

S. 826

At the request of Mr. MENENDEZ, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Virginia (Mr. WEBB), the Senator from Florida (Mr. MARTINEZ) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 826, a bill to posthumously award a Congressional Gold Medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1070

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1211

At the request of Mrs. FEINSTEIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1211, a bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors.

S. 2092

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2092, a bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies.

S. 2585

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2585, a bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes.

S. 2639

At the request of Mr. JOHNSON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2639, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 3073

At the request of Mr. CORNYN, the name of the Senator from North Caro-

lina (Mr. BURR) was added as a cosponsor of S. 3073, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of absentee ballots of absent overseas uniformed services voters, and for other purposes.

S. 3229

At the request of Ms. CANTWELL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3229, a bill to increase the safety of the crew and passengers in air ambulances.

S. 3305

At the request of Mr. CHAMBLISS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3305, a bill to authorize the Secretary of the Army to establish, modify, charge, and collect recreation fees with respect to land and water administered by the Corps of Engineers.

S. 3331

At the request of Mr. CRAPO, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3331, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 3403

At the request of Ms. CANTWELL, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3403, a bill to amend title 49, United States Code, to require determination of the maximum feasible fuel economy level achievable for cars and light trucks for a year based on a projected fuel gasoline price that is not less than the applicable high gasoline price projection issued by the Energy Information Administration.

S. 3596

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3596, a bill to stabilize the small business lending market, and for other purposes.

S. 3652

At the request of Ms. CANTWELL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3652, a bill to provide for financial market investigation, oversight, and reform.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI (for herself, Mr. BOND, Mr. LEVIN, and Ms. STABENOW):

S. 3684. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction against individual income tax for interest in indebtedness and for State sales and excise taxes with respect to the purchase of certain motor vehicles; to the Committee on Finance.

Ms. MIKULSKI. Mr. President, our economy is in shambles. People are los-

ing their jobs, they are losing their life savings, and they are losing their homes. Congress must act and we must act now.

I agree with the Senator from Pennsylvania, Mr. SPECTER, that this session of the Congress and this session of the Senate should not be called a lame-duck. We should neither be lame nor should we duck the big issue facing our country. We have helped out. If you look at what we have done already—well, we have already done a bailout. We helped the sharks and we helped the whales. Now it is time to help the minnows, the little guy and gal, the American consumer.

I have that solution. Today, I introduce legislation, cosponsored by my colleague from Missouri, to save jobs in the American automobile industry, to help consumers, and get our economy back on track. It is simple, it is straightforward, and it is bipartisan. It is also timely and temporary.

My bill would save jobs. What is it that I want to do? I want to stimulate demand in the automobile industry so people actually come into showrooms and buy cars, minivans, or light trucks. Why is this a good idea? Actually, if you buy a car, someone has to make it, someone has to sell it, someone has to service it, and someone has to provide administrative services. This is good for manufacturers, the dealers, and the suppliers. It could save considerable jobs in the auto industry.

My bill is not about bailouts. It is about jobs, jobs, jobs. Six million jobs are at stake in the American car industry. One out of ten jobs in America relies on the auto industry. Right now, the facts are gloomy. Sales are down. The auto industry has already cut over 100,000 jobs. The 30,000 American dealerships in this country are at risk of losing 37,000 jobs. We cannot let this happen. We cannot let the American automobile industry implode.

I believe we can help by getting the consumers into the showroom, have them feel that Government is on their side in helping them with one of the biggest purchases during this tough time.

What does this amendment do? My bill is simple. If you buy a passenger car, minivan, or light truck between November 12 of this year and December 31 of 2009, you will get a tax deduction for your sales or excise tax and the interest on your loan. Families can save anywhere from \$2,000 to \$5,000 by the Mikulski-Bond bill.

This is a big deal because, next to the purchase of your home, the purchase of your automobile is your next big ticket.

It is targeted. I cap it at families with an income of over \$250,000 a year. It focuses on the middle-income and the middle-class family cars. It is also timely because we need to know that the biggest 6-week period for automobile sales is between Thanksgiving and New Year's Eve. They sell other cars during 6-week periods, but between Thanksgiving and New Year's

Eve is the biggest 6-week sale. This bill also helps the environment because it gets more people in more fuel-efficient cars.

This bill is not limited to only American cars. It focuses on any car, recognizing that many automobiles are now made in southern States, as Texas does Toyotas; Kentucky does Toyotas; Tennessee does Nissans. Any way we look at it, even though it might have a foreign logo, it is American jobs doing the manufacturing.

What would this mean? I have here a chart—it is bigger than me—for a Dodge minivan. The average minivans cost about \$25,500.

On a 4-year loan at an 8 percent excise tax, it would result in a savings of anywhere, depending on the State, from \$1,500 to \$2,000.

I have already heard from people all over this country how that, plus the deals being offered by manufacturers and dealers, could result in being able to buy a minivan for under \$20,000 a year.

This would be fantastic. I could put up chart after chart for the Malibu, for the Ford pickup 150, for the Toyota Camry. This would stimulate demand. Just think what it means. People could come into a showroom of their choice, and if we passed this bill—it would be retroactive to the day I announced they could actually buy something that would put them on the road with a car that is more fuel efficient with lower carbon emissions.

At the same time, jobs, jobs, jobs. As I said, there are 30,000 new car dealerships nationwide. They employ close to 1 million people. In my own home State there are 300 dealerships. People do not realize that dealers in many rural parts of my State usually employ over 50 people in sales, the auto mechanics, as well as the administrative positions. This legislation would help them because they would actually be working. It would help the people who are actually making those.

Senator SPECTER said he has been traveling the State. I have been traveling mine too. I went to the General Motors plant in Maryland at White Marsh where they make the new power transmission. Right now they can make a Tahoe hybrid, a Tahoe, a big muscle car, that with the hybrid technology they have now, can get the same mileage as a Toyota Camry.

If you also talk to the people who worked there, they could employ 1,000; they now employ 250 people. If you were with me in the car dealership and would talk to people such as the mechanic—I talked to a mechanic who works for a Chevy dealer in Bethesda. He has worked there for 23 years.

He said to me: Senator BARB, all my life I have loved to work on cars. I just love it. I love to fix them; I love to repair them. If they are new, I want to make sure they are fit for duty. I have earned a good living. I have been happy. I think I have helped make a lot of other people happy. But the only

way I can stay happy is if I continue to work. I have a mortgage. I have two kids in college. Maybe they are going to go into engineering, I do not know, but I know if we do not get more people into this dealership my job could be gone.

Talk to the dealer. The dealer's name is Sam. The first thing you know about him is he wears the little Rotary pin on his lapel because he is the guy who not only provides jobs, tries to provide good deals to customers, but also is the one who is part of the Chamber of Commerce, part of the United Way.

We are talking about people who are part of the fabric of our society. We are not talking about an abstraction. We are not talking about a single ZIP code like Wall Street. We are talking about the automobile industry in every State and every community. So when we help them, we are helping ourselves.

People say: what is the cost of this, Senator BARB? Well, I will tell you. It is about \$8 billion. They go: Oh, well, we just spent \$350 billion and threw it down the rat hole. We do not have anything to show for this \$350 billion but more arrogance and more greed. While they want Americans to dine on Lean Cuisine, they are dining on spa cuisine.

So I think it is time we help people in our own community, help the consumers who want to participate in the economy. Clunkers get traded in, and we also help them. Maybe you know somebody who works for a hedge fund, I do not. But I do know the people who work for the automobile industry—whether it is the dealers or the receptionist who came to work 43 years ago right out of high school who said: Senator BARB, we could not sell cars in those days, but I have been here in and out of this same dealer for 43 years, raised my kids, earned a good living, did the back office work. I want to keep on doing it. I am not ready for Social Security, and, for God's sake, do not put it in Wall Street.

Well, I say do not put Social Security on Wall Street and do not put another nickel on Wall Street. If we are going to help with our economy, let's do it where it creates jobs.

I wanted to explain the bill I have introduced today that I am going to bring up as part of our economic recovery plan on Wednesday. But most of all, what I wanted to say is, the Congress should not go home until we see how we are going to help this economy get rolling.

I think my bill which has been cosponsored by Senator BOND puts wheels on the American economy, and I hope I have victory on it later this week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, it is a real pleasure to join and partner with my good friend, Senator MIKULSKI, on this initiative to save American jobs, help American families, support the auto industry, as she has just said, and put America back on wheels.

During those tough economic times, we believe this proposal will help American families afford the cars, small trucks, and SUVs they need to get to work, to take their kids to school, and encourage investment needed to boost auto sales which will help save American jobs, help middle-class families, and support the auto industry.

Selling cars, again, is one of the most important things we can do for the entire auto industry, by encouraging now tentative buyers who are worried about making the payments to go ahead and purchase. This is the best way to get our auto industry back to work and provide the jobs people need.

In my home State of Missouri and throughout the Nation car sales have declined sharply in recent months, and there will likely be a further decline as the economy struggles. Cars and trucks are one of the largest purchases for households. Most rely on some kind of financing to acquire the vehicles.

By making interest payments and sales and excise taxes deductible, this program will help middle-class families afford the cars, SUVs, and light trucks they need to get to work and take their kids to school. This should mean real savings to middle-class families who are struggling to pay a mortgage or rent, buy groceries, and afford health care.

This proposal also helps the struggling auto industry and millions of jobs that are dependent on them: auto suppliers, steel and glass manufacturers, and the car dealers.

There are closing car dealerships in Missouri. They are shutting their doors, laying off workers, cutting jobs. Others are facing real squeezes. They, too, may be facing this same crisis if they do not get people purchasing cars.

With our economy shedding hundreds of thousands of jobs over the past several months, it is critical that we act now to prevent further losses to an industry that touches the entire Nation.

Now, in addition to this tax proposal, I think we must take action to provide bridge loan financing to Detroit's big three auto companies. The idea of getting Government involved in the free market is troublesome and potentially dangerous to the health of our system, but I strongly believe we have to act in unique times of crisis when millions of workers are in danger of losing their jobs. We are clearly in this unique crisis. We are experiencing a crisis unparalleled since the Great Depression.

It is for that reason that I will not turn my back on hundreds of thousands of Missouri jobs. Now is the time to act. Unlike many other industries, the auto industry touches, as I said, millions of manufacturing and servicing jobs across the Nation.

Over 100,000 auto workers are in assembly plants, more than 1 million workers are at auto dealerships in every State, over 300,000 workers are in the wholesale end of the auto industry,

over 800,000 workers work in auto repair, and over 500,000 workers are in auto parts plants.

These autoworkers are not just in big cities such as Detroit. Autoworkers are found supporting families in small- and medium-sized communities across rural America.

In my home State of Missouri, small towns such as Maryville in northwest Missouri have 10,000 people, and 1,800 families depend upon the 200 workers at the Federal-Mogul plant. They are making steering systems. Closing that plant will be a tough blow to the Maryville community dependent upon it.

We have 500 jobs at the Dura plant in Moberly, 400 at the Gates plant in Versailles, 170 at the Modine plant in Joplin. On and on it goes, like a long list of just about every Missouri small- and medium-sized town. We cannot afford to pull the plug on the manufacturing backbone of rural America.

These auto-dependent jobs, whether they are union or not—and many are not—provide very good wages. They are manufacturing jobs that support middle-class families. They provide health care benefits for families, retirement for the elderly, and a couple weeks of paid vacation. Without these blue-collar jobs, many of these middle-class families would slip back into lower incomes with no health care, little hope for college, and an uncertain future. We have to fight for working people and their jobs and not allow their employers to go under.

Despite the real need for temporary emergency assistance to save jobs in Missouri and across the country, I do not support a blank check from the Government. I want to make sure we are not simply throwing good money after bad. It is critical that any rescue include three basic principles: First, the bill must have strong taxpayer protection. This means any bill must ensure that taxpayers are repaid for their emergency assistance and that taxpayers share in the turnaround profits of participating automakers.

Second, the bill must include executive accountability so that failed executives are not rewarded for poor management. I do not know about you, but I am offended when I read in the paper that companies getting Federal bailout money are using it to pay bonuses. Some of them said they have already set the bonuses aside. Well, if they set the bonuses aside, they set them aside as their company was going down. Getting money from the Federal Government should not enable them to make those bonus payments.

I have seen one major Wall Street firm saying it is going to stop bonuses until this crisis is over. I think that is something we should commend. I think that is a practice that ought to be followed.

Third, and most important—and this is key—the bill must include significant financial reform so that recipients of taxpayer funds demonstrate that they have a plan to ensure long-term

competitiveness, health, and profitability by bringing their costs under control.

Funds should be conditioned on a strong restructuring plan for the industry and for each recipient to have funds so that this aid is a bridge to somewhere, not a bridge to nowhere. That is why I need to emphasize the need for a real financial strategy that will put the Detroit big three on the road to competitiveness, health, and profitability.

I believe we ought to set up a system where a responsible Government agency, a Secretary-level official, has to approve the continuing plans, the goals, the definable standards that must be met, and that official ought to hold them accountable for accomplishing the purposes, cutting the costs, and making the tough business decisions that are necessary to assure profitability.

Well, these are things I believe most of my colleagues want to see. I do not believe anybody wants to see the auto industry go down. But there is real concern that if we put in some money now, we may be back seeing them in the same condition several months down the road.

Well, the time has come for the auto industry to lay out for Government officials in their ability to approve the release of these funds if they have a plan. And as they go forward, they ought to be required to show the approving official that they are taking those steps that are necessary to make their plants and their companies profitable.

Some ask: Why don't we just allow the automakers to fall into bankruptcy like some in the airline industry? We all know bankruptcy has successfully allowed many airlines to get back in the air. I am afraid it would be a disaster for the thousands of parts and service businesses dependent on major automakers. How would they get credit to run their operations to supply a company in bankruptcy? How would the bankrupt company in the current crisis get the credit it needs to emerge from bankruptcy? Who is going to buy a car from a bankrupt company? What protections would they have for their warranties and other requirements they have for servicing?

Others say a financial rescue has no place in the free market. I agree that generally that is a good question. But even free markets need oversight and a safety net. That is why we have the Federal Reserve, the Securities and Exchange Commission, and the Federal Deposit Insurance Corporation. Each of these agencies is designed to take emergency actions in times of emergency. Clearly, that is what we have. That is why we should respond now.

There have been a lot of discussions on the source of funding for the auto industry, whether it should come out of the Treasury's Troubled Asset Relief Program, or TARP, or the Department of Energy's Section 136 program. I am

pleased to see that there seems to be broad support for assisting the auto industry despite the differences in funding. I support either or both of these measures of support, provided we meet the conditions I laid out which include significantly laying out a plan to profitability, cost cutting that will be approved and then will be monitored by the appropriate Government official who has the power to continue to release the funds.

I will discuss in other remarks how the TARP has changed in purpose from what we were told it would be. It has continued to change. I am afraid it has caused a great deal of uncertainty, which, obviously, markets do not like. But before closing, I wish to suggest an area where there is great need and where I believe the funds under the Troubled Asset Relief Program can and should be used to give the economy a major boost, creating the jobs we badly need, and that is in State and local government infrastructure.

Despite the Government's efforts to thaw the credit crunch, State and local governments continue to face hardships in municipal bond financing. People were telling me, once we got the money into the banks, credit would loosen up and municipal bonds could be sold. So far, we are not seeing that. State and local bond and debt financing is still a problem. In Missouri and throughout the Nation, many infrastructure projects are being delayed or scaled back due to credit problems, the inability to get credit, and they have not faced it in many years.

Even State and local governments with high credit ratings are struggling to obtain affordable financing. In Missouri, for example, we have some \$800 million approved in debt to rebuild our bridges. The city of Kansas City, MO, has \$200 million it is ready to spend on its water and sewer infrastructure. The St. Louis Airport is badly in need of funding for \$100 million in upgrades to facilitate commerce and continue to provide jobs. I believe the funds should be used to purchase those portions of those debts that can be used to put people to work in 2009. Not all of the \$800 million on fixing bridges is going to be spent in 1 year, but there should be a reasonable judgment as to how much work can be started when construction season begins in the spring.

We ought to be willing to have the Federal Government provide the funding and get the debt issuance in return, which, if they fund it at the current going rate for debt with the Federal Government, should be a no-cost ultimate cost to the taxpayer or an addition to the debt. But what these infrastructure jobs will do right now is provide work so that working men and women will be able to do things such as buy cars, provide for their families, spend the money to get the economy growing again.

I urge Treasury to consider assisting the municipal bond market through the TARP program. It will not only

boost infrastructure investments, build the critical infrastructure we need to make our economy go forward, but it will create jobs. As has been said many times before by people a lot smarter than I, a good job is the best social policy we have. A good job is the basis of the economy.

What we are advocating today in the bill I cosponsored with Senator MIKULSKI is a way to get cars sold so they will create jobs all up and down the chain in the auto industry and provide a bridge to somewhere for the future of the auto industry so they will get their costs under control, keep them out of bankruptcy, and make the changes that are needed to be competitive in the national and the world market.

I urge my colleagues to join with us in the legislation by Senator MIKULSKI and also in pushing to use the TARP funds for investment in municipal bonds that will put people to work on infrastructure.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3685. A bill to prohibit the selling and counterfeiting of tickets for a Presidential inaugural ceremony; to the Committee on Rules and Administration.

Mrs. FEINSTEIN. Mr. President, I come to the floor as chairman of the Rules Committee and as chairman of the Joint House-Senate Inaugural Committee. I come to introduce legislation to prohibit the selling and counterfeiting of tickets to the President's inauguration ceremony.

The inauguration of the President of the United States is one of the most important rituals of our democracy, and the chance to witness this solemn event should not be bought and sold similar to tickets to a football game. This is not a football game. This is a dignified and critical moment of transition in Government, a moment of which Americans have always been proud because it is, in fact, the strength of our democracy—the fact that all across this great land people go to the polls and elect the next President of the United States, they don't take to the streets, they don't take to weapons. They elect the next President of the United States.

We have all read the news reports: Tickets bid on the Internet for \$5,000 apiece, some going as high as \$40,000 each. Internet sites today are selling tickets they do not have and will not have unless somehow, some way they obtain them. I find it unconscionable.

These tickets are supposed to be free for people, for the volunteers who gave up their weekends, walking miles door to door to encourage voters to turn out at the polls on election day, for Members of the African-American community to see one of their own take the oath of office, the highest office in the land, for schoolchildren to witness history, and for the American public to watch this affirmation of our Constitution, this peaceful transition from one administration to another.

This is going to be a major civic event of our time. Excitement is at an all time high, and every one of us has received more phone calls for tickets than we could possibly ever meet. People are desperate to become part of it, to touch it, to be around, to feel it, to listen to it, and they are coming from all over the country. We could have more than 1.5 million people descend on the Nation's Capital for this inauguration.

Congress has the responsibility of overseeing this historic event. So we must ensure that the inauguration has all the respect and dignity it deserves.

These tickets are supposed to be free for the people. No one should have to pay for them. Once more, these tickets are not yet even available. They will not be distributed to congressional offices until the end of the week before the inauguration. And then the offices will require in-person pickup, with secure identification. But they will be free and they should stay that way.

