at 12:30 p.m. on Tuesday, February 3rd for morning hour debate. **Page H749**

Meeting Hour for Friday, January 30th: Agreed that when the House adjourns today, it adjourn to meet at 9 a.m. on Friday, January 30, 2009, unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 26, in which case the House shall stand adjourned pursuant to that concurrent resolution. **Page H749**

Privileged Resolution: The House agreed to H. Res. 97, changing the size of the Permanent Select Committee on Intelligence. **Page H750**

Committee Resignation: Read a letter from Representative Conaway, wherein he resigned from the Committee on the Budget. **Page H751**

Quorum Calls—Votes: Four yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H609, H618, H619, H744, H744–45, H745, H748, H748–49. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:36 p.m.

Committee Meetings

COMMITTEE ORGANIZATION; COMMITTEE'S OVERSIGHT PLAN

Committee on Agriculture: Met for organizational purposes.

The Committee also approved the Committee's Oversight Plan for the 111th Congress.

SEXUAL ASSAULT IN THE MILITARY; VICTIM SUPPORT AND ADVOCACY

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on Sexual Assault in the Military: Victim Support and Advocacy. Testimony was heard from the following officials of the Department of Defense: Kaye Whitley, Director and Teresa Scalzo, Senior Policy Advisor, both with the Sexual Assault Prevention and Response Office; CPT Daniel Katka, USAF, Sexual Assault Response Coordinator; SFC Michael Horwath, USA, Sexual Assault Response Coordinator/Victim Advocate; and Chief Petty Officer Tonya D. McKennie, USN, Victim Advocate; and a public witness.

COMMITTEE ORGANIZATION; COMMITTEE'S OVERSIGHT PLAN

Committee on Foreign Affairs: Met for organizational purposes.

The Committee also approved the Committee's Oversight Plan for the 111th Congress.

COMMITTEE ORGANIZATION; COMMITTEE'S OVERSIGHT PLAN

Committee on Science and Technology: Met for organizational purposes.

The Committee also approved the Committee's Oversight Plan for the 111th Congress.

COMMITTEE ORGANIZATION; COMMITTEE'S OVERSIGHT PLAN

Committee on Small Business: Met for organizational purposes.

The Committee also approved the Committee's Oversight Plan for the 111th Congress.

FREIGHT/PASSENGER RAIL OUTLOOK

Committee on Transportation and Infrastructure: Subcommittee on Railroads, Pipelines, and Hazardous Materials held a hearing on Freight and Passenger Rail: Present and Future Roles, Performance, Benefits, and Needs. Testimony was heard from Joseph Boardman, President and CEO, National Railroad Passenger Corporation (AMTRAK); and public witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, JANUARY 29, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on the Budget: to hold hearings to examine the global economy, focusing on outlook, risks, and implications for policy, 10 a.m., SD–608.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine quality in health reform, 2 p.m., SD–430.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Thursday, January 29

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 2, Children's Health Insurance Program Reauthorization Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, February 2

House Chamber

Program for Friday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Alexander, Rodney, La., E163
Bachmann, Michele, Minn., E167
Berman, Howard L., Calif., E164
Brown-Waite, Ginny, Fla., E159, E163
Calvert, Ken, Calif., E168
Castle, Michael N., Del., E164
Courtney, Joe, Conn., E163
Filner, Bob, Calif., E159, E160, E161, E163, E164, E165, E166, E167, E168
Gallegly, Elton, Calif., E162, E166
Gonzalez, Charles A., Tex., E160, E162
Higgins, Brian, N.Y., E168
Kilroy, Mary Jo, Ohio, E169
Markey, Edward J., Mass., E161
Matheson, Jim, Utah, E164
Miller, Jeff, Fla., E165
Mollohan, Alan B., W.Va., E168
Paul, Ron, Tex., E160, E167
Poe, Ted, Tex., E165
Price, David E., N.C., E167
Putnam, Adam H., Fla., E160, E164
Rangel, Charles B., N.Y., E169, E170
Rothman, Steven R., N.J., E163
Scott, Robert C. ''Bobby'', Va., E167
Skelton, Ike, Mo., E160
Souder, Mark E., Ind., E159, E162, E166
Speier, Jackie, Calif., E170
Visclosky, Peter J., Ind., E165
Wasserman Schultz, Debbie, Fla., E160
Wilson, Joe, S.C., E159
Young, C.W. Bill, Fla., E162

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.