I can tell you what I am going to do. We will ask people to pick up their tickets the day before the inauguration in my office. Everyone will submit their name, their address, and their driver's license. They must be who they are if there are tickets waiting for them. I believe this kind of procedure essentially deters unscrupulous people from selling these tickets on the Internet. No Web sites or other ticket outlets have inaugural swearing-in tickets to sell, despite what some of them claim.

This legislation is aimed at stopping those who seek to profit by selling these tickets. It would also target those who seek to dupe the public with fraudulent tickets or those who merely promise but can't deliver on tickets that they do not actually have.

I want to say one thing. We are working now to see if there is any creative way we might be able to secure more tickets for the House and the Senate. We have followed protocol with exactly the same distribution system that existed in prior inaugurals, but it is clear that there are not as many tickets as there are requests.

Those who violate the law under this legislation, if in fact it passes, would face a class A misdemeanor with a substantial fine, imprisonment up to 1 year, or both. I am also very pleased to tell you, Mr. President, that eBay and StubHub announced last week that they will not allow the sale of inaugural swearing-in tickets on any of their Web sites. I want to take this opportunity to thank them and to commend them for leading the way.

It is my hope that Congress will pass this legislation this week. I hope my colleagues will join me in supporting it on a hotline. I think it is very important to establish once and for all that tickets to the inauguration of the next President of the United States are not issues of commerce, they are free tickets to be given to the people.

So I hope that this week this legislation can pass unanimously by this

body. I send it to the desk and thank the Chair.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

By Mr. SPECTER:

S. 3686. A bill to establish an Office of Foreclosure Evaluation to coordinate the responsibilities of the Department of the Treasury, the Department of Housing and Urban Development, the Federal Housing Administration, the Federal Housing Finance Agency, the Neighborhood Reinvestment Corporation, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, and other Federal Government entities regarding foreclosure prevention, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SPECTER. I am now introducing legislation captioned "The Foreclosure Diversion and Mortgage Loan Modification Act of 2008." It would create an Office of Foreclosure Evaluation inside the Treasury Department, to coordinate a great many efforts. The core purpose of this legislation is to provide Federal endorsement and financial assistance for setting up programs such as those now in existence in Philadelphia and Pittsburgh, and similar programs which exist in New York, New Jersey, Ohio, and Connecticut, that suspend foreclosure until there has been an opportunity, under court supervision, to have the borrower and the lender sit down to try to work out a plan to avoid foreclosure. My full statement, which I will ask consent to place in the RECORD, goes into some great detail about the problems that exist at the present time regarding foreclosures.

In addition to the legislation I am proposing, the Federal Deposit Insurance Corporation has proposed a program aimed at preventing an estimated 1.5 million foreclosures in the next year. I have talked to the FDIC Chairwoman Sheila Bair, and think her proposal is a good one. The legislation I am proposing and the program Chairwoman Bair has proposed would supplement legislation which is now pending in the Congress. Last October, Senator DURBIN and I separately introduced bills that would permit mortgages to be modified by the bankruptcy courts. However, Senator DURBIN's legislation would permit the court to modify the principal sum. I think that goes too far and would have the undesirable consequence of making it more difficult to obtain a mortgage in the future. My legislation authorizes the bankruptcy courts to modify interest rates on variable interest rate mortgages. In many cases, there was not full disclosure to borrowers who took out these loans. Then they found that their mortgage went from \$1,200 a month, for illustrative purposes, to \$2,000.

It is my hope that Congress would stay in session beyond just this week. It seems to me the economic problems

we faced last July, before we adjourned for the month of August, required our remaining in session; I urged the leaders of the Senate to keep the body in session during August. And, I urged the President to call the Congress back into session. It seems to me the problem of delinquent mortgages and foreclosures is critical at the moment. I noticed Senator DODD was quoted in the Washington Post last Friday as saying he plans to introduce legislation and that he thought the FDIC proposal was a good one.

We are finding so many people are facing the threat of foreclosure. This is an issue which ought to be considered further. Congress ought to stay in session, ought to work these issues through, and ought to remain in session long enough to consider the details necessary to make a rational judgment on the proposal of economic aid to General Motors and the other companies.

I ask unanimous consent that the full text of my floor statement on the mortgage issue and the full text of the legislation be printed in the RECORD as if set forth in full on the Senate floor.

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

FLOOR STATEMENT OF SENATOR ARLEN SPECTER ON INTRODUCTION OF THE FORECLOSURE DIVERSION AND MORTGAGE LOAN MODIFICATION ACT OF 2008

Mr. President, I seek recognition today to introduce the "Foreclosure Diversion and Mortgage Loan Modification Act of 2008." The bill amends the recently passed Emergency Economic Stabilization Act and the Housing and Economic Recovery Act passed last July to ensure that more attention and resources are given to the urgent need to prevent home foreclosures and to stabilize the housing market.

The bill creates an Office of Foreclosure Evaluation in the Treasury Department. This Office will coordinate and foster foreclosure prevention efforts of the Treasury Department, the Federal Housing Finance Agency, the Federal Reserve, the Federal Deposit Insurance Corporation, the Department of Housing and Urban Development, and other federal agencies. The Office will also support and collaborate in foreclosure prevention efforts with state and local government agencies, state and local courts, and community based non-profit organizations, such as the State Foreclosure Prevention Working Group.

The current economic turmoil began with a housing market collapse that has had devastating consequences across the entire financial system. Widespread mortgage modification will address the root cause of the current crisis. Despite talk and efforts since early 2007 to encourage voluntary loan modification, the pace of affordable and sustainable modifications has not been of sufficient scale to contain the harm to our communities and our economy.

This month, HUD made a preliminary projection that only about 20,000 homeowners may be helped by the Hope for Homeowners program created as part of the Housing and Economic Recovery Act, instead of the anticipated 400,000. In October, a Federal Reserve Governor expressed concerns about the recent rise of shady companies that masquerade as non-profit foreclosure prevention organizations, and then charge distressed

borrowers thousands of dollars for their services. Congress must act to ensure that homeowners are getting the information and help they need to prevent avoidable foreclosures.

For the second quarter of 2008, foreclosure filings nationwide were up 121 percent over the second quarter of 2007. Comparing third quarter filings, the 2008 increase over 2007 is 71 percent. Today there are more than 1.5 million houses in foreclosure—three times the normal rate—and approximately 3.5 million other homeowners are behind on their mortgage payments. Too many families are losing their homes even when it makes more sense for the lenders to let them stay and make payments on a sustainable, modified mortgage. And despite reports from industry groups that there have been many modifications, consumer groups say many of these modifications simply spread missed payments over the remaining life of the loan, which has the perverse effect of raising, not lowering, the monthly payment. A recent Credit Suisse report found that of those mortgages where the monthly payments increased, 44 percent were more than 60 days delinquent after 8 months. By contrast, of those mortgages that received an interest rate reduction, only 15 percent were more than 60 days delinquent after 8 months. Similarly, of those mortgages where the principal balance was reduced only 23 percent were delinquent.

In some regions of the country the housing and job markets are holding up fairly well, but in other areas the increase in foreclosures is or will be devastating. But there is some good news: in some of the areas that have been hardest hit, there are newly instituted state-court based mortgage foreclosure diversion programs that require conciliation conferences between lenders and borrowers before a foreclosure or sheriff sale may proceed. In some places, there are hundreds of trained pro bono attorneys willing to help homeowners. Homeowners need these programs because, even though many states have housing financing programs, homeowners may not know about them and they may not know that lenders may offer modifications. A recent policy paper by the Mortgage Bankers Association of America showed that borrowers in 21% of foreclosures initiated in the third quarter of 2007 either could not be located or would not respond to repeated attempts by lenders to contact them. According to a report by Freddie Mac, 57 percent of late-paying borrowers do not know that their lenders may offer alternatives to help avoid foreclosure.

The October 17, 2008 Senate Judiciary Committee hearing I held in Pittsburgh explored Allegheny County's foreclosure prevention program, which is at an early stage. The Philadelphia hearing I held on October 24, 2008 explored a program that was adopted in April 2008, and it appears to be working. In the Philadelphia Mortgage Foreclosure Diversion Program's first few months, there were 1,019 mortgage foreclosure cases scheduled for conciliation conferences. In 467 cases (46%), borrowers did not participate. Of the 552 (54%) in which borrowers did participate, there was a "success" rate of 80%—meaning the homeowners remained in their homes as a result of settlement, postponement, or bankruptcy. Only 2 properties (.4%) were ordered to be sold at sheriff sale. The delays allow for more negotiation, or, in some cases for "graceful exits" so families can find a new place to live.

The witnesses at the Philadelphia hearing testified about successful outcomes for homeowners. One witness, Tania Harrigan, testified that her family fell behind in mortgage payments when her husband was laid off. They filed for bankruptcy but could not afford to pay the fees; the bankruptcy suit

was dismissed and the house was listed for sheriff sale for November 4, 2008. Through the Philadelphia foreclosure prevention program, the interest rate was lowered from 9.75% to 7%, which reduced the monthly payment from \$437 to \$411. The lender waived \$6,500 in late fees and the arrearage was put back into a new 30-year fixed rate mortgage. Another homeowner who was contacted through the program's door-to-door outreach initiative had an adjustable rate mortgage modified from a 22% interest rate to a fixed rate of 6%. Another homeowner saw a reduction in her monthly payments from \$1479 to \$1124 after the interest rate went from 9.9% to 5.5%. These were "voluntary" in the sense that the court did not impose the terms of the modifications. But the court does require communication, research and preparation before the conference. The court makes foreclosure a last resort instead of the first step by ensuring that servicers or lenders are not simply ignoring alternatives to foreclosure.

A city employee testified that, as a result of coordinated outreach, calls to the Save Your Home Philly Hotline, which sets up appointments with housing counselors, tripled from 150 per month at the beginning of the year to 460 per month currently. City-funded neighborhood assistance groups who have access to court foreclosure files go door-to-door to reach homeowners. The participation rate in the conciliation program for homeowners who answered the door and spoke to the outreach team was 73 percent, compared to 48 percent for families that received no such outreach. The city also funds Community Legal Services to provide legal assistance to distressed homeowners and training to the hundreds of volunteer attorneys who represent clients pro bono.

New York, New Jersey, Ohio, Connecticut and Florida have similar programs. As I've noted, Pittsburgh is also adopting a foreclosure diversion program. Common Pleas Court Judge Annette Rizzo in Philadelphia testified that she has had many inquiries about the foreclosure diversion program from numerous cities, states, and even from Sweden. These are good developments, and they should be nurtured.

That is what this legislation would do. It creates a federal Office of Foreclosure Evaluation that will encourage and assist cities and states in adopting mortgage foreclosure diversion programs. The Office will also conduct an informational campaign so that homeowners learn of state and federal housing finance programs that are available to help them, as well as other resources such as free counseling and legal representation by community legal services groups and local bar associations.

The states and cities are making progress, but federal assistance would help. The bill permits certain HUD Community Block Grant funds to be used for foreclosure prevention programs that provide free counseling and legal aid. Currently those funds may only be used for rehabilitation of vacant or foreclosed properties. There is also a provision that will free up funds so they may be used to support programs that provide legal advice and representation to homeowners in foreclosure actions; the current restriction on using funds for litigation is overly broad. Unlike some plans discussed in the press, this bill does not call for direct payments to borrowers. Rather, it makes federal funds available to support state and local foreclosure prevention programs that work.

The bill also addresses another reason there are not more affordable and sustainable loan modifications—even though modifications usually leave lenders with more money than the 50 cents on the dollar that a foreclosure sale typically brings them. Up until the last 10 or 15 years, a mortgage loan

involved two parties—the borrower and a bank that both originated the loan and retained the default risk. If the individual borrower had trouble, it was in the bank's interest to adjust the terms of the loan. But that is no longer the model. Through securitization, the risk of default has been transferred to investors. There is no longer a single entity that has an interest in reworking failing loans. The loans are pooled together and the stream of payments from those mortgages is divided up into securities owned by investors all over the world. A mortgage servicer manages the pools of loans and distributes the payments to investors. It is the mortgage servicer who has the ability to restructure a mortgage or foreclose on the property. However, the servicers do not have the same incentives that banks used to have. The way many pooling and servicing agreements (PSAs) are written, there may be no incentives for the servicers to restructure the loans. Servicers typically get paid a fee if they foreclose, but may have to absorb the cost of renegotiating the loans. One of the first steps the Office of Foreclosure Evaluation should take is to encourage servicers to use technology that would standardize the income to expense and loan resolution process to keep costs down. The Office also should determine what incentives may be needed to encourage servicers to modify contracts. It may ultimately be appropriate for the government to offer servicers a flat fee for each sustainable, affordable modification completed within a certain time period to help cover their additional costs.

Perhaps a more significant roadblock is that servicers are worried they may be sued by some of the investors. Many servicers still are thinking that it is best to simply pursue foreclosures. Congress tried to address this concern in the Housing and Economic Recovery Act of 2008 and again in the Emergency Economic Stabilization Act, by clarifying that, unless the contract or PSA clearly provides otherwise, the duty owed by the servicer to investors is owed to the entire pool and not to any individual groups or tranches of investors, but the servicers still appear to be reluctant or slow to modify.

The concerns of the servicers or lenders may not be unfounded. Recently, lawyers claiming to represent investors are challenging the settlement between Countrywide and 11 attorneys general; the settlement proposes to modify the loans of 400,000 borrowers. An October 24, 2008 article in the New York Times reported that certain hedge funds are opposing loan modifications because it might hurt their investments. At least two funds recently have warned servicers that they might be sued if they participated in government-backed plans to renegotiate delinquent loans. Congress must take action to protect homeowners who are getting caught in the middle. So far disputes over loan modifications have been theoretical because most mortgage servicers are not aggressively altering the terms of loans, but as a matter of public policy, we cannot let fear of tort and contract claims cause grave harm to consumers and the entire economy.

The bill addresses the litigation threat by requiring investors' attorneys to conduct a careful inquiry into the factual and legal bases of their claims, including consideration of the recent statutory clarification that the servicer's duty is to the entire pool of investors or beneficial owners. The attorneys also would have to obtain, as a prerequisite to filing suit, a certification from the new Office of Foreclosure Evaluation that the loan modifications in question were unreasonable or not permitted by restrictions on Real Estate Mortgage Investment

Conduits under the Internal Revenue Code. This opinion would be admissible, but not conclusive. These administrative prerequisites should result in more uniformity, guidance and clarity regarding applicable legal standards and best practices for servicers, taking into account the public interest and current threat to our economy posed by barriers to reasonable modification. This is not complete immunity from suit. If the litigation threat continues to impede modifications, Congress may have to hold hearings to consider sufficient safeguards for servicers—taking into consideration the importance of having capital available for the mortgage market.

In addition, although financial services industry groups have criticized arbitrary quotas in PSAs that limit the percentage of loans in a pool that may be modified, some PSAs do contain such quotas. These quotas may have seemed reasonable before the housing market crashed, but they do not make sense now, are against public policy and, to the extent these quotas are less than 25% of the total, they are rendered unenforceable by this bill.

Finally, to ensure we have reliable data regarding mortgage loan modifications, the bill requires mortgage servicers to report detailed data to the Office of Foreclosure Evaluation. The bill also requires the Office to submit reports to Congress. This data will help the Office and Congress understand whether voluntary efforts are sufficient, and what specific barriers there may be to case-by-case loan modifications, including specific provisions in pooling and service agreements that may be impeding reasonable steps to avoid foreclosures.

In the end, case-by-case loan modifications may not be sufficient to appreciably slow the rate of foreclosures, in which case the government may have to consider other options. In that regard, I believe the proposal made recently by Sheila Bair, the Chairman of the FDIC, deserves close consideration. Ms. Bair's proposal is based on the FDIC's real world experience with 5000 troubled mortgages at IndyMac Bank, which the FDIC recently took over. Under the proposal, delinquent homeowners would have their mortgage payments reduced to as low as 31 percent of their monthly income. The modifications would be based on interest rate reductions, extension of the term of the mortgage, and principal forbearance—in that order. The same protocol would be applied to all delinquent mortgages, rather than having a case-by-case assessment of each mortgage. The Bair proposal may have the advantage of enabling rapid modification of large numbers of mortgages, stemming the tide of foreclosures. If a modified loan defaults later, the government would share up to half of the losses. The proposal would be funded under the \$700 billion financial rescue package. I spoke to Ms. Bair last week, and she estimates her proposal could reach up to 2.2 million mortgages and enable 1.5 million homeowners to keep their homes. If effective, across-the-board rather than case-by-case modifications may be necessary.

In the meantime, the Foreclosure Diversion and Mortgage Loan Modification Act of 2008 will encourage servicers to engage in greater numbers of case-by-case mortgage modifications. This should be a goal those on both sides of the aisle can agree to. I urge my colleagues to support it.

By Mr. REID:

S. 3688. A bill to provide for additional emergency unemployment compensation, to amend the Emergency Economic Stabilization Act of 2008 to authorize loans to automobile manu-

facturers and component suppliers, and for other purposes; read the first time.

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

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

S. 3688

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

TITLE I—UNEMPLOYMENT COMPENSATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Unemployment Compensation Extension Act of 2008".

SEC. 102. ADDITIONAL FIRST-TIER BENEFITS.

Section 4002(b)(1) of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note) is amended—

(1) in subparagraph (A), by striking "50" and inserting "80"; and

(2) in subparagraph (B), by striking "13" and inserting "20".

SEC. 103. SECOND-TIER BENEFITS.

Section 4002 of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note) is amended by adding at the end the following:

"(c) SPECIAL RULE.—

"(1) IN GENERAL.—If, at the time that the amount established in an individual's account under subsection (b)(1) is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be augmented by an amount equal to the lesser of—

"(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law, or

"(B) 13 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

"(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

"(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

"(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

"(i) were applied by substituting '4' for '5' each place it appears; and

"(ii) did not include the requirement under paragraph (1)(A) thereof; or

"(C) such a period would then be in effect for such State under such Act if—

"(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

"(ii) such section 203(f)—

"(I) were applied by substituting '6.0' for '6.5' in paragraph (1)(A)(i) thereof; and

"(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

"(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection."

SEC. 104. PHASEOUT PROVISIONS.

Section 4007(b) of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note) is amended—

(1) in paragraph (1), by striking "paragraph (2)," and inserting "paragraphs (2) and (3),"; and

(2) by striking paragraph (2) and inserting the following:

“(2) NO AUGMENTATION AFTER MARCH 31, 2009.—If the amount established in an individual's account under subsection (b)(1) is exhausted after March 31, 2009, then section 4002(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

“(3) TERMINATION.—No compensation under this title shall be payable for any week beginning after August 27, 2009.”.

SEC. 105. TEMPORARY FEDERAL MATCHING FOR THE FIRST WEEK OF EXTENDED BENEFITS FOR STATES WITH NO WAITING WEEK.

With respect to weeks of unemployment beginning after the date of the enactment of this Act and ending on or before December 8, 2009, subparagraph (B) of section 204(a)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) shall not apply.

SEC. 106. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by sections 102, 103, and 104 shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, subject to subsection (b).

(b) ADDITIONAL BENEFITS.—In applying the amendments made by sections 102 and 103, any additional emergency unemployment compensation made payable by such amendments (which would not otherwise have been payable if such amendments had not been enacted) shall be payable only with respect to any week of unemployment beginning on or after the date of the enactment of this Act.

**TITLE II—AUTOMOBILE INDUSTRY
EMERGENCY ASSISTANCE**

SEC. 201. DIRECT BRIDGE LOANS TO MANUFACTURERS AND SUPPLIERS.

(a) IN GENERAL.—The Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended by adding at the end the following:

**“TITLE IV—DIRECT BRIDGE LOAN
PROVISIONS**

“SEC. 401. FINDINGS.

“Congress finds that extraordinary and exigent circumstances have prevented the automobile industry from securing essential credit and liquidity from other sources and that the failure of the automobile industry to obtain such credit and liquidity will have a systemic adverse effect on the economy.

“SEC. 402. PURPOSES.

“The purposes of this title are—

“(1) to clarify that authority and facilities are available to be used immediately by the Secretary to restore liquidity and stability to the automobile industry in the United States;

“(2) to ensure that such authority and such facilities are used in a manner that—

“(A) stimulates manufacturing and sales of automobiles produced by automobile manufacturers in the United States;

“(B) enhances the ability and the capacity of the domestic automobile industry to pursue the timely and aggressive production of energy-efficient advanced technology vehicles;

“(C) preserves and promotes the jobs of 355,000 workers in the United States directly employed by the automobile industry and an additional 4,500,000 workers in the United States employed in related industries; and

“(D) safeguards the ability of the domestic automobile industry to provide retirement and health care benefits for 1,000,000 retirees and their spouses and dependents; and

“(3) to reaffirm the purposes of section 2, which include providing the Secretary with broad authority to restore liquidity and stability to financial institutions, including automobile finance companies.

“SEC. 403. EMERGENCY DIRECT LOAN PROGRAM.

“(a) IN GENERAL.—The Secretary shall make loans in an aggregate amount equal to \$25,000,000,000, to automobile manufacturers and component suppliers that have—

“(1) submitted an application for a loan under this title that includes a statement of need for Government funding under this title to prevent a systemic adverse effect on the United States economy;

“(2) operated a manufacturing facility for the purposes of producing automobiles or automobile components in the United States throughout the 20-year period ending on the date of enactment of this title; and

“(3) operations in the United States the failure of which would have a systemic adverse effect on the overall United States economy, as determined by the Secretary.

“(b) ALLOCATION.—In allocating loan amounts under this title, the Secretary shall prioritize the distribution of loans under this section based on the magnitude of the impact of the manufacturing operations of the applicant in the United States on the overall economy of the United States and other segments of the automobile industry, including the impact on levels of employment, domestic manufacturing of automobiles and automobile components, and automobile dealerships.

“(c) PLAN FOR LONG-TERM FINANCIAL VIABILITY.—At the time of application for a loan under this title, an automobile manufacturer or component supplier shall submit to the Secretary a detailed plan on how the Government funds requested will be utilized to ensure the long-term financial posture of the company, and how such funds will stimulate automobile production in the United States and improve the capacity of the company to pursue the timely and aggressive production of energy-efficient advanced technology vehicles.

“SEC. 404. FUNDING FROM THIRD TRANCHE; TREATMENT OF LOAN AMOUNTS.

“The costs incurred by the Federal Government in making loans under this title, including credit subsidy costs and administrative expenses, shall be covered out of the funds made available to the Secretary generally under section 118 and, specifically, not from funds which are described in paragraph (1) or (2) of section 115(a), but with respect to the availability of which the reporting and procedural requirements contained in paragraph (3) of such section and section 115(c) shall not apply.

“SEC. 405. TIMING OF DISBURSEMENTS.

“(a) APPLICATIONS.—On and after the date that is 3 days after the date of enactment of this title, the Secretary shall accept applications for loans under this title.

“(b) DETERMINATION OF ELIGIBILITY.—Not later than 15 days after the date on which the Secretary receives an application for a loan under subsection (a), the Secretary shall make a determination regarding the eligibility of the applicant, based on whether the applicant meets the requirements of section 403(a).

“(c) DISBURSEMENT.—The Secretary shall begin disbursement of the proceeds of a loan under this title to an eligible applicant not later than 7 days after the date on which the Secretary receives a disbursement request from the applicant, upon a determination of the Secretary that the applicant is eligible under subsection (b).

“SEC. 406. TERMS AND CONDITIONS.

“(a) TERM TO MATURITY.—The term to maturity of any loan made under this title shall be 10 years, or such longer period as the Secretary may determine with respect to such loan.

“(b) RATE OF INTEREST.—The annual rate of interest for a loan under this title shall be—

“(1) 5 percent during the 5-year period beginning on the date on which the Secretary disburses the loan; and

“(2) 9 percent after the end of the period described in paragraph (1).

“(c) WARRANTS AND DEBT INSTRUMENTS.—The Secretary may not make a loan under this title unless the Secretary receives from the automobile manufacturer or component supplier a warrant or senior debt instrument made in accordance with the requirements for a warrant or senior debt instrument by a financial institution under section 113(d).

“(d) NO PREPAYMENT PENALTY.—A loan made under this title shall be prepayable without penalty at any time.

“(e) EXECUTIVE COMPENSATION.—

“(1) STANDARDS REQUIRED.—The Secretary shall require any recipient of a loan under this title to meet appropriate standards for executive compensation and corporate governance.

“(2) SPECIFIC REQUIREMENTS.—The standards established under paragraph (1) shall include the following:

“(A) Limits on compensation that exclude incentives for senior executive officers of a recipient of a loan under this title to take unnecessary and excessive risks that threaten the value of such recipient during the period that the loan is outstanding.

“(B) A provision for the recovery by such recipient of any bonus or incentive compensation paid to a senior executive officer based on statements of earnings, gains, or other criteria that are later found to be materially inaccurate.

“(C) A prohibition on such recipient making any golden parachute payment to a senior executive officer during the period that the loan under this title is outstanding.

“(D) A prohibition on such recipient paying or accruing any bonus or incentive compensation during the period that the loan is outstanding to any executive whose annual base compensation exceeds \$250,000 (which amount shall be adjusted by the Secretary for inflation).

“(E) A prohibition on any compensation plan that could encourage manipulation of the reported earnings of the recipient to enhance the compensation of any of its employees.

“(3) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

“(A) SENIOR EXECUTIVE OFFICER.—The term ‘senior executive officer’ means an individual who is 1 of the top 5 most highly paid executives of a public company, whose compensation is required to be disclosed pursuant to the Securities Exchange Act of 1934, and any regulations issued thereunder, and non-public company counterparts.

“(B) GOLDEN PARACHUTE PAYMENT.—The term ‘golden parachute payment’ means any payment to a senior executive officer for departure from a company for any reason.

“(f) PROHIBITION ON PAYMENT OF DIVIDENDS.—No common stock dividends may be paid by any recipient of a loan under this title for the duration of the loan.

“SEC. 407. OVERSIGHT.

“(a) IN GENERAL.—The provisions of sections 105, 116, 121, and 125 shall apply with respect to any loans made under this title, to the extent possible, in the same manner and to the same extent as such sections apply to transactions made under the authority of title I.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended—

(A) by inserting after the item relating to section 3 the following new item:

“Sec. 4. References.”

; and

(B) by adding at the end the following:

“TITLE IV—DIRECT BRIDGE LOAN PROVISIONS

“Sec. 401. Findings.

“Sec. 402. Purposes.

“Sec. 403. Emergency direct loan program.

“Sec. 404. Funding from third tranche; treatment of loan amounts.

“Sec. 405. Timing of disbursements.

“Sec. 406. Terms and conditions.

“Sec. 407. Oversight.”

; and

(2) REFERENCES.—The Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended by inserting after section 3 the following new section:

“SEC. 4. REFERENCES.

“Any reference—

“(1) in this division to ‘this Act’ or any subdivision thereof is a reference to this division A or any subdivision thereof;

“(2) in division (B) to ‘this Act’ or any subdivision thereof is a reference to division B or any subdivision thereof; and

“(3) in division (C) to ‘this Act’ or any subdivision thereof is a reference to division C or any subdivision thereof.”

TITLE III—EMERGENCY TREATMENT

SEC. 301. EMERGENCY TREATMENT.

All provisions of this Act and the amendments made by this Act are designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

By Mr. REID (for himself and Mr. BYRD):

S. 3689. A bill making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, and for other purposes; read the first time.

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

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

S. 3689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, and for other purposes, namely:

TITLE I

INFRASTRUCTURE, ENERGY, AND ECONOMIC RECOVERY

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for “Farm Service Agency, Salaries and Expenses”, for the purpose of maintaining and modernizing the information technology system, \$171,700,000, to remain available until expended.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE PROGRAM ACCOUNT

For an additional amount for 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: \$171,000,000 for section 502 direct

loans, and \$3,000,000,000 for section 502 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, to remain available until expended, as follows: \$11,500,000 for section 502 direct loans, and \$38,100,000 for section 502 unsubsidized guaranteed loans.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

For an additional amount for gross obligations for the principal amount of direct and guaranteed loans and grants as authorized by section 306 of the Consolidated Farm and Rural Development Act, to be available from the rural community facilities program account, as follows: \$612,000,000 for rural community facilities direct loans; \$130,000,000 for guaranteed rural community facilities loans; and \$50,000,000 for rural community facilities grants.

For an additional amount for the cost of direct loans, guaranteed loans, and grants, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to remain available until expended, as follows: \$35,000,000 for rural community facilities direct loans; \$4,000,000 for rural community facilities guaranteed loans; and \$50,000,000 for rural community facilities grants.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

For an additional amount for gross obligations for the principal amount of guaranteed loans as authorized by section 310B(a)(2)(A) of the Consolidated Farm and Rural Development Act, to be available from the rural business program account, as follows: \$1,000,000,000 for business and industry guaranteed loans.

For an additional amount for the cost of guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to remain available until expended, as follows: \$43,500,000 for business and industry guaranteed loans.

RURAL BUSINESS ENTERPRISE GRANTS

For an additional amount for “Rural Business Enterprise Grants”, \$40,000,000, to remain available until expended.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

For an additional amount for gross obligations for the principal amount of direct loans as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), \$30,000,000.

For an additional amount for the cost of direct loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to remain available until expended, \$12,600,000, for direct loans as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)).

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, and 310B and described in sections 306C(a)(2), 306D, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, \$200,000,000, to remain available until expended.

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

For an additional amount for the special supplemental nutrition program as author-

ized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$445,000,000.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For an additional amount for the Emergency Food Assistance Program, as authorized by Section 4201 of Public Law 110-246, \$50,000,000, of which the Secretary may use up to 10 percent for costs associated with the distribution of commodities.

COMMODITY ASSISTANCE PROGRAM

For an additional amount for the Commodity Supplemental Food Program, \$8,218,000, to support additional food purchases.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1101. (a) Hereafter, in this section, the term “nonambulatory disabled cattle” means cattle, other than cattle that are less than 5 months old or weigh less than 500 pounds, subject to inspection under section 3(b) of the Federal Meat Inspection Act (21 U.S.C. 603(b)) that cannot rise from a recumbent position or walk, including cattle with a broken appendage, severed tendon or ligament, nerve paralysis, fractured vertebral column, or a metabolic condition.

(b) Hereafter, none of the funds made available under this or any other Act may be used to pay the salaries or expenses of any personnel of the Food Safety and Inspection Service to pass through inspection any nonambulatory disabled cattle for use as human food, regardless of the reason for the nonambulatory status of the cattle or the time at which the cattle became nonambulatory.

(c) Hereafter, in addition to any penalties available under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Secretary shall impose penalties consistent with sections 10414 and 10415 of the Animal Health Protection Act (7 U.S.C. 8313, 8314) on any establishment that slaughters nonambulatory disabled cattle or prepares a carcass, part of a carcass, or meat or meat food product, from any nonambulatory disabled cattle, for use as human food.

SEC. 1102. FARM RELIEF. (a) SHORT TITLE.—This section may be cited as the “Farm Relief Act of 2008”.

(b) 2008 CROP DISASTER ASSISTANCE.—Section 9001 of the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28; 121 Stat. 211) is amended—

(1) in subsection (a)—

(A) by striking “There are hereby” and inserting the following:

“(1) IN GENERAL.—There are hereby”; and

(B) by adding at the end the following:

“(2) 2008 CROP DISASTER ASSISTANCE.—

“(A) IN GENERAL.—There are hereby appropriated to the Secretary such sums as are necessary, to remain available until expended, to make emergency financial assistance under this section available to producers on a farm that incurred qualifying quantity or quality losses for the 2008 crop due a natural disaster or any related condition, as determined by the Secretary.

“(B) SUGAR AND SUGARCANE DISASTER ASSISTANCE.—

“(i) FLORIDA.—There are hereby appropriated to the Secretary such sums as are necessary, to remain available until expended, to make payments to processors in Florida that are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) to compensate first processors and producers for crop and other losses due a natural disaster or any related condition, as determined by the Secretary, in Florida during calendar year 2008, by an agreement on the same terms and conditions, to the maximum extent practicable, as

the payments made under section 102 of the Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act of 2005 (Public Law 108-324; 118 Stat. 1235), including that the 2008 base production of each harvesting unit shall be determined using the same base year crop production history that was used pursuant to the agreement under that section.

“(ii) LOUISIANA.—

“(I) COMPENSATION FOR LOSSES.—There are hereby appropriated to the Secretary such sums as are necessary, to remain available until expended, to make assistance available to first processors of sugarcane that operate in a county affected by a natural disaster, or obtain sugarcane from a county affected by a natural disaster, in Louisiana and that are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)), in the form of monetary payments or commodities in the inventory of the Commodity Credit Corporation derived from carrying out that section, to compensate producers and first processors for crop and other losses due to the natural disaster or any related condition, as determined by the Secretary.

“(II) ADMINISTRATION.—Assistance under this clause shall be—

“(aa) shared by an affected first processor with affected producers that provide commodities to the processor in a manner that reflects contracts entered into between the processor and the producers, except with respect to a portion of the amount of total assistance provided under subclause (I) necessary to compensate affected producers for individual losses experienced by the producers, including losses due to saltwater intrusion, flooding, wind damage, or increased planting, replanting, or harvesting costs, which shall be transferred by the first processor to the affected producers without regard to contractual share arrangements; and

“(bb) made available under such terms and conditions as the Secretary determines are necessary to carry out this clause.

“(III) FORM OF ASSISTANCE.—In carrying out this clause, the Secretary shall—

“(aa) convey to the first processor commodities in the inventory of the Commodity Credit Corporation derived from carrying out section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a));

“(bb) make monetary payments to the first processor; or

“(cc) take any combination of actions described in items (aa) and (bb), using commodities or monetary payments.

“(IV) LOSS DETERMINATION.—In carrying out this clause, the Secretary shall use the same base year to determine crop loss that was elected by a producer to determine crop loss in carrying out the hurricane assistance program under section 207 of the Agricultural Assistance Act of 2003 (Public Law 108-7; 117 Stat. 543).

“(iii) TEXAS.—There are hereby appropriated to the Secretary such sums as are necessary, to remain available until expended, to assist sugarcane growers in Texas by making a payment in that amount to a farmer-owned cooperative sugarcane processor in that State, for costs of demurrage, storage, and transportation resulting from natural disaster or any related condition during calendar year 2008.

“(C) RELATION TO SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE PROGRAM.—A producer on a farm that accepts assistance made available under this paragraph for a crop loss is not eligible to receive supplemental agricultural disaster assistance for that crop loss under subtitle B of the Federal Crop Insurance Act (7 U.S.C. 1531) or title IX

of the Trade Act of 1974 (19 U.S.C. 2497 et seq.).”;

(2) in subsection (b), by striking “this section” each place it appears and inserting “subsection (a)(1)”.

(c) AQUACULTURE GRANTS.—

(1) IN GENERAL.—The Secretary of Agriculture shall make available grants under this subsection to appropriate State departments of agriculture (or other appropriate State agencies) that agree to assist producers of animals described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)) injured by increased costs for animal feed and that agree to comply with paragraph (2).

(2) ELIGIBILITY FOR GRANTS.—To be eligible to receive a grant under this subsection, the State department of agriculture (or other appropriate State agency) shall—

(A) agree to use the grants to distribute feed assistance through animal feed providers; and

(B) agree to require such animal feed providers to make such feed assistance available on a pro rata basis to active producers described in paragraph (1) based on documented feed use by such producers in 2007.

(3) FEED ASSISTANCE.—The Secretary shall make such grants available to such State departments of agriculture or other agencies allocated on a pro rata basis, based on total tons of feed for such animals consumed in such State in 2007.

(4) FUNDING.—There are hereby appropriated \$50,000,000 to carry out this subsection.

CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for “Economic Development Assistance Programs” for economic adjustment assistance as authorized by section 209 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3149), \$50,000,000, to remain available until expended: *Provided*, That in allocating funds provided in the previous proviso, the Secretary of Commerce shall give priority consideration to areas of the Nation that have experienced sudden and severe economic dislocation and job loss due to corporate restructuring.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$50,000,000, for the United States Marshals Service, to implement and enforce the Adam Walsh Child Protection and Safety Act (Public Law 109-248) to apprehend non-compliant sex offenders.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$75,000,000.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for “State and Local Law Enforcement Assistance” Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the Omnibus Crime Control and Safe Street Act of 1968 (“1968 Act”), (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), \$490,000,000.

For an additional amount for “State and Local Law Enforcement Assistance”, \$100,000,000, for competitive grants to provide

assistance and equipment to local law enforcement along the Southern border and in High-Intensity Drug Trafficking Areas to combat criminal narcotic activity stemming from the Southern border, of which \$15,000,000 shall be transferred to the “Bureau of Alcohol, Tobacco, Firearms and Explosives”, “Salaries and Expenses” for the ATF Project Gunrunner.

COMMUNITY ORIENTED POLICING SERVICES

For additional amount for “Community Oriented Policing Services”, for grants under section 1701 of title I of the 1968 Omnibus Crime Control and Safe Streets Act (42 U.S.C. 379dd) for hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section, \$500,000,000.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RETURN TO FLIGHT

For necessary expenses, not otherwise provided for, in carrying out return to flight activities associated with the space shuttle and activities from which funds were transferred to accommodate return to flight activities, \$400,000,000, with such sums as determined by the Administrator of the National Aeronautics and Space Administration as available for transfer to “Science”, “Aeronautics”, “Exploration”, and “Space Operations” for restoration of funds previously reallocated to meet return to flight activities.

RELATED AGENCY

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for “Payment to the Legal Services Corporation”, \$37,500,000, to provide legal assistance related to home ownership preservation, home foreclosure prevention, and tenancy associated foreclosure: *Provided*, That each limitation on expenditures, and each term or condition, that applies to funds appropriated to the Legal Services Corporation under the Consolidated Appropriations Act of 2008 (Public Law 110-61), shall apply to funds appropriated under this Act: *Provided further*, That priority shall be given to entities and individuals that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates; and (2) have the capacity to begin using the funds within 90 days of receipt of the funds.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for “Construction” for expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law, \$400,000,000, to remain available until expended: *Provided*, That not less than \$100,000,000 of the funds provided shall be for environmental infrastructure assistance: *Provided further*, That not less than \$75,000,000 of the funds provided shall be for rehabilitation of Corps of Engineers owned or operated hydropower infrastructure: *Provided further*, That 33 U.S.C. 2221 shall not apply to funds provided in this Act: *Provided further*, That notwithstanding any other provision of law, funds provided in this Act 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 Act may only be used for programs, projects or activities previously funded: *Provided further*, That funds provided in this Act shall be used for elements of projects, programs or activities that can be completed within these funding amounts and shall not create budgetary obligations in future fiscal years: *Provided further*, That the Secretary of the Army shall submit a report to the House and Senate Appropriations Committees within 45 days of enactment of this Act, specifying the projects, programs or activities that are to be funded with these supplemental funds: *Provided further*, That these funds must be obligated no later than December 31, 2010.

OPERATIONS AND MAINTENANCE

For an additional amount for "Operation and Maintenance" for expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law, and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, \$500,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for coastal harbors and channels, and inland harbors shall be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104-303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: *Provided*, That not less than \$150,000,000 of the funds provided shall be used for dredging any authorized inland and coastal waterways and ports to provide useful navigable widths and depths: *Provided further*, That not less than \$25,000,000 of the funds provided shall be used for rehabilitation of public use areas at Corps of Engineers projects and facilities: *Provided further*, That \$75,000,000 of the funds provided shall be used for maintenance activities for Corps of Engineers owned or operated hydropower infrastructure: *Provided further*, That funds provided in this Act may only be used for programs, projects or activities previously funded: *Provided further*, That funds provided in this Act shall be used for elements of projects, programs or activities that can be completed within these funding amounts and shall not create budgetary obligations in future fiscal years: *Provided further*, That the Secretary of the Army shall submit a report to the House and Senate Appropriations Committees within 45 days of enactment of this Act, specifying the projects, programs or activities that are to be funded with these supplemental funds: *Provided further*, That these funds must be obligated no later than December 31, 2010.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for "Mississippi River and Tributaries" for expenses necessary for the flood damage reduction program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$100,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662: *Provided*, That not less than \$75,000,000 of the funds provided shall be utilized for flood control, ecosystem restoration, and backlog maintenance of facilities along the tributaries of the mainstem of the river eligible under this account: *Provided further*, That funds provided in this Act may

only be used for programs, projects or activities previously funded in Acts making appropriations for Energy and Water Development: *Provided further*, That funds provided in this Act shall be used for elements of projects, programs or activities that can be completed within these funding amounts and shall not create budgetary obligations in future fiscal years: *Provided further*, That the Secretary of the Army shall submit a report to the House and Senate Appropriations Committees within 45 days of enactment of this Act, specifying the projects, programs or activities that are to be funded with these supplemental funds: *Provided further*, That these funds must be obligated no later than December 31, 2010.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources" for management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation and modification of reclamation and other facilities, including improvements or modification to provide environmental benefit, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, \$200,000,000, to remain available until expended: *Provided*, That not less than \$50,000,000 of the funds provided under this heading shall be used for rural water projects and these funds should be concentrated on water intake and treatment facilities: *Provided further*, That not less than \$5,000,000 of the funds provided under this heading shall be used for a bureauwide program for inspection of canals in urbanized areas: *Provided further*, That not less than \$45,000,000 of the funds provided under this heading shall be used for water reclamation and reuse projects: *Provided further*, That not less than \$15,000,000 of the funds provided under this heading shall be for maintenance and rehabilitation of Bureau of Reclamation owned or operated hydropower infrastructure: *Provided further*, That funds provided in this Act may only be used for programs, projects or activities previously funded: *Provided further*, That funds provided in this Act shall be used for elements of projects, programs or activities that can be completed within these funding amounts and shall not create budgetary obligations in future fiscal years: *Provided further*, That the Secretary of the Interior shall submit a report to the House and Senate Appropriations Committees within 45 days of enactment of this Act, specifying the projects, programs or activities that are to be funded with these supplemental funds: *Provided further*, That these funds must be obligated no later than December 31, 2010.

DEPARTMENT OF ENERGY

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For an additional amount for "Energy Efficiency and Renewable Energy", \$1,800,000,000, to remain available until expended: *Provided*, That of the funds appropriated, \$500,000,000 is directed to the Weatherization Assistance Program: *Provided further*, That of the funds appropriated, not less than \$300,000,000 is directed to advance battery technology research, development, and demonstration: *Provided further*, That of the funds appropriated, \$500,000,000 is directed to competitively awarded local government and tribal technology demonstration grants.

ELECTRICITY DELIVERY AND ENERGY

RELIABILITY

For an additional amount for "Electricity Delivery and Energy Reliability",

\$140,000,000, to remain available until expended: *Provided*, That funds shall be available for expenses related to smart grid technologies, critical energy facility process operation systems, and cyber security of control systems.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for "Non-Defense Environmental Cleanup", \$150,000,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For an additional amount for "Uranium Enrichment Decontamination and Decommissioning Fund", \$170,000,000, to remain available until expended.

SCIENCE

For an additional amount for "Science", \$175,000,000, to remain available until expended.

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 (Public Law 110-140; 42 U.S.C. 17012), \$1,000,000,000, to remain available until expended: *Provided*, That of such amount, \$5,000,000 shall be used for administrative expenses in carrying out the guaranteed loan program.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities", \$100,000,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for "Defense Environmental Cleanup", \$800,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. FUTUREGEN. (a) Subject to subsection (b), the Secretary of Energy shall re-instate and continue—

(1) the cooperative agreement numbered DE-FC-26-06NT42073 (as in effect on May 15, 2008); and

(2) Budget Period 1, under such agreement, through July 31, 2009.

(b) During the period beginning on the date of enactment of this Act and ending March 31, 2009—

(1) The agreement described in subsection (a) may not be terminated except by the mutual consent of the parties to the agreement; and

(2) Funds may be expended under the agreement only to complete and provide information and documentation to the Department of Energy.

SEC. 1302. Section 1222(g) of the Energy Policy Act of 2005 (Public Law 109-58; 42 U.S.C. 16421) is amended by striking "\$100,000,000" and inserting "\$2,500,000,000".

CHAPTER 4

DEPARTMENT OF THE TREASURY

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$10,550,000, to carry out the provisions of the Inspector General Act of 1978, including material loss reviews in conjunction with bank failures.

COMMODITY FUTURES TRADING COMMISSION

SALARIES AND EXPENSES

For an additional amount to carry out the provisions of the Commodity Exchange Act

(7 U.S.C. 1 et seq.), \$13,100,000, of which \$8,000,000 shall remain available until September 30, 2010.

GENERAL SERVICES ADMINISTRATION
REAL PROPERTY ACTIVITIES
FEDERAL BUILDINGS FUND
(LIMITATION ON AVAILABILITY)

For an additional amount to be deposited in the Federal Buildings Fund, \$547,639,000, to be used by the Administrator of General Services for GSA real property activities; of which \$201,000,000 shall be used for construction, repair and alteration of border inspection facility projects for any previously funded or authorized prospectus level project, for which additional funding is required, to expire on September 30, 2009 and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; and of which \$346,639,000 shall be used for the development and construction of the St. Elizabeths campus in the District of Columbia, to remain available until expended and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided*, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts provided unless advance approval is obtained from the Committees on Appropriations of a greater amount.

SMALL BUSINESS ADMINISTRATION
SALARIES AND EXPENSES

For an additional amount to be available until September 30, 2010, \$4,000,000 for marketing, management, and technical assistance under section 7(m)(4) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the Microloan program.

For an additional amount to be available until September 30, 2010, \$15,000,000 for lender oversight activities as authorized under section 1401(c) of this Act.

BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, \$1,000,000, to remain available until September 30, 2010; and for an additional amount for the cost of guaranteed loans, \$615,000,000, to remain available until September 30, 2010: *Provided*, That of the amount for the cost of guaranteed loans, \$515,000,000 shall be for loan subsidies and loan modifications for loans to small business concerns authorized under section 1401(a) of this Act; and \$100,000,000 shall be for loan subsidies and loan modifications for loans to small business concerns authorized under section 1401(b) of this Act: *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

SEC. 1401. ECONOMIC STIMULUS FOR SMALL BUSINESS CONCERNS. (a) TEMPORARY FEE ELIMINATION FOR THE 7(A) LOAN PROGRAM.—Until September 30, 2010, and to the extent the cost of such elimination of fees is offset by appropriations, with respect to each loan guaranteed under section 7(a) of Small Business Act (15 U.S.C. 636(a)) for which the application is approved on or after the date of enactment of this Act, the Administrator shall—

(1) in lieu of the fee otherwise applicable under section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)), collect no fee; and

(2) in lieu of the fee otherwise applicable under section 7(a)(18)(A) of the Small Business Act (15 U.S.C. 636(a)(18)(A)), collect no fee.

(b) TEMPORARY FEE ELIMINATION FOR THE 504 LOAN PROGRAM.—

(1) IN GENERAL.—Until September 30, 2010, and to the extent the cost of such elimination in fees is offset by appropriations, with respect to each project or loan guaranteed by the Administrator under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) for which the application is approved or pending approval on or after the date of enactment of this Act—

(A) the Administrator shall, in lieu of the fee otherwise applicable under section 503(d)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 697(d)(2)) for an institution described in subclause (I), (II), or (III) of section 502(3)(B)(i) of that Act (15 U.S.C. 696(3)(B)(i)), collect no fee;

(B) a development company shall, in lieu of the mandatory 0.625 servicing fee under section 120.971(a)(3) of title 13, Code of Federal Regulations (relating to fees paid by borrowers), or any successor thereto, collect no fee; and

(C) the Administrator shall, in lieu of the fee otherwise applicable under section 503(d)(3) of the Small Business Investment Act (15 U.S.C. 697(d)(3)), collect no fee.

(2) REIMBURSEMENT FOR WAIVED FEES.—

(A) IN GENERAL.—To the extent the cost of such payments is offset by appropriations, the Administrator shall reimburse each development company that does not collect a servicing fee pursuant to paragraph (1)(B).

(B) AMOUNT.—The payment to a development company under subparagraph (A) shall be in an amount equal to 0.5 percent of the outstanding principal balance of any guaranteed debenture for which the development company does not collect a servicing fee pursuant to paragraph (1)(B).

(c) TEMPORARY FEE ELIMINATION OF LENDER OVERSIGHT FEES.—Until September 30, 2010, and to the extent the cost of such elimination in fees is offset by appropriations, the Administrator shall, in lieu of the fee otherwise applicable under section 5(b)(14) of the Small Business Act (15 U.S.C. 634(b)(14)), collect no fee.

(d) TECHNICAL CORRECTION.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by redesignating paragraph (32) relating to an increased veteran participation pilot program, as added by section 208 of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008 (Public Law 110-186; 122 Stat. 631), as paragraph (33).

(e) APPLICATION OF FEE ELIMINATIONS.—The Administrator shall eliminate fees under subsections (a), (b), and (c) until the amount provided for such purposes, as applicable, under the headings “Salaries and Expenses” and “Business Loans Program Account” under the heading “Small Business Administration” under this Act are expended.

(f) DEFINITIONS.—In this section—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term “small business concern” has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 1402. None of the funds made available under this Act or any other appropriations Act for any fiscal year may be used by the Small Business Administration to implement the rule relating to women-owned small business Federal contract assistance procedures published in the Federal Register on October 1, 2008 (73 Fed. Reg. 56940 et seq.).

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
BORDER SECURITY, FENCING, INFRASTRUCTURE,
AND TECHNOLOGY

For an additional amount for “Border Security, Fencing, Infrastructure, and Technology”, \$303,000,000, to remain available until expended; of which not less than \$215,000,000 shall be for development and deployment of border security technology on the Southwest border; and of which not less than \$88,000,000 shall be for procurement and deployment of tactical communications equipment and land mobile radios for the U.S. Border Patrol.

CONSTRUCTION

For an additional amount for “Construction”, \$100,000,000, to remain available until expended, 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, to remain available until expended; of which \$300,000,000 shall be for procurement and installation of checked baggage explosives detection systems; and of which \$200,000,000 shall be for checkpoint explosives detection equipment: *Provided*, That no later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall provide the Committees on Appropriations of the Senate and the House of Representatives a plan for the expenditure of these funds.

COAST GUARD
ACQUISITION, CONSTRUCTION, AND
IMPROVEMENTS

For an additional amount for “Acquisition, Construction, and Improvements”, \$1,220,000,000, to remain available until expended; of which \$925,000,000 shall be for the acquisition of a new polar icebreaker or for necessary expenses related to the service life extension of existing Coast Guard polar icebreakers; of which \$150,000,000 shall be for the National Security Cutter program; and of which \$145,000,000 shall be for shore facilities and aids to navigation facilities: *Provided*, That no later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall provide the Committees on Appropriations of the Senate and the House of Representatives a plan for the expenditure of these funds.

ALTERATION OF BRIDGES

For an additional amount for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), \$90,000,000, to remain available until expended: *Provided*, That no later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall provide the Committees on Appropriations of the Senate and the House of Representatives an expenditure plan detailing how the Coast Guard will allocate the additional funds appropriated under this heading for bridges ready to proceed to construction.

FEDERAL EMERGENCY MANAGEMENT AGENCY
DISASTER ASSISTANCE DIRECT LOAN PROGRAM
ACCOUNT

Notwithstanding section 417(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the amount of any such loan issued pursuant to this section for major disasters occurring in calendar year 2008 may exceed \$5,000,000, and may be equal to not more than 50 percent of the annual operating budget of the local government in any case in which that local government has suffered a loss of 25 percent or more in tax revenues.

FEDERAL LAW ENFORCEMENT TRAINING
CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS,
AND RELATED EXPENSES

For an additional amount for “Acquisition, Construction, Improvements, and Related Expenses”, \$9,000,000, to remain available until expended, for security upgrades to the Federal Law Enforcement Training Center’s border-related training facilities.

CHAPTER 6

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION

For an additional amount for “Construction”, \$147,000,000, to remain available until September 30, 2010, of which \$114,000,000 shall be for deferred maintenance projects, including the repair of earthen dams; of which \$15,000,000 shall be for restoration and rehabilitation of trails; and of which \$18,000,000 shall be for remediation of abandoned mine sites: *Provided*, That the Secretary shall utilize to the maximum extent possible the Public Land Corps, the Youth Conservation Corps, and other related partnerships with State, local, tribal or nonprofit groups that serve young adults.

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for “Construction”, \$88,000,000, to remain available until September 30, 2010, for refuge and hatchery deferred maintenance projects: *Provided*, That the Secretary shall utilize to the maximum extent possible the Public Land Corps, the Youth Conservation Corps, and other related partnerships with State, local, tribal or nonprofit groups that serve young adults.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for “Construction”, \$105,000,000, to remain available until September 30, 2010, of which \$45,000,000 shall be for deferred maintenance projects; of which \$45,000,000 shall be for restoration and rehabilitation of trails; and of which \$15,000,000 shall be for remediation of abandoned mine sites: *Provided*, That the Secretary shall utilize to the maximum extent possible the Public Land Corps, the Youth Conservation Corps, and other related partnerships with State, local, tribal or nonprofit groups that serve young adults.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for “Surveys, Investigations, and Research”, \$84,000,000, to remain available until September 30, 2010, for repair and restoration of facilities and other deferred maintenance projects.

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

For an additional amount for “Construction”, \$200,000,000, to remain available until September 30, 2010, for repair and restoration of bureau-operated facilities and other deferred maintenance projects.

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for “State and Tribal Assistance Grants”, \$2,500,000,000, to remain available until expended, of which \$1,750,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended; and of which \$750,000,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended: *Provided*, That none of these funds shall be

subject to State matching requirements: *Provided further*, That of the amount made available for the Clean Water State Revolving Fund, not to exceed 1.5 percent may be set aside for grants to tribes pursuant to section 518(c) of the Federal Water Pollution Control Act.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for “Capital Improvement and Maintenance”, \$425,000,000, to remain available until September 30, 2010, for deferred maintenance projects, which may include remediation of abandoned mine sites: *Provided*, That the Secretary shall utilize to the maximum extent possible the Public Land Corps, the Youth Conservation Corps, and other related partnerships with State, local, tribal or nonprofit groups that serve young adults.

SMITHSONIAN INSTITUTION

FACILITIES CAPITAL

For an additional amount for “Facilities Capital”, \$93,500,000, to remain available until September 30, 2010, for deferred maintenance projects.

GENERAL PROVISION—THIS CHAPTER

SEC. 1601. Notwithstanding any other provision of law, including section 152 of division A of H.R. 2638 (110th Congress), the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, the terms and conditions contained in section 433 of division F of Public Law 110-161 shall remain in effect for the fiscal year ending September 30, 2009.

CHAPTER 7

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for “Training and Employment Services” under the Employment and Training Administration, \$600,000,000, for youth activities and dislocated worker activities authorized by the Workforce Investment Act of 1998 (“WIA”): *Provided*, That \$300,000,000 shall be for youth activities and available through June 30, 2009: *Provided further*, That \$300,000,000 shall be for dislocated worker employment and training activities and available for the period July 1, 2008 through June 30, 2009: *Provided further*, That no portion of funds available under this heading in this Act shall be reserved to carry out section 127(b)(1)(A), section 128(a), or section 133(a) of the WIA: *Provided further*, 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 the youth activities, and that the performance indicators in section 136(b)(2)(A)(i) of the WIA shall be the measures of performance used to assess the effectiveness of the dislocated worker activities funded with such funds: *Provided further*, That, notwithstanding any other provision of law, additional funds for youth activities provided by this Act shall be allotted as if the total amount of funding available for youth activities in program year 2008 is less than \$1,000,000,000.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES

CENTERS FOR DISEASE CONTROL AND
PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for “Disease Control, Research, and Training”, \$46,000,000, of which \$20,000,000 shall be to continue and expand investigations to determine the root causes of disease clusters, including but not

limited to polycythemia vera clusters; of which \$21,000,000 shall be for the prevention of and response to medical errors including research, education and outreach activities; and of which \$5,000,000 shall be for responding to outbreaks of communicable diseases related to the re-use of syringes in outpatient clinics, including reimbursement of local health departments for testing and genetic sequencing of persons potentially exposed.

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Office of the Director”, \$1,000,000,000, which 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 2008: *Provided*, That funds shall be used to support additional scientific research 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).

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for “Children and Families Services Programs” for carrying out activities under sections 674 through 679 of the Community Services Block Grant Act, \$200,000,000, of which no part shall be subject to paragraph (3) of section 674(b) of such Act.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For an additional amount for “Aging Services Programs”, \$60,000,000, of which \$40,750,000 shall be for Congregate Nutrition Services and \$19,250,000 shall be for Home-Delivered Nutrition Services.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES
EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the “Public Health and Social Services Emergency Fund” to support activities related to countering potential biological, nuclear, radiological and chemical threats to civilian populations, and for other public health emergencies, \$542,000,000: *Provided*, That \$473,000,000 is for advanced research and development of medical countermeasures and ancillary products: *Provided further*, That \$50,000,000 is available to support the delivery of medical countermeasures, of which up to \$20,000,000 may be made available to the United States Postal Service to support such delivery.

For an additional amount for the “Public Health and Social Services Emergency Fund” to prepare for and respond to an influenza pandemic, \$363,000,000, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided*, That products purchased with these funds may, at the discretion of the 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 vaccines 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 herein 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 purposes specified in this sentence.

DEPARTMENT OF EDUCATION

For carrying out section 1702 of this Act, \$2,500,000,000, which shall be available for obligation from July 1, 2008 through September 30, 2009.

SCHOOL IMPROVEMENT PROGRAMS

For an additional amount for “School Improvement Programs”, \$36,000,000, for carrying out activities authorized by subtitle B of title VII of the McKinney-Vento Homeless Assistance Act: *Provided*, That the Secretary shall make such funds available on a competitive basis to local educational agencies that demonstrate a high need for such assistance.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1701. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES. (a) IN GENERAL.—Section 8104 of the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28; 121 Stat. 189) is amended to read as follows:

“SEC. 8104. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES.

“(a) STUDY.—Beginning on the date that is 60 days after the date of enactment of this Act, and every year thereafter until the minimum wage in the respective territory is \$7.25 per hour, the Government Accountability Office shall conduct a study to—

“(1) assess the impact of the minimum wage increases that occurred in American Samoa and the Commonwealth of the Northern Mariana Islands in 2007 and 2008, as required under Public Law 110-28, on the rates of employment and the living standards of workers, with full consideration of the other factors that impact rates of employment and the living standards of workers such as inflation in the cost of food, energy, and other commodities; and

“(2) estimate the impact of any further wage increases on rates of employment and the living standards of workers in American Samoa and the Commonwealth of the Northern Mariana Islands, with full consideration of the other factors that may impact the rates of employment and the living standards of workers, including assessing how the profitability of major private sector firms may be impacted by wage increases in comparison to other factors such as energy costs and the value of tax benefits.

“(b) REPORT.—No earlier than March 15, 2009, and not later than April 15, 2009, the Government Accountability Office shall transmit its first report to Congress concerning the findings of the study required under subsection (a). The Government Accountability Office shall transmit any subsequent reports to Congress concerning the findings of a study required by subsection (a) between March 15 and April 15 of each year.

“(c) ECONOMIC INFORMATION.—To provide sufficient economic data for the conduct of the study under subsection (a)—

“(1) the Department of Labor shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its household surveys and establishment surveys;

“(2) the Bureau of Economic Analysis of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its gross domestic product data; and

“(3) the Bureau of the Census of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its population estimates and demographic profiles from the American Community Survey,

with the same regularity and to the same extent as the Department or each Bureau collects and reports such data for the 50 States. In the event that the inclusion of American Samoa and the Commonwealth of the Northern Mariana Islands in such surveys and data compilations requires time to structure and implement, the Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census (as the case may be) shall in the interim annually report the best available data that can feasibly be secured with respect to such territories. Such interim reports shall describe the steps the Department or the respective Bureau will take to improve future data collection in the territories to achieve comparability with the data collected in the United States. The Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census, together with the Department of the Interior, shall coordinate their efforts to achieve such improvements.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 1702. GRANTS FOR SCHOOL RENOVATION.

(a) ALLOCATION OF FUNDS.—

(1) RESERVATION.—From the funds appropriated to carry out this section for a fiscal year, the Secretary shall reserve 1 percent to provide assistance under this section to the outlying areas and for payments to the Secretary of the Interior to provide assistance consistent with this section to schools funded by the Bureau of Indian Education. Funds reserved under this subsection shall be distributed by the Secretary among the outlying areas and the Secretary of the Interior on the basis of their relative need, as determined by the Secretary, in accordance with the purposes of this section.

(2) ALLOCATION TO STATE EDUCATIONAL AGENCIES.—After making the reservation described in paragraph (1), from the remainder of the appropriated funds described in paragraph (1), the Secretary shall allocate to each State educational agency serving a State an amount that bears the same relation to the remainder for the fiscal year as the amount the State received under part A of title I of such Act for fiscal year 2008 bears to the amount all States received under such part for fiscal year 2008, except that no such State educational agency shall receive less than 0.5 percent of the amount allocated under this paragraph.

(b) WITHIN-STATE ALLOCATIONS.—

(1) ADMINISTRATIVE COSTS.—

(A) STATE EDUCATIONAL AGENCY ADMINISTRATION.—Except as provided in subparagraph (C), each State educational agency may reserve not more than 1 percent of its allocation under subsection (a)(2) or \$1,000,000, whichever is less, for the purpose of administering the distribution of grants under this subsection.

(B) REQUIRED USES.—The State educational agency shall use a portion of the reserved funds to establish or support a State-level database of public school facility inventory, condition, design, and utilization.

(C) STATE ENTITY ADMINISTRATION.—If the State educational agency transfers funds to

a State entity described in paragraph (2)(A), the State educational agency shall transfer to such entity 0.75 of the amount reserved under this paragraph for the purpose of administering the distribution of grants under this subsection.

(2) RESERVATION FOR COMPETITIVE SCHOOL REPAIR AND RENOVATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—Subject to the reservation under paragraph (1), of the funds allocated to a State educational agency under subsection (a)(2), the State educational agency shall distribute 100 percent of such funds to local educational agencies or, if such State educational agency is not responsible for the financing of education facilities, the State educational agency shall transfer such funds to the State entity responsible for the financing of education facilities (referred to in this section as the “State entity”) for distribution by such entity to local educational agencies in accordance with this paragraph, to be used, consistent with subsection (c), for school repair and renovation.

(B) COMPETITIVE GRANTS TO LOCAL EDUCATIONAL AGENCIES.—The State educational agency or State entity shall carry out a program awarding grants, on a competitive basis, to local educational agencies for the purpose described in subparagraph (A). Of the total amount available for distribution to local educational agencies under this paragraph, the State educational agency or State entity, shall, in carrying out the grant competition—

(i) award to high-need local educational agencies, in the aggregate, at least an amount which bears the same relationship to such total amount as the aggregate amount such high-need local educational agencies received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for fiscal year 2008 bears to the aggregate amount received for such fiscal year under such part by all local educational agencies in the State;

(ii) award to rural local educational agencies in the State, in the aggregate, at least an amount which bears the same relationship to such total amount as the aggregate amount such rural local educational agencies received under such part for fiscal year 2008 bears to the aggregate amount received for such fiscal year under such part by all local educational agencies in the State; and

(iii) award the remaining funds to local educational agencies not receiving an award under clause (i) or (ii), including high-need local educational agencies and rural local educational agencies that did not receive such an award.

(C) CRITERIA FOR AWARDED GRANTS.—In awarding competitive grants under this paragraph, a State educational agency or State entity shall take into account the following criteria:

(i) PERCENTAGE OF POOR CHILDREN.—The percentage of poor children 5 to 17 years of age, inclusive, in a local educational agency.

(ii) NEED FOR SCHOOL REPAIR AND RENOVATION.—The need of a local educational agency for school repair and renovation, as demonstrated by the condition of the public school facilities of the local educational agency.

(iii) FISCAL CAPACITY.—The fiscal capacity of a local educational agency to meet the needs of the local educational agency for repair and renovation of public school facilities without assistance under this section, including the ability of the local educational agency to raise funds through the use of local bonding capacity and otherwise.

(iv) CHARTER SCHOOL ACCESS TO FUNDING.—In the case of a local educational agency that proposes to fund a repair or renovation project for a charter school, the extent to

which the school has access to funding for the project through the financing methods available to other public schools or local educational agencies in the State.

(v) **LIKELIHOOD OF MAINTAINING THE FACILITY.**—The likelihood that the local educational agency will maintain, in good condition, any facility whose repair or renovation is assisted under this section.

(D) **MATCHING REQUIREMENT.**—

(i) **IN GENERAL.**—A State educational agency or State entity shall require local educational agencies to match funds awarded under this subsection.

(ii) **MATCH AMOUNT.**—The amount of a match described in clause (i) may be established by using a sliding scale that takes into account the relative poverty of the population served by the local educational agency.

(c) **RULES APPLICABLE TO SCHOOL REPAIR AND RENOVATION.**—With respect to funds made available under this section that are used for school repair and renovation, the following rules shall apply:

(1) **PERMISSIBLE USES OF FUNDS.**—School repair and renovation shall be limited to 1 or more of the following:

(A) **EMERGENCY REPAIRS OR RENOVATIONS.**—Emergency repairs or renovations to public school facilities only to ensure the health and safety of students and staff, including—

(i) repairing, replacing, or installing roofs, windows, doors, electrical wiring, plumbing systems, or sewage systems;

(ii) repairing, replacing, or installing heating, ventilation, or air conditioning systems (including insulation); and

(iii) bringing public schools into compliance with fire and safety codes.

(B) **MODIFICATIONS FOR COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990.**—School facilities modifications necessary to render public school facilities accessible in order to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(C) **MODIFICATIONS FOR COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973.**—School facilities modifications necessary to render public school facilities accessible in order to comply with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(D) **ASBESTOS ABATEMENT OR REMOVAL.**—Asbestos abatement or removal from public school facilities.

(E) **CHARTER SCHOOL BUILDING INFRASTRUCTURE.**—Renovation and repair needs related to the building infrastructure of a charter school.

(2) **IMPERMISSIBLE USES OF FUNDS.**—No funds received under this section may be used for—

(A) payment of maintenance costs in connection with any projects constructed in whole or part with Federal funds provided under this section;

(B) the construction of new facilities; or

(C) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

(3) **SUPPLEMENT, NOT SUPPLANT.**—Excluding the uses described in subparagraphs (B) and (C) of paragraph (1), a local educational agency shall use Federal funds subject to this subsection only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for school repair and renovation.

(d) **QUALIFIED BIDDERS; COMPETITION.**—Each local educational agency that receives funds under this section shall ensure that, if the local educational agency carries out repair or renovation through a contract, any such contract process ensures the maximum

number of qualified bidders, including small, minority, and women-owned businesses, through full and open competition.

(e) **REPORTING.**—

(1) **LOCAL REPORTING.**—Each local educational agency receiving funds made available under subsection (a)(2) shall submit a report to the State educational agency, at such time as the State educational agency may require, describing the use of such funds for school repair and renovation.

(2) **STATE REPORTING.**—Each State educational agency receiving funds made available under subsection (a)(2) shall submit to the Secretary, not later than December 31, 2010, a report on the use of funds received under subsection (a)(2) and made available to local educational agencies for school repair and renovation.

(f) **REALLOCATION.**—If a State educational agency does not apply for an allocation of funds under subsection (a)(2) for a fiscal year, or does not use its entire allocation for such fiscal year, then the Secretary may reallocate the amount of the State educational agency's allocation (or the remainder thereof, as the case may be) for such fiscal year to the remaining State educational agencies in accordance with subsection (a)(2).

(g) **DEFINITIONS.**—For purposes of this section:

(1) **CHARTER SCHOOL.**—The term “charter school” has the meaning given the term in section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).

(2) **HIGH-NEED LOCAL EDUCATIONAL AGENCY.**—The term “high-need local educational agency” has the meaning given the term in section 2102(3)(A) of such Act (20 U.S.C. 6602(3)(A)).

(3) **LOCAL EDUCATIONAL AGENCY; SECRETARY; STATE EDUCATIONAL AGENCY.**—The terms “local educational agency”, “Secretary”, and “State educational agency” have the meanings given the terms in section 9101 of such Act (20 U.S.C. 7801).

(4) **OUTLYING AREA.**—The term “outlying area” has the meaning given the term in section 1121(c) of such Act (20 U.S.C. 6331(c)).

(5) **POOR CHILDREN.**—The term “poor children” refers to children 5 to 17 years of age, inclusive, who are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which data satisfactory to the Secretary are available.

(6) **RURAL LOCAL EDUCATIONAL AGENCY.**—The term “rural local educational agency” means a local educational agency that the State determines is located in a rural area using objective data and a commonly employed definition of the term “rural”.

(7) **STATE.**—The term “State” means each of the several states of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 1703. **RESTORATION OF ACCESS TO NOMINAL DRUG PRICING FOR CERTAIN CLINICS AND HEALTH CENTERS.** (a) **IN GENERAL.**—Section 1927(c)(1)(D) of the Social Security Act (42 U.S.C. §1396r-8(c)(1)(D)), as added by section 6001(d)(2) of the Deficit Reduction Act of 2005 (Public Law 109-171), is amended—

(1) in clause (i)—

(A) by redesignating subclause (IV) as subclause (VI); and

(B) by inserting after subclause (III) the following:

“(IV) An entity that—

“(aa) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Act or is State-owned or operated; and

“(bb) would be a covered entity described in section 340(B)(a)(4) of the Public Health Service Act insofar as the entity provides the same type of services to the same type of populations as a covered entity described in such section provides, but does not receive funding under a provision of law referred to in such section.

“(V) A public or nonprofit entity, or an entity based at an institution of higher learning whose primary purpose is to provide health care services to students of that institution, that provides a service or services described under section 1001(a) of the Public Health Service Act.”; and

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

“(iv) **RULE OF CONSTRUCTION.**—Nothing in this subparagraph shall be construed to alter any existing statutory or regulatory prohibition on services with respect to an entity described in subclause (IV) or (V) of clause (i), including the prohibition set forth in section 1008 of the Public Health Service Act.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the amendment made by section 6001(d)(2) of the Deficit Reduction Act of 2005.

CHAPTER 8

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for “Military Construction, Navy and Marine Corps”, \$75,000,000, to remain available until expended, for the planning, design, and construction of child development centers: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act, the Secretary of the Navy shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

FAMILY HOUSING CONSTRUCTION, ARMY

For an additional amount for “Family Housing Construction, Army”, \$50,000,000, to remain available until expended, for military family housing construction and improvements: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act, the Secretary of the Army shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For an additional amount for “Family Housing Construction, Air Force”, \$125,000,000, to remain available until expended, for military family housing construction and improvements: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

GENERAL PROVISION—THIS CHAPTER

SEC. 1801. **PAYMENTS TO ELIGIBLE PERSONS WHO SERVED IN THE UNITED STATES ARMY FORCES IN THE FAR EAST DURING WORLD WAR II.** (a) **FINDINGS.**—Congress makes the following findings:

(1) The Philippine islands became a United States possession in 1898 when they were ceded from Spain following the Spanish-American War.

(2) During World War II, Filipinos served in a variety of units, some of which came under the direct control of the United States Armed Forces.

(3) The regular Philippine Scouts, the new Philippine Scouts, the Guerilla Services, and more than 100,000 members of the Philippine Commonwealth Army were called into the service of the United States Armed Forces of the Far East on July 26, 1941, by an executive order of President Franklin D. Roosevelt.

(4) Even after hostilities had ceased, wartime service of the new Philippine Scouts continued as a matter of law until the end of 1946, and the force gradually disbanded and was disestablished in 1950.

(5) Filipino veterans who were granted benefits prior to the enactment of the so-called Rescissions Acts of 1946 (Public Laws 79-301 and 79-391) currently receive full benefits under laws administered by the Secretary of Veterans Affairs, but under section 107 of title 38, United States Code, the service of certain other Filipino veterans is deemed not to be active service for purposes of such laws.

(6) These other Filipino veterans only receive certain benefits under title 38, United States Code, and, depending on where they legally reside, are paid such benefit amounts at reduced rates.

(7) The benefits such veterans receive include service-connected compensation benefits paid under chapter 11 of title 38, United States Code, dependency indemnity compensation survivor benefits paid under chapter 13 of title 38, United States Code, and burial benefits under chapters 23 and 24 of title 38, United States Code, and such benefits are paid to beneficiaries at the rate of \$0.50 per dollar authorized, unless they lawfully reside in the United States.

(8) Dependents' educational assistance under chapter 35 of title 38, United States Code, is also payable for the dependents of such veterans at the rate of \$0.50 per dollar authorized, regardless of the veterans' residency.

(b) COMPENSATION FUND.—

(1) IN GENERAL.—There is in the general fund of the Treasury a fund to be known as the "Filipino Veterans Equity Compensation Fund" (in this section referred to as the "compensation fund").

(2) AVAILABILITY OF FUNDS.—Subject to the availability of appropriations for such purpose, amounts in the compensation fund shall be available to the Secretary of Veterans Affairs without fiscal year limitation to make payments to eligible persons in accordance with this section.

(c) PAYMENTS.—

(1) IN GENERAL.—During the one-year period beginning on the date of the enactment of this Act, the Secretary shall make a payment to an eligible person who, during such period, submits to the Secretary an application containing such information and assurances as the Secretary may require.

(2) PAYMENT TO SURVIVING SPOUSE.—If an eligible person dies during the period described in paragraph (1) before payment is made to the eligible person under this section, the payment otherwise to be made to the eligible person under this section shall be made instead to the surviving spouse of the eligible person.

(d) ELIGIBLE PERSONS.—An eligible person is any person who served—

(1) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the

military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or

(2) in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538).

(e) PAYMENT AMOUNTS.—Each payment under this section shall be—

(1) in the case of an eligible person who is not a citizen of the United States, in the amount of \$9,000; and

(2) in the case of an eligible person who is a citizen of the United States, in the amount of \$15,000.

(f) LIMITATION.—The Secretary may not make more than one payment under this section for each person described in subsection (d).

(g) CLARIFICATION OF TREATMENT OF PAYMENTS UNDER CERTAIN LAWS.—Amounts paid to a person under this section—

(1) shall be treated for purposes of the internal revenue laws of the United States as damages for human suffering; and

(2) shall not be included in income or resources for purposes of determining—

(A) eligibility of an individual to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits; or

(B) eligibility of an individual to receive benefits under title II or VIII of the Social Security Act, or the amount of such benefits.

(h) RELEASE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the acceptance by an eligible person of a payment under this section shall be final, and shall constitute a complete release of any claim against the United States by reason of any service described in subsection (d).

(2) PAYMENT OF PREVIOUSLY AWARDED BENEFITS.—Nothing in this section shall prohibit a person from receiving any benefit to which the person is entitled based on a claim for which benefits are awarded before the date of the enactment of this Act, including on a claim for medical care and nursing care benefits, burial benefits, and any other benefits to which the person is entitled by law.

(i) RECOGNITION OF SERVICE.—The service of a person as described in subsection (d) is hereby recognized as active military service in the Armed Forces for purposes of, and to the extent provided in, this section.

(j) REPORTS.—The Secretary shall include, in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year in which payments are made from the compensation fund under this section, detailed information on the operation of the compensation fund, including the number of applicants, the number of eligible persons receiving benefits, the amounts paid out of the compensation fund, and the administration of the compensation fund.

(k) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall prescribe regulations to carry out this section.

(l) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the compensation fund \$198,000,000, to remain available until expended, to make payments under this section.

CHAPTER 9

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

SUPPLEMENTAL DISCRETIONARY GRANTS FOR AIRPORT INVESTMENT

For an additional amount for capital expenditures authorized under section 47102(3)

of title 49, United States Code, \$500,000,000: *Provided*, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to airports that demonstrate to his or her satisfaction their ability to obligate these funds within 180 days of the date of such distribution and shall serve to supplement and not supplant planned expenditures from airport-generated revenues or from other State and local sources on such activities: *Provided further*, That no funds provided under this heading shall be used for activities not identified on an airport layout plan: *Provided further*, That the Federal share payable of the costs for which a grant is made under this heading shall be 100 percent: *Provided further*, That the amount made available under this heading shall not be subject to any limitation on obligations for the Grants-in-Aid for Airports program set forth in any Act: *Provided further*, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code.

FEDERAL HIGHWAY ADMINISTRATION

SUPPLEMENTAL GRANTS TO STATES FOR FEDERAL-AID HIGHWAY INVESTMENT

For an additional amount for restoration, repair, construction and other activities eligible under paragraph (b) of section 133 of title 23, United States Code, \$10,000,000,000: *Provided*, That the Secretary of Transportation shall transfer \$2,000,000 to the Inspector General of the Department of Transportation for costs associated with audits and investigations of projects and activities carried out with funds made available to the Department of Transportation in this Act: *Provided further*, That after making such transfer, the remaining funds provided under this heading shall be apportioned to States using the formula set forth in section 104(b)(3) of such title: *Provided further*, That funding provided under this heading shall be in addition to any and all funds provided for fiscal years 2008 and 2009 in any other Act for "Federal-aid Highways" and shall not affect the distribution of funds provided for "Federal-aid Highways" in any other Act: *Provided further*, That the Secretary of Transportation shall institute measures to ensure that funds provided under this heading shall be obligated within 180 days of the date of their apportionment: *Provided further*, That 180 days following the date of such apportionment, the Secretary shall withdraw and redistribute any unobligated funds utilizing whatever method he or she deems appropriate to ensure that all funds provided under this heading shall be obligated promptly: *Provided further*, That the Federal share payable on account of any project or activity carried out with funds made available under this heading shall be 100 percent of the total cost thereof: *Provided further*, That the amount made available under this heading shall not be subject to any limitation on obligations for Federal-aid highways or highway safety construction programs set forth in any Act: *Provided further*, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided further*, That for the purposes of the definition of States for this paragraph, sections 101(a)(32) of title 23, United States Code, shall apply.

SUPPLEMENTAL GRANTS TO STATES FOR FERRY TRANSPORTATION INVESTMENT

For an additional amount for capital expenditures eligible under section 147 of title 23, United States Code, \$60,000,000: *Provided*, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to States, with the

highest priority given to those projects that demonstrate to his or her satisfaction their ability to obligate these funds within 180 days of the date of such distribution: *Provided further*, That the Federal share payable of the costs for which a grant is made under this heading shall be 100 percent: *Provided further*, That the amount made available under this heading shall not be subject to any limitation on obligations for the Federal-aid highways or highway safety construction programs set forth in any Act: *Provided further*, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code.

FEDERAL RAILROAD ADMINISTRATION
SUPPLEMENTAL GRANTS TO STATES FOR
INTERCITY PASSENGER RAIL SERVICE

For an additional amount for grants to States to pay for the cost of projects described in paragraph (2)(A) and (2)(B) of section 24401 and subsection (b) of section 24105 of title 49, United States Code, \$100,000,000: *Provided*, That to be eligible for assistance under this paragraph, the specific project must be on the Statewide Transportation Improvement Plan at the time of the application to qualify: *Provided further*, That the Secretary of Transportation shall give priority to projects that demonstrate an ability to obligate funds within 180 days of the date of enactment of this Act and to projects that improve the safety and reliability of intercity passenger trains: *Provided further*, That the Federal share payable of the costs for which a grant is made under this heading shall be 100 percent: *Provided further*, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code.

SUPPLEMENTAL CAPITAL GRANTS TO THE
NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for the immediate investment in capital projects necessary to maintain and improve national intercity passenger rail service, \$400,000,000: *Provided*, That funds made available under this heading shall be allocated directly to the corporation for the purpose of immediate investment in capital projects including the rehabilitation of rolling stock for the purpose of expanding passenger rail capacity: *Provided further*, that the Board of Directors shall take measures to ensure that funds provided under this heading shall be obligated within 180 days of the enactment of this Act and shall serve to supplement and not supplant planned expenditures for such activities from other Federal, State, local and corporate sources: *Provided further*, That said Board of Directors shall certify to the House and Senate Committees on Appropriations in writing their compliance with the preceding proviso: *Provided further*, That not more than 50 percent of the funds provided under this heading may be used for capital projects along the Northeast Corridor.

FEDERAL TRANSIT ADMINISTRATION
SUPPLEMENTAL DISCRETIONARY GRANTS FOR
PUBLIC TRANSIT INVESTMENT

For an additional amount for capital expenditures authorized under section 5302(a)(1) of title 49, United States Code, \$2,500,000,000: *Provided*, That the Secretary of Transportation shall apportion funds provided under this heading based on the formula set forth in subsections (a) through (c) of section 5336 of title 49, United States Code: *Provided further*, That the Secretary shall take such measures necessary to ensure that the minimum amount of funding distributed under this heading to any individual transit authority shall not be less than \$100,000: *Provided further*, That the Secretary of Trans-

portation shall institute measures to ensure that funds provided under this heading shall be obligated within 180 days of the date of their apportionment: *Provided further*, That 180 days following the date of such apportionment, the Secretary shall withdraw and redistribute any unobligated funds utilizing whatever method he or she deems appropriate to ensure that all funds provided under this paragraph shall be obligated promptly: *Provided further*, That the Secretary of Transportation shall make such funds available to pay for operating expenses to the extent that a transit authority demonstrates to his or her satisfaction that such funds are necessary to continue current services or expand such services to meet increased ridership: *Provided further*, That the Federal share of the costs for which a grant is made under this heading shall be 100 percent: *Provided further*, That the amount made available under this heading shall not be subject to any limitation on obligations for transit programs set forth in any Act: *Provided further*, That the funds appropriated under this heading shall be subject to section 5333(a) of title 49, United States Code but shall not be commingled with funds available under the Formula and Bus Grants account.

MARITIME ADMINISTRATION
SUPPLEMENTAL GRANTS FOR ASSISTANCE TO
SMALL SHIPYARDS

For an additional amount to make grants to qualified shipyards as authorized under section 3506 of Public Law 109-163 or section 54101 of title 46, United States Code, \$60,000,000: *Provided*, That the Secretary of Transportation shall institute measures to ensure that funds provided under this heading shall be obligated within 180 days of the date of their distribution.

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

SUPPLEMENTAL GRANTS TO PUBLIC HOUSING
AGENCIES FOR CAPITAL NEEDS

For an additional amount for discretionary grants to public housing agencies for capital expenditures permitted under section 9(d)(1) of the United States Housing Act of 1937, as amended, \$700,000,000: *Provided*, That in allocating discretionary grants under this paragraph, the Secretary of Housing and Urban Development shall give priority consideration to housing agencies that have projects that are ready-to-go, as well as projects resulting in the rehabilitation of vacant rental units or improved energy efficiency: *Provided further*, That the Secretary may also give priority to projects that require additional capital to complete development transactions stalled by changes in the low-income housing tax credit and housing bond markets: *Provided further*, That the Secretary shall not provide any additional priority to any housing agency that is under the receivership of the Department and no housing agency shall receive more than 5 percent of the total amount provided: *Provided further*, That notwithstanding any other provision of law, the Secretary shall institute measures to ensure that funds provided under this paragraph shall be obligated within 180 days of the date of enactment of this Act and shall serve to supplement and not supplant expenditures from other Federal, State, or local sources: *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.

SUPPLEMENTAL GRANTS TO PUBLIC HOUSING
AGENCIES FOR EXTRAORDINARY ENERGY COSTS

For an additional amount for discretionary grants to public housing agencies for operating expenses permitted under section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), \$200,000,000: *Provided*, That funding provided under this heading shall be used to cover extraordinary energy costs: *Provided further*, That to be eligible for such grants, public housing agencies must demonstrate to the satisfaction of the Secretary a significant increase in energy costs associated with operating and maintaining public housing: *Provided further*, That notwithstanding any other provision of law, the Secretary shall institute measures to ensure that funds provided under this paragraph shall be allocated to those public housing agencies most in need of such assistance and that such funds shall be obligated within 180 days of the date of enactment of this Act: *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 a waiver is required to facilitate the timely use of such funds.

HOUSING ASSISTANCE FOR TENANTS DISPLACED
BY FORECLOSURE

For an additional amount to provide relocation and temporary housing assistance to individuals and families that rent dwelling units that have been foreclosed upon, or are in default and where foreclosure is imminent, \$575,000,000: *Provided*, That the Secretary of Housing and Urban Development shall establish a formula to allocate amounts made available under this heading to States and units of general local government (as such terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)): *Provided further*, That in developing the formula, the Secretary shall consider areas with the greatest need based on the number and percentage of rental properties in default or delinquency and the greatest number and percentage of rental properties in foreclosure: *Provided further*, That grantees shall demonstrate their ability to coordinate with local Continuums of Care and their ability to serve tenants who are least likely to obtain stable, affordable housing upon eviction, including families with children: *Provided further*, That funding made available under this heading may be used for temporary rental assistance, first and last month's rent, security deposit, case management services, or other appropriate services necessary to assist eligible individuals or families in finding safe and affordable permanent housing: *Provided further*, That the Secretary shall provide notice of the availability of funding provided under this heading within 60 days of the enactment of this Act.

FEDERAL HOUSING ADMINISTRATION
INFORMATION TECHNOLOGY

For an additional amount to maintain, modernize and improve technology systems and infrastructure for the Federal Housing Administration, \$36,093,000: *Provided*, That these funds shall serve to supplement and not supplant planned expenditures for the Federal Housing Administration for information technology maintenance and development funding provided through the Departmental Working Capital Fund.

SALARIES AND EXPENSES

For an additional amount for salaries and expenses for the Federal Housing Administration, \$15,000,000: *Provided*, That of the

total amount provided under this paragraph, not less than \$13,000,000 shall be made available under the heading "Housing Personnel Compensation and Benefits" and up to \$2,000,000 shall be made available under the heading "Management and Administration, Administration, Operations and Management". *Provided further*, That with funding provided under this paragraph, the Federal Housing Administration Commissioner is hereby authorized to take such actions and perform such functions as necessary regarding the hiring of personnel for performing functions of the Federal Housing Administration within the Office of Housing.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1901. Section 5309(g)(4)(A) of title 49, United States Code, is amended by striking "or an amount equivalent to the last 3 fiscal years of funding allocated under subsections (m)(1)(A) and (m)(2)(A)(ii)" and inserting "or the sum of the funds available for the next three fiscal years beyond the current fiscal year, assuming an annual growth of the program of 10 percent".

SEC. 1902. No funds provided in this Act or any other Act may be used by the Secretary of Transportation to take any action regarding airline operations at any United States commercial airport that involves:

(1) auction, sale, lease, or the imposition of any charge or fee, by the Secretary or the Federal Aviation Administrator, for rights, authorization or permission by them to conduct flight operations at, or in the navigable airspace of, any such airport;

(2) implementing or facilitating any such auction, sale or lease, or the imposition of any such charge or fee by the Secretary or the Administrator initiated prior to enactment of this Act; or

(3) the withdrawal or involuntary transfer by the Secretary or Administrator of rights, authorizations or permissions to operate at, or in the navigable airspace of, any such airport for the purpose of the auction, sale or lease of such rights, authorizations or permissions, or the imposition by the Secretary or Administrator of any charge or fee for such rights, authorization or permission.

SEC. 1903. (a) SURVEY.—Not later than 60 days after the date of enactment of this Act, the Secretary of Commerce shall conduct a survey to estimate, for any area for which the President declared a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) during 2008, the total economic output lost, Federal assistance provided, and economic revitalization funds needed to recover from the major disaster. The Secretary of Commerce shall provide information obtained from the survey under this paragraph to the Governors of affected States and the Secretary of Housing and Urban Development.

(b) FUNDS.—The Secretary of Housing and Urban Development shall use information provided under subsection (a) in allocating funds provided under the heading "Community Planning and Development, Community Development Fund" in Public Law 110-329.

TITLE II—NUTRITION PROGRAMS FOR ECONOMIC STIMULUS

SEC. 2001. NUTRITION PROGRAMS FOR ECONOMIC STIMULUS.

(a) MAXIMUM BENEFIT INCREASE.—

(1) IN GENERAL.—Beginning with the first month that begins not less than 25 days after the date of enactment of this Act, the Secretary of Agriculture (referred to in this section as the "Secretary") shall increase the cost of the thrifty food plan for purposes of section 8(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2017(a)) by 10 percent.

(2) TERMINATION OF EFFECTIVENESS.—The authority provided by this subsection termi-

nates and has no effect, effective on October 1, 2009.

(b) REQUIREMENTS FOR THE SECRETARY.—In carrying out this section, the Secretary shall—

(1) consider the benefit increase 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) disregard the value of benefits resulting from this section in any required calculations or estimates of benefits if the Secretary determines it is necessary to ensure efficient administration of programs authorized under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or other Federal programs.

(c) STATE ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—For the costs of State administrative expenses associated with carrying out this section, the Secretary shall make available \$50,000,000, to remain available until expended.

(2) AVAILABILITY OF FUNDS.—Funds described in paragraph (1) shall be made available to State agencies based on each State's share of households that participate in the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

(3) CONSOLIDATED BLOCK GRANTS FOR PUERTO RICO AND AMERICAN SAMOA.—For fiscal year 2009, the Secretary shall increase by 10 percent the amount available for nutrition assistance for eligible households under the consolidated block grants for Puerto Rico and American Samoa under section 19 of the Food and Nutrition Act of 2008 (7 U.S.C. 2028).

(d) FUNDING.—There are hereby appropriated to the Secretary such sums as are necessary to carry out this section, to remain available until September 30, 2010.

TITLE III—STATE FISCAL RELIEF

SEC. 3001. TEMPORARY INCREASE OF MEDICAID FMAP.

(a) PERMITTING MAINTENANCE OF FISCAL YEAR 2008 FMAP FOR FISCAL YEAR 2009.—Subject to subsections (d), (e), and (f), if the FMAP determined without regard to this section for a State for 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.

(b) PERMITTING MAINTENANCE OF FISCAL YEAR 2009 FMAP FOR FIRST QUARTER OF FISCAL YEAR 2010.—Subject to subsections (d), (e), and (f), if the FMAP determined without regard to this section for a State for fiscal year 2010 is less than the FMAP as so determined for fiscal year 2009, the FMAP for the State for fiscal year 2009 shall be substituted for the State's FMAP for the first calendar quarter of fiscal year 2010, before the application of this section.

(c) GENERAL 8 PERCENTAGE POINTS INCREASE FOR FISCAL YEAR 2009 AND FIRST CAL- EN- DAR QUARTER OF FISCAL YEAR 2010.—

(1) IN GENERAL.—Subject to subsections (d), (e), and (f), for each State for fiscal year 2009 and for the first calendar quarter of fiscal year 2010, the FMAP (taking into account the application of subsections (a) and (b)) shall be increased by 8.0 percentage points.

(2) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Subject to subsections (e) and (f), with respect to fiscal year 2009 and the first calendar quarter of fiscal year 2010, the amounts otherwise determined for Puer-

to 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 an amount equal to 8.0 percent of such amounts.

(d) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this section shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r-4);

(2) payments under title IV or XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.); or

(3) any 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)).

(e) STATE INELIGIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), a State is not eligible for an increase in its FMAP under subsection (c)(1), or an increase in a cap amount under subsection (c)(2), if the eligibility 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)) is more restrictive than the eligibility under such plan (or waiver) as in effect on September 1, 2008.

(2) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—A State that has restricted eligibility 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 September 1, 2008, is no longer ineligible under paragraph (1) beginning with the first calendar quarter in which the State has reinstated eligibility that is no more restrictive than the eligibility under such plan (or waiver) as in effect on September 1, 2008.

(3) 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)).

(f) REQUIREMENTS.—

(1) IN GENERAL.—A State may not use the additional Federal funds paid to the State as a result of this section for purposes of increasing any reserve or rainy day fund maintained by the State.

(2) ADDITIONAL 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 (c)(1), or an increase in a cap amount under subsection (c)(2), if it requires that such political subdivisions pay a greater percentage of the non-Federal share of such expenditures for fiscal year 2009, and the first calendar quarter of fiscal year 2010, than the percentage that would have been required by the State under such plan on September 1, 2008, prior to application of this section.

(g) DEFINITIONS.—In this section:

(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)).

(2) STATE.—The term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(h) REPEAL.—Effective as of January 1, 2010, this section is repealed.

SEC. 3002. TEMPORARY REINSTATEMENT OF AUTHORITY TO PROVIDE FEDERAL MATCHING PAYMENTS FOR STATE SPENDING OF CHILD SUPPORT INCENTIVE PAYMENTS.

During the period that begins on October 1, 2008, and ends on September 30, 2010, section 455(a)(1) of the Social Security Act (42 U.S.C. 655(a)(1)) shall be applied without regard to the amendment made by section 7309(a) of the Deficit Reduction Act of 2005 (Public Law 109-171, 120 Stat. 147).

TITLE IV—UNEMPLOYMENT INSURANCE
SEC. 4001. EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) **ADDITIONAL FIRST-TIER BENEFITS.**—Section 4002(b)(1) of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note) is amended—

(1) in subparagraph (A), by striking “50” and inserting “80”; and

(2) in subparagraph (B), by striking “13” and inserting “20”.

(b) **SECOND-TIER BENEFITS.**—Section 4002 of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note) is amended by adding at the end the following:

“(c) **SPECIAL RULE.**—

“(1) **IN GENERAL.**—If, at the time that the amount established in an individual’s account under subsection (b)(1) is exhausted or at any time thereafter, such individual’s State is in an extended benefit period (as determined under paragraph (2)), such account shall be augmented by an amount equal to the lesser of—

“(A) 50 percent of the total amount of regular compensation (including dependents’ allowances) payable to the individual during the individual’s benefit year under the State law, or

“(B) 13 times the individual’s average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

“(2) **EXTENDED BENEFIT PERIOD.**—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

“(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

“(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

“(i) were applied by substituting ‘4’ for ‘5’ each place it appears; and

“(ii) did not include the requirement under paragraph (1)(A) thereof; or

“(C) such a period would then be in effect for such State under such Act if—

“(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

“(ii) such section 203(f)—

“(I) were applied by substituting ‘6.0’ for ‘6.5’ in paragraph (1)(A)(i) thereof; and

“(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

“(3) **LIMITATION.**—The account of an individual may be augmented not more than once under this subsection.”.

(c) **PHASEOUT PROVISIONS.**—Section 4007(b) of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note) is amended—

(1) in paragraph (1), by striking “paragraph (2),” and inserting “paragraphs (2) and (3),”; and

(2) by striking paragraph (2) and inserting the following:

“(2) **NO AUGMENTATION AFTER MARCH 31, 2009.**—If the amount established in an individual’s account under subsection (b)(1) is exhausted after March 31, 2009, then section 4002(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual’s State is in an extended benefit period (as determined under paragraph (2) of such section).

“(3) **TERMINATION.**—No compensation under this title shall be payable for any week beginning after November 27, 2009.”.

(d) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, subject to paragraph (2).

(2) **ADDITIONAL BENEFITS.**—In applying the amendments made by subsections (a) and (b), any additional emergency unemployment compensation made payable by such amendments (which would not otherwise have been payable if such amendments had not been enacted) shall be payable only with respect to any week of unemployment beginning on or after the date of the enactment of this Act.

SEC. 4002. TEMPORARY FEDERAL MATCHING FOR THE FIRST WEEK OF EXTENDED BENEFITS FOR STATES WITH NO WAITING WEEK.

With respect to weeks of unemployment beginning after the date of enactment of this Act and ending on or before December 8, 2009, subparagraph (B) of section 204(a)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) shall not apply.

TITLE V—NATIONAL PARK CENTENNIAL FUND ACT

SECTION 5001. SHORT TITLE.

This Act may be cited as the “National Park Centennial Fund Act”.

SEC. 5002. DEFINITIONS.

In this Act:

(1) **FUND.**—The term “Fund” means the National Park Centennial Fund established under section 5003.

(2) **IN-KIND.**—The term “in-kind” means the fair market value of non-cash contributions provided by non-Federal partners, which may be in the form of real property, equipment, supplies and other expendable property, as well as other goods and services.

(3) **PROJECT OR PROGRAM.**—The term “Project or program” means a National Park Centennial Project or Program funded pursuant to this Act.

(4) **PROPOSAL.**—The term “Proposal” means a National Park Centennial Proposal submitted pursuant to section 5004.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 5003. NATIONAL PARK CENTENNIAL FUND.

(a) **IN GENERAL.**—There is established in the Treasury of the United States a fund which shall be known as the “National Park Centennial Fund”. In each of fiscal years 2009 through 2018, the Secretary of the Treasury shall deposit into the Fund the following:

(1) Cash donations received by the National Park Service in support of projects or programs authorized by this Act.

(2) From the General Fund, an amount equivalent to—

(A) the amount described in paragraph (1), excluding donations pledged through a letter of credit in a prior year; and

(B) the amount of donations pledged through letters of credit in the same fiscal year.

(b) **LIMITATION ON AMOUNT.**—The total amount of deposits from the General Fund under subsection (a)(2) shall not exceed, in the aggregate, \$1,000,000,000 for fiscal years 2009 through 2018.

SEC. 5004. PROGRAM ALLOCATION.

(a) **IN GENERAL.**—Each fiscal year, the President’s annual budget submission for the Department of the Interior shall include a list of proposals which shall be known as National Park Centennial Proposals. The Secretary shall establish a standard process for developing the list that shall encourage input from both the public and a broad cross-

section of employees at every level of the National Park Service. The list—

(1) shall include proposals having an aggregate cost to the Federal Government equal to the unobligated amount in the Fund;

(2) shall include only proposals consistent with National Park Service policies and adopted park planning documents;

(3) may include proposals for any area within the national park system (as that term is defined in section 2 of the Act of August 8, 1953 (16 U.S.C. 1c)), clusters of areas within such system, a region or regions of such system, or such system in its entirety;

(4) shall cumulatively represent a nationwide array of proposals that is diverse geographically, in size, scope, magnitude, theme, and variety under the initiatives described in subsection (b);

(5) shall give priority to proposals demonstrating long-term viability beyond receipts from the Fund;

(6) shall include only proposals meeting the requirements of one or more of the initiatives set forth in subsection (b);

(7) should contain proposals under each of the initiatives set forth in subsection (b); and

(8) shall give priority to proposals with committed, non-Federal support but shall also include proposals funded entirely by the Fund.

(b) **NATIONAL PARK CENTENNIAL INITIATIVES.**—The requirements referred to in subsection (a)(6) are as follows:

(1) **EDUCATION IN PARKS CENTENNIAL INITIATIVE.**—Proposals for the “Education in Parks Centennial Initiative” shall meet the following requirements:

(A) Priority shall be given to proposals designed to increase National Park-based educational opportunities for elementary, secondary and college students particularly those from populations historically under represented among visitors to the National Park System.

(B) Priority shall be given to proposals designed to bring students into the National Park System in person.

(C) Proposals should include strategies for encouraging young people to become lifelong advocates for National Parks.

(D) Proposals shall be developed in consultation with the leadership of educational and youth organizations expected to participate in the proposed initiative.

(2) **DIVERSITY IN PARKS CENTENNIAL INITIATIVE.**—

(A) **STUDY.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report detailing a service-wide strategy for increasing diversity among National Park Service employees at all levels and visitors to the National Park System.

(B) **PROPOSALS.**—Proposals for the “Diversity in Parks Centennial Initiative” shall meet the following requirements:

(i) Each proposal shall be based on recommendations contained in the report required in subparagraph (A).

(ii) Each proposal shall be designed to make National Park Service employees, visitors to the National Park System, or both, reflect the diversity of the population of the United States.

(3) **SUPPORTING PARK PROFESSIONALS CENTENNIAL INITIATIVE.**—Proposals for the “Supporting Park Professionals Centennial Initiative” shall meet the following requirements:

(A) Taken as a whole, proposals shall provide specific opportunities for National Park Service employees, at all levels, to participate in professional career development.

(B) Proposals may include National Park Service-designed, internal professional development programs.

(C) Proposals may also be designed to facilitate participation in external professional development programs or established courses of study by National Park Service employees.

(4) ENVIRONMENTAL LEADERSHIP CENTENNIAL INITIATIVE.—Proposals for the “Environmental Leadership Centennial Initiative” shall meet the following requirements:

(A) Each proposal shall be designed to do one or more of the following:

- (i) Reduce harmful emissions.
- (ii) Conserve energy or water resources.
- (iii) Reduce solid waste production within the National Park System.

(B) Each proposal shall include strategies for educating the public regarding Environmental Leadership projects and their results.

(C) Priority shall be given to proposals with the potential to spread technological advances to other Federal agencies or to the private sector.

(5) NATURAL RESOURCE PROTECTION CENTENNIAL INITIATIVE.—Proposals for the “Natural Resource Protection Centennial Initiative” shall meet the following requirements:

(A) Each proposal shall be designed to restore or conserve native ecosystems within the National Park System.

(B) Priority shall be given to proposals designed to control invasive species.

(C) Each proposal shall be based on the best available scientific information.

(6) CULTURAL RESOURCE PROTECTION CENTENNIAL INITIATIVE.—Proposals for the “Cultural Resource Protection Centennial Initiative” shall—

- (A) either—
 - (i) increase the National Park Service’s knowledge of cultural resources located within the National Park System through means including, but not limited to, surveys, studies, mapping, and documentation of such resources; or
 - (ii) improve the condition of documented cultural resources within the National Park System;

(B) incorporate the best available scientific information; and

(C) where appropriate, be developed in consultation with Native American tribes, State historic preservation offices, or other organizations with cultural resource preservation expertise.

(7) HEALTH AND FITNESS IN PARKS CENTENNIAL INITIATIVE.—

(A) IN GENERAL.—Proposals for the “Health and Fitness in Parks Centennial Initiative” shall fall into one or more of the following four categories:

(i) Proposals designed to repair, rehabilitate, or otherwise improve infrastructure, including trails, that facilitates healthy outdoor activity within the National Park System.

(ii) Proposals designed to expand opportunities for access to the National Park System for visitors with disabilities.

(iii) Proposals to develop and implement management plans (such as climbing plans and trail system plans) for activities designed to increase the health and fitness of visitors to the National Park System.

(iv) Proposals to develop outreach programs and media that provide public information regarding health and fitness opportunities within the National Park System.

(B) MISCELLANEOUS REQUIREMENTS.—All proposals for “the Health and Fitness in Parks Centennial Initiative” shall—

(i) be consistent with National Park Service policies and adopted park planning documents; and

(ii) be designed to provide for visitor enjoyment in such a way as to leave the National

Park System unimpaired for future generations.

(C) FUNDING.—In each of fiscal years 2009 through 2018, unobligated amounts in the Fund shall be available without further appropriation for projects authorized by this Act, but may not be obligated or expended until 120 days after the annual submission of the list of proposals required under this section to allow for Congressional review.

(D) LIMITATION ON DISTRIBUTION OF FUNDS.—No more than 50 percent of amounts available from the Fund for any fiscal year may be spent on projects that are for the construction of facilities that cost in excess of \$5,000,000.

SEC. 5005. PARTNERSHIPS.

(a) DONATIONS.—The Secretary may actively encourage and facilitate participation in proposals from non-Federal and philanthropic partners, and may accept donations, both monetary and in-kind for any Project or Program pursuant to section 1 of the Act of June 5, 1920 (16 U.S.C. 6), and other authorities to accept donations existing on the date of enactment of this Act.

(b) TERMS AND CONDITIONS.—To the extent that private organizations or individuals are to participate in or contribute to any Project or Program, the terms and conditions of that participation or contribution as well as all actions of employees of the National Park Service, shall be governed by National Park Service Directors Order #21, “Donations and Fundraising”, as in force on the date of the enactment of this Act.

SEC. 5006. MAINTENANCE OF EFFORT.

Amounts made available from the Fund shall supplement rather than replace annual expenditures by the National Park Service, including authorized expenditures from the Land and Water Conservation Fund and the National Park Service Line Item Construction Program. The National Park Service shall maintain adequate, permanent staffing levels and permanent staff shall not be replaced with nonpermanent employees hired to carry out this Act or Projects or Programs carried out with funds provided under this Act.

SEC. 5007. REPORTS.

For each fiscal year beginning in fiscal year 2009, the Secretary shall submit to Congress a report that includes the following:

(1) A detailed accounting of all expenditures from the Fund divided by categories of proposals under section 4(b), including a detailed accounting of any private contributions, either in funds or in kind, to any Project or Program.

(2) A cumulative summary of the results of the National Park Centennial program including recommendations for revisions to the program.

(3) A statement of whether the National Park Service has maintained adequate, permanent staffing levels and what nonpermanent and permanent staff have been hired to carry out this Act or Projects or Programs carried out with funds provided under this Act.

TITLE VI—AUTOMOTIVE INDUSTRY ASSISTANCE

SECTION 6001. DIRECT LOAN PROVISIONS.

(a) IN GENERAL.—The Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended by adding at the end the following:

“TITLE IV—DIRECT BRIDGE LOAN PROVISIONS

“SEC. 401. FINDINGS.

“Congress finds that extraordinary and exigent circumstances have prevented the automobile industry from securing essential credit and liquidity from other sources and that the failure of the automobile industry

to obtain such credit and liquidity will have a systemic adverse effect on the economy.

“SEC. 402. PURPOSES.

“The purposes of this title are—

“(1) to clarify that authority and facilities are available to be used immediately by the Secretary to restore liquidity and stability to the automobile industry in the United States;

“(2) to ensure that such authority and such facilities are used in a manner that—

“(A) stimulates manufacturing and sales of automobiles produced by automobile manufacturers in the United States;

“(B) enhances the ability and the capacity of the domestic automobile industry to pursue the timely and aggressive production of energy-efficient advanced technology vehicles;

“(C) preserves and promotes the jobs of 355,000 workers in the United States directly employed by the automobile industry and an additional 4,500,000 workers in the United States employed in related industries; and

“(D) safeguards the ability of the domestic automobile industry to provide retirement and health care benefits for 1,000,000 retirees and their spouses and dependents; and

“(3) to reaffirm the purposes of section 2, which include providing the Secretary with broad authority to restore liquidity and stability to financial institutions, including automobile finance companies.

“SEC. 403. EMERGENCY DIRECT LOAN PROGRAM.

“(a) IN GENERAL.—The Secretary shall make loans in an aggregate amount equal to \$25,000,000,000, to any automobile manufacturer or component supplier that has—

“(1) submitted an application for a loan under this title that includes a statement of need for Government funding under this title to prevent a systemic adverse effect on the United States economy;

“(2) operated 2 or more manufacturing facilities for the purposes of producing automobiles or automobile components in the United States throughout the 25-year period ending on the date of enactment of this title; and

“(3) operations in the United States the failure of which would have a systemic adverse effect on the overall United States economy, as determined by the Secretary.

“(b) ALLOCATION.—In allocating loan amounts under this title, the Secretary shall prioritize applications based on the magnitude of the impact of the manufacturing operations of the applicant in the United States on the overall economy of the United States and other segments of the automobile industry, including the impact on levels of employment, domestic manufacturing of automobiles and automobile components, and automobile dealerships.

“(c) PLAN FOR LONG-TERM FINANCIAL VIABILITY.—At the time of application for a loan under this title, an automobile manufacturer or component supplier shall submit to the Secretary a detailed plan on how the Government funds requested will be utilized to ensure the long-term financial posture of the company, and how such funds will stimulate automobile production in the United States and improve the capacity of the company to pursue the timely and aggressive production of energy-efficient advanced technology vehicles.

“(d) AUTHORITY TO ISSUE STOCK.—At the discretion of the Secretary, the automobile manufacturer or component supplier may issue preferred stock in lieu of a loan, on analogous terms and conditions as those described for loans under this title.

"SEC. 404. FUNDING FROM THIRD TRANCHE; TREATMENT OF LOAN AMOUNTS.

"The costs incurred by the Federal Government in making loans under this title, including credit subsidy costs and administrative expenses, shall be covered out of the funds made available to the Secretary generally under section 118 and, specifically, not from funds which are described in paragraph (1) or (2) of section 115(a), but with respect to the availability of which the reporting and procedural requirements contained in paragraph (3) of such section and section 115(c) shall not apply.

"SEC. 405. TIMING OF DISBURSEMENTS.

"(a) APPLICATIONS.—On and after the date that is 3 days after the date of enactment of this title, the Secretary shall accept applications for loans under this title.

"(b) DETERMINATION OF ELIGIBILITY.—Not later than 15 days after the date on which the Secretary receives an application for a loan under subsection (a), the Secretary shall make a determination regarding the eligibility of the applicant, based on whether the applicant meets the requirements of section 403(a).

"(c) DISBURSEMENT.—The Secretary shall begin disbursement of the proceeds of a loan under this title to an eligible applicant not later than 7 days after the date on which the Secretary receives a disbursement request from the applicant, upon a determination of the Secretary that the applicant is eligible under subsection (b).

"SEC. 406. TERMS AND CONDITIONS.

"(a) TERM TO MATURITY.—The term to maturity of any loan made under this title shall be 10 years, or such longer period as the Secretary may determine with respect to such loan.

"(b) RATE OF INTEREST.—The annual rate of interest for a loan under this title shall be—

"(1) 5 percent during the 5-year period beginning on the date on which the Secretary disburses the loan; and

"(2) 9 percent after the end of the period described in paragraph (1).

"(c) WARRANTS AND DEBT INSTRUMENTS.—The Secretary may not make a loan under this title unless the Secretary receives from the automobile manufacturer or component supplier a warrant or senior debt instrument made in accordance with the requirements for a warrant or senior debt instrument by a financial institution under section 113(d).

"(d) NO PREPAYMENT PENALTY.—A loan made under this title shall be prepayable without penalty at any time.

"(e) EXECUTIVE COMPENSATION.—

"(1) STANDARDS REQUIRED.—The Secretary shall require any recipient of a loan under this title to meet appropriate standards for executive compensation and corporate governance.

"(2) SPECIFIC REQUIREMENTS.—The standards established under paragraph (1) shall include the following:

"(A) Limits on compensation that exclude incentives for senior executive officers of a recipient of a loan under this title to take unnecessary and excessive risks that threaten the value of such recipient during the period that the loan is outstanding.

"(B) A provision for the recovery by such recipient of any bonus or incentive compensation paid to a senior executive officer based on statements of earnings, gains, or other criteria that are later found to be materially inaccurate.

"(C) A prohibition on such recipient making any golden parachute payment to a senior executive officer during the period that the loan under this title is outstanding.

"(D) A prohibition on such recipient paying or accruing any bonus or incentive com-

pensation during the period that the loan is outstanding to any executive whose annual base compensation exceeds \$250,000 (which amount shall be adjusted by the Secretary for inflation).

"(E) A prohibition on any compensation plan that could encourage manipulation of the reported earnings of the recipient to enhance the compensation of any of its employees.

"(3) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) SENIOR EXECUTIVE OFFICER.—The term 'senior executive officer' means an individual who is 1 of the top 5 most highly paid executives of a public company, whose compensation is required to be disclosed pursuant to the Securities Exchange Act of 1934, and any regulations issued thereunder, and non-public company counterparts.

"(B) GOLDEN PARACHUTE PAYMENT.—The term 'golden parachute payment' means any payment to a senior executive officer for departure from a company for any reason.

"(F) PROHIBITION ON PAYMENT OF DIVIDENDS.—No common stock dividends may be paid by any recipient of a loan under this title for the duration of the loan.

"(G) OTHER INTERESTS SUBORDINATED.—Any obligation or liability of a recipient of a loan under this title to any person shall be subordinate to the liability and obligation of the recipient for such loan.

"SEC. 407. OVERSIGHT.

"(a) IN GENERAL.—The provisions of sections 105, 116, 121, and 125 shall apply with respect to any loans made under this title, to the extent possible, in the same manner and to the same extent as such sections apply to transactions made under the authority of title I."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended—

(A) by inserting after the item relating to section 3 the following new item:

"Sec. 4. References."

; and

(B) by adding at the end the following:

"TITLE IV—DIRECT BRIDGE LOAN PROVISIONS

"Sec. 401. Findings.

"Sec. 402. Purposes.

"Sec. 403. Emergency direct loan program.

"Sec. 404. Funding from third tranche; treatment of loan amounts.

"Sec. 405. Timing of disbursements.

"Sec. 406. Terms and conditions.

"Sec. 407. Oversight."

; and

(2) REFERENCES.—The Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended by inserting after section 3 the following new section:

"SEC. 4. REFERENCES.

"Any reference—

"(1) in this division to 'this Act' or any subdivision thereof is a reference to this division A or any subdivision thereof;

"(2) in division (B) to 'this Act' or any subdivision thereof is a reference to division B or any subdivision thereof; and

"(3) in division (C) to 'this Act' or any subdivision thereof is a reference to division C or any subdivision thereof."

TITLE VII—AUTO SALES TAX DEDUCTIONS
SECTION 7001. ABOVE-THE-LINE DEDUCTION FOR INTEREST ON INDEBTEDNESS WITH RESPECT TO THE PURCHASE OF CERTAIN MOTOR VEHICLES.

(a) IN GENERAL.—Paragraph (2) of section 163(h) of the Internal Revenue Code of 1986 is amended—

(1) by striking "and" at the end of subparagraph (E),

(2) by striking the period at the end of subparagraph (F) and inserting "; and", and

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

"(G) any qualified motor vehicle interest (within the meaning of paragraph (5))."

(b) QUALIFIED MOTOR VEHICLE INTEREST.—Section 163(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(5) QUALIFIED MOTOR VEHICLE INTEREST.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified motor vehicle interest' means any interest which is paid or accrued during the taxable year on any indebtedness which—

"(i) is incurred after November 12, 2008, and before January 1, 2010, in acquiring any qualified motor vehicle of the taxpayer, and

"(ii) is secured by such qualified motor vehicle.

Such term also includes any indebtedness secured by such qualified motor vehicle resulting from the refinancing of indebtedness meeting the requirements of the preceding sentence (or this sentence); but only to the extent the amount of the indebtedness resulting from such refinancing does not exceed the amount of the refinanced indebtedness.

"(B) DOLLAR LIMITATION.—The aggregate amount of indebtedness treated as described in subparagraph (A) for any period shall not exceed \$49,500 (\$24,750 in the case of a separate return by a married individual).

"(C) INCOME LIMITATION.—The amount otherwise treated as interest under subparagraph (A) for any taxable year (after the application of subparagraph (B)) shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which is so treated as—

"(i) the excess (if any) of—

"(I) the taxpayer's modified adjusted gross income for such taxable year, over

"(II) \$125,000 (\$250,000 in the case of a joint return), bears to

"(ii) \$10,000.

For purposes of the preceding sentence, 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.

"(D) QUALIFIED MOTOR VEHICLE.—The term 'qualified motor vehicle' means a passenger automobile (within the meaning of section 30B(h)(3)) or a light truck (within the meaning of such section)—

"(i) which is acquired for use by the taxpayer and not for resale after November 12, 2008, and before January 1, 2010,

"(ii) the original use of which commences with the taxpayer, and

"(iii) which has a gross vehicle weight rating of not more than 8,500 pounds."

(c) DEDUCTION ALLOWED ABOVE-THE-LINE.—Section 62(a) of the Internal Revenue Code of 1986 is amended by inserting after paragraph (21) the following new paragraph:

"(22) QUALIFIED MOTOR VEHICLE INTEREST.—The deduction allowed under section 163 by reason of subsection (h)(2)(G) thereof."

(d) REPORTING OF QUALIFIED MOTOR VEHICLE INTEREST.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 6050X. RETURNS RELATING TO QUALIFIED MOTOR VEHICLE INTEREST RECEIVED IN TRADE OR BUSINESS FROM INDIVIDUALS.

"(a) QUALIFIED MOTOR VEHICLE INTEREST.—Any person—

“(1) who is engaged in a trade or business, and

“(2) who, in the course of such trade or business, receives from any individual interest aggregating \$600 or more for any calendar year on any indebtedness secured by a qualified motor vehicle (as defined in section 163(h)(5)(D)),

shall make the return described in subsection (b) with respect to each individual from whom such interest was received at such time as the Secretary may by regulations prescribe.

“(b) FORM AND MANNER OF RETURNS.—A return is described in this subsection if such return—

“(1) is in such form as the Secretary may prescribe,

“(2) contains—

“(A) the name and address of the individual from whom the interest described in subsection (a)(2) was received,

“(B) the amount of such interest received for the calendar year, and

“(C) such other information as the Secretary may prescribe.

“(c) APPLICATION TO GOVERNMENTAL UNITS.—For purposes of subsection (a)—

“(1) TREATED AS PERSONS.—The term ‘person’ includes any governmental unit (and any agency or instrumentality thereof).

“(2) SPECIAL RULES.—In the case of a governmental unit or any agency or instrumentality thereof—

“(A) subsection (a) shall be applied without regard to the trade or business requirement contained therein, and

“(B) any return required under subsection (a) shall be made by the officer or employee appropriately designated for the purpose of making such return.

“(d) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

“(1) the name, address, and phone number of the information contact of the person required to make such return, and

“(2) the aggregate amount of interest described in subsection (a)(2) received by the person required to make such return from the individual to whom the statement is required to be furnished.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made.

“(e) RETURNS WHICH WOULD BE REQUIRED TO BE MADE BY 2 OR MORE PERSONS.—Except to the extent provided in regulations prescribed by the Secretary, in the case of interest received by any person on behalf of another person, only the person first receiving such interest shall be required to make the return under subsection (a).”.

(2) AMENDMENTS RELATING TO PENALTIES.—

(A) Section 6721(e)(2)(A) of such Code is amended by striking “or 6050L” and inserting “6050L, or 6050X”.

(B) Section 6722(c)(1)(A) of such Code is amended by striking “or 6050L(c)” and inserting “6050L(c), or 6050X(d)”.

(C) Subparagraph (B) of section 6724(d)(1) of such Code is amended by redesignating clauses (xvi) through (xxii) as clauses (xvii) through (xxiii), respectively, and by inserting after clause (xii) the following new clause:

“(xvi) section 6050X (relating to returns relating to qualified motor vehicle interest received in trade or business from individuals),”.

(D) Paragraph (2) of section 6724(d) of such Code is amended by striking the period at

the end of subparagraph (DD) and inserting “, or” and by inserting after subparagraph (DD) the following new subparagraph:

“(EE) section 6050X(d) (relating to returns relating to qualified motor vehicle interest received in trade or business from individuals).”.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6050W the following new item:

“Sec. 6050X. Returns relating to qualified motor vehicle interest received in trade or business from individuals.”.

SEC. 7002. ABOVE-THE-LINE DEDUCTION FOR STATE SALES TAX AND EXCISE TAX ON THE PURCHASE OF CERTAIN MOTOR VEHICLES.

(a) IN GENERAL.—Subsection (a) of section 164 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (5) the following new paragraph:

“(6) Qualified motor vehicle taxes.”.

(b) QUALIFIED MOTOR VEHICLE TAXES.—Subsection (b) of section 164 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) QUALIFIED MOTOR VEHICLE TAXES.—

“(A) IN GENERAL.—For purposes of this section, the term ‘qualified motor vehicle taxes’ means any State and local sales or excise tax imposed on the purchase of a qualified motor vehicle (as defined in section 163(h)(5)(D)).

“(B) INCOME LIMITATION.—The amount otherwise taken into account under subparagraph (A) for any taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which is so treated as—

“(i) the excess (if any) of—

“(I) the taxpayer’s modified adjusted gross income for such taxable year, over

“(II) \$125,000 (\$250,000 in the case of a joint return), bears to

“(ii) \$10,000.

For purposes of the preceding sentence, 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) QUALIFIED MOTOR VEHICLE TAXES NOT INCLUDED IN COST OF ACQUIRED PROPERTY.—The last sentence of subsection (a) shall not apply to any qualified motor vehicle taxes.

“(D) COORDINATION WITH GENERAL SALES TAX.—This paragraph shall not apply in the case of a taxpayer who makes an election under paragraph (5) for the taxable year.”.

(c) CONFORMING AMENDMENTS.—Paragraph (5) of section 163(h) of the Internal Revenue Code of 1986, as added by section 1, is amended—

(1) by adding at the end the following new subparagraph:

“(E) EXCLUSION.—If the indebtedness described in subparagraph (A) includes the amounts of any State sales or excise taxes paid or accrued by the taxpayer in connection with the acquisition of a qualified motor vehicle, the aggregate amount of such indebtedness taken into account under such subparagraph shall be reduced, but not below zero, by the amount of any such taxes for which a deduction is allowed under section 164(a) by reason of paragraph (6) thereof.”.

(2) by inserting “, after the application of subparagraph (E),” after “for any period” in subparagraph (B).

(d) DEDUCTION ALLOWED ABOVE-THE-LINE.—Section 62(a) of the Internal Revenue Code of 1986, as amended by section 1, is amended by inserting after paragraph (22) the following new paragraph:

“(23) QUALIFIED MOTOR VEHICLE TAXES.—The deduction allowed under section 164 by reason of subsection (a)(6) thereof.”.

TITLE VIII

GENERAL PROVISIONS—THIS ACT

EMERGENCY DESIGNATION

SEC. 8001. 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.

AVAILABILITY

SEC. 8002. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the “Economic Recovery Act of 2008”.

By Mr. DURBIN:

S. 3690. A bill to help struggling families stay in their homes and to ensure that taxpayers are protected when the Secretary of the Treasury purchases equity shares in financial situations; to the Committee on the Judiciary.

Mr. DURBIN. Just before the Congress paused for the elections, we passed one of the most historic—and contentious—pieces of legislation in my 26 years in Washington. We gave the Treasury Department the authority to spend \$700 billion in taxpayer funds to prevent the complete meltdown of the financial system, which in turn would hopefully prevent the overall economy from descending into a deep and painful recession.

I didn’t like voting for that bill, but I joined the majority of my colleagues in doing so because not voting for it was even worse. I hope in the end that we were right.

However, there are two areas that I do not believe were adequately addressed in that legislation: helping families save their homes from foreclosure and protecting taxpayers from the misuse of their dollars by the bankers that receive them. Today I am introducing legislation—the Homeowner Assistance and Taxpayer Protection Act—to address both concerns.

For far too long the Bush administration has relied on the voluntary efforts of the mortgage servicers to rework millions of troubled mortgages on a case by case basis. These voluntary efforts have been and still are insufficient. There aren’t strong enough incentives for the servicers to pursue work-outs. Servicers aren’t equipped to handle the huge volume of mortgages at risk. Far-flung investors who own pieces of many mortgages, and who often refuse to let servicers rework mortgages even in the cases where the servicers would like to help, present legal obstacles. And the mortgage industry has failed to take strong action against foreclosures, even if it is in their own best interests. The \$700 billion rescue bill encouraged the administration to take stronger steps to help homeowners, but did not require the Government to do so.

My bill would bring real hope to families who fear that they will lose their

homes, by doing three things. First, it would require Treasury, the Federal Reserve, the FDIC, and FHFA to restructure all loans that meet the criteria established in the Hope for Homeowners program to make the mortgages affordable. That means mortgages these regulators own or in which they have a controlling interest must be restructured if a reworked mortgage can be paid by the homeowner and is viable economically for the creditors. The Emergency Economic Stabilization Act as it is currently written only encourages the regulators to restructure those loans, rather than requiring them to do so.

Second, it would require servicers to restructure all loans that qualify for the Hope for Homeowners program, rather than simply encouraging them to do so as the Housing and Economic Recovery Act is currently written.

And, finally, it would allow bankruptcy judges to modify mortgages on primary residences. As I have argued for months now, this is the single most important thing we can do to spur nationwide systematic mortgage restructurings.

The financial crisis will not ease, and the economy will not begin to recover, until we address the root cause of the crisis: the failed mortgage market. My bill would do just that.

The rescue bill also failed to put in place enough taxpayer protections. Congress meant for banks to use the money provided by the Treasury to lend to qualified borrowers, rather than enriching their shareholders and executives. Recent reports indicating that AIG will lavish more than a half billion dollars on its employees at the same time that it receives an even larger \$152 billion taxpayer bailout than originally announced speaks loudly to this problem.

My bill would try to address this concern. The bill would bar banks participating in the Capital Purchase Program authorized by the Emergency Economic Stabilization Act from increasing common share dividends as long as the Government owns preferred shares. It also would require participating banks to reduce the next year's dividends in an amount equal to the compensation paid to the top five executives in excess of \$500,000.

The bill would not bar companies receiving assistance from the Treasury from paying their executives, nor would it bar them from paying dividends. But it would ensure that financial institutions think carefully before redirecting taxpayer-injected dollars away from lending for the good of the economy towards compensation for the good of its own executives and shareholders.

The debate on how to help stabilize the financial sector will certainly continue into the 111th Congress, and I intend to continue to fight for homeowners and for the taxpayers so that we get our economy moving again as quickly as we can, and as prudently as we can.

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

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

S. 3690

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 "Homeowner Assistance and Taxpayer Protection Act".

TITLE I—ASSISTING HOMEOWNERS

SEC. 101. RESTRUCTURING LOANS OWNED BY THE GOVERNMENT.

(a) MORTGAGES ACQUIRED BY THE SECRETARY.—Section 109(a) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended by striking "encourage" and inserting "require".

(b) MORTGAGES HELD BY FEDERAL PROPERTY MANAGERS.—Section 110(b)(1) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended by striking "encourage" and inserting "require".

(c) OBLIGATIONS SECURED BY MORTGAGES HELD BY FEDERAL PROPERTY MANAGERS.—Section 110(c)(1) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended by striking "encourage" and inserting "require".

SEC. 102. REQUIRING LENDERS TO PARTICIPATE IN HOPE FOR HOMEOWNERS PROGRAM WHEN HOMEOWNERS ELECT TO PARTICIPATE.

Section 257(b)(1) of the National Housing Act (12 U.S.C. 1715z-23(b)(1)) is amended by striking "and existing loan holders" and inserting "but required on the part of existing loan holders when homeowners apply".

SEC. 103. HELPING FAMILIES SAVE THEIR HOMES IN BANKRUPTCY.

(a) SPECIAL RULES FOR MODIFICATION OF LOANS SECURED BY RESIDENCES.—

(1) IN GENERAL.—Section 1322(b) of title 11, United States Code, is amended—

(A) in paragraph (10), by striking "and" at the end;

(B) by redesignating paragraph (11) as paragraph (12); and

(C) by inserting after paragraph (10) the following:

"(11) notwithstanding paragraph (2) and otherwise applicable nonbankruptcy law—

"(A) modify an allowed secured claim secured by the debtor's principal residence, as described in subparagraph (B), if, after deduction from the debtor's current monthly income of the expenses permitted for debtors described in section 1325(b)(3) of this title (other than amounts contractually due to creditors holding such allowed secured claims and additional payments necessary to maintain possession of that residence), the debtor has insufficient remaining income to retain possession of the residence by curing a default and maintaining payments while the case is pending, as provided under paragraph (5); and

"(B) provide for payment of such claim—

"(i) in an amount equal to the amount of the allowed secured claim;

"(ii) for a period that is not longer than 40 years; and

"(iii) at a rate of interest accruing after such date calculated at a fixed annual percentage rate, in an amount equal to the most recently published annual yield on conventional mortgages published by the Board of Governors of the Federal Reserve System, as of the applicable time set forth in the rules of the Board, plus a reasonable premium for risk; and"

(2) CONFORMING AMENDMENT.—Section 1325(a)(5) of title 11, United States Code, is

amended by inserting before "with respect" the following: "except as otherwise provided in section 1322(b)(11) of this title,".

(b) WAIVER OF COUNSELING REQUIREMENT WHEN HOMES ARE IN FORECLOSURE.—Section 109(h) of title 11, United States Code, is amended by adding at the end the following:

"(5) The requirements of paragraph (1) shall not apply with respect to a debtor who files with the court a certification that a foreclosure sale of the debtor's principal residence has been scheduled."

(c) COMBATING EXCESSIVE FEES.—Section 1322(c) of title 11, the United States Code, is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(3) the plan need not provide for the payment of, and the debtor, the debtor's property, and property of the estate shall not be liable for, any fee, cost, or charge, notwithstanding section 506(b), that arises in connection with a claim secured by the debtor's principal residence if the event that gives rise to such fee, cost, or charge occurs while the case is pending but before the discharge order, except to the extent that—

"(A) notice of such fees, costs, or charges is filed with the court, and served on the debtor and the trustee, before the expiration of the earlier of—

"(i) 1 year after the event that gives rise to such fee, cost, or charge occurs; or

"(ii) 60 days before the closing of the case; and

"(B) such fees, costs, or charges are lawful, reasonable, and provided for in the agreement under which such claim or security interest arose;

"(4) the failure of a party to give notice described in paragraph (3) shall be deemed a waiver of any claim for fees, costs, or charges described in paragraph (3) for all purposes, and any attempt to collect such fees, costs, or charges shall constitute a violation of section 524(a)(2) of this title or, if the violation occurs before the date of discharge, of section 362(a) of this title; and

"(5) a plan may provide for the waiver of any prepayment penalty on a claim secured by the principal residence of the debtor."

(d) PROHIBITING CLAIMS ARISING FROM VIOLATIONS OF CONSUMER PROTECTION LAWS.—Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking "or" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "or"; and

(3) by adding at the end the following:

"(10) such claim includes a request for damages or rescission based on a failure to comply with the Truth in Lending Act (15 U.S.C. 1601 et seq.), or any other provision of applicable State or Federal consumer protection law in force when the failure to comply occurred, notwithstanding a prior entry of a foreclosure judgment."

(e) APPLICATION OF AMENDMENTS.—The amendments made to title 11, United States Code, by this section shall apply with respect to cases commenced under that title 11 on or after the date of enactment of this Act, or pending on the date of enactment of this Act.

TITLE II—PROTECTING TAXPAYERS

SEC. 201. BARRING DIVIDEND INCREASES.

Section 113(d) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended by adding at the end the following:

"(4) DIVIDENDS.—If the Secretary purchases troubled assets under the authority of this Act, the financial institutions from which

such assets are purchased may not pay dividends in a cumulative amount that is higher in the current or a future fiscal year than the cumulative dividends paid in the fiscal year immediately preceding the sale of the troubled assets until such time as the troubled assets are no longer owned by the Secretary.”.

SEC. 202. REDUCING DIVIDENDS TO PAY FOR EXCESSIVE EXECUTIVE COMPENSATION.

Section 111(b)(2) of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343) is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(D) a reduction in dividends paid by the institution in its next fiscal year equal to the executive compensation paid to senior executive officers in excess of \$500,000 per officer in the current fiscal year.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 706—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN PETER BERGEL V. PACIFIC GAS & ELECTRIC

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 706

Whereas, in the case of Peter Bergel v. Pacific Gas & Electric, No. 0712-15723, pending in Multnomah County Circuit Court in Portland, Oregon, the defendant has requested testimony from Denise Racanelli, an employee in the office of Senator Gordon Smith;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Denise Racanelli is authorized to testify in the case of Peter Bergel v. Pacific Gas & Electric, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Denise Racanelli in connection with the testimony authorized in section one of this resolution.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Monday, November 17, 2008, at 2

p.m., in room 215 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. FEINSTEIN. 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 Monday, November 17, 2008, at 10 a.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. FEINSTEIN. 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 Monday, November 17, 2008, at 2:30 p.m.

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

UNITED STATES ARMY COMMEMORATIVE COIN ACT

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5714, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5714) to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army of 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the Colonial period to today.

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

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 5714) was ordered to a third reading, was read the third time, and passed.

CHILD SAFE VIEWING ACT

Mr. WHITEHOUSE. Madam President, I ask the Chair to lay before the Senate a message from the House with respect to S. 602.

The PRESIDING OFFICER (Ms. STABENOW) laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 602) entitled “An Act to develop the next generation of parental control technology”, do pass with the following amendment:

Strike section 2 and redesignate section 3 as section 2.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the

Senate concur in the House amendment and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

SENATE LEGAL COUNSEL AUTHORIZATION

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 706, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 706) to authorize testimony and legal representation in Peter Bergel v. Pacific Gas & Electric.

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

Mr. REID. Mr. President, this resolution concerns a request for testimony in a civil action in Multnomah County Court in Portland, OR. In this action, the plaintiff, an anti-war protester, seeks damages for an alleged false arrest in March 2007 in the lobby of a private office building housing Senator SMITH's Portland, OR office. The defendant owner of the building has requested that an employee in the Senator's Portland office provide in connection with upcoming summary judgment proceedings a declaration concerning relevant communications the employee had with building security officers related to the events in question. Senator SMITH would like to cooperate by providing testimony from that employee. This resolution would authorize that employee to testify in connection with this action, with representation by the Senate Legal Counsel.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 706) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 706

Whereas, in the case of Peter Bergel v. Pacific Gas & Electric, No. 0712-15723, pending in Multnomah County Circuit Court in Portland, Oregon, the defendant has requested testimony from Denise Racanelli, an employee in the office of Senator Gordon Smith;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under