

the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 5, line 4, strike all through page 7, line 9, and insert the following:

(a) AGE LIMITATION.—

(1) IN GENERAL.—Subsection (b) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) AGE LIMITATION.—No credit shall be allowed under subsection (a) with respect to the purchase of any residence unless the taxpayer has attained age 18 as of the date of such purchase and is otherwise not eligible to be claimed as a dependent (as defined in section 152) on another tax return. In the case of any taxpayer who is married (within the meaning of section 7703), the taxpayer shall be treated as meeting the age requirement of the preceding sentence if the taxpayer or the taxpayer’s spouse meets such age requirement.”.

(2) CONFORMING AMENDMENT.—Subsection (g) of section 36 of such Code is amended by striking “subsections (c) and (f)(4)(D)” and inserting “subsection (b)(3), (c), and (f)(4)(D)”.

(b) DOCUMENTATION REQUIREMENTS.—

(1) IN GENERAL.—Subsection (d) of section 36 of the Internal Revenue Code of 1986 is amended by striking “or” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting a comma, and by adding at the end the following new paragraphs:

“(3) the taxpayer fails to attach to the return of tax for such taxable year a properly executed copy of the settlement statement used to complete such purchase, or

“(4) the taxpayer fails to attach to the return of tax for such taxable year a certified statement of the taxpayer’s eligibility for the tax credit issued by the real estate reporting person (as defined in section 6045(e)(2)) with respect to such purchase. Such certified statement shall be issued in such form and manner as prescribed by the Secretary and prepared based on the reasonable facts and circumstances made known to the reporting person from the taxpayer. The reporting person shall not be held liable due to false statements or facts made by the taxpayer, unless such reporting person had reasonable means to determine such statements or facts were false.”.

(2) ENSURING ELECTRONIC FILING.—The Commissioner of Internal Revenue shall develop rules that enable the Internal Revenue Service to enforce the documentation requirements resulting from the amendments made by paragraph (1) without hindering electronic means of filing tax returns.

(c) RESTRICTION ON MARRIED INDIVIDUAL ACQUIRING RESIDENCE FROM FAMILY OF SPOUSE.—Clause (i) of section 36(c)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting “(or, if married, such individual’s spouse)” after “person acquiring such property”.

(d) CERTAIN ERRORS WITH RESPECT TO THE FIRST-TIME HOMEBUYER TAX CREDIT TREATED AS MATHEMATICAL OR CLERICAL ERRORS.—Paragraph (2) of section 6213(g) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of subparagraph (M), by striking the period at the end of subparagraph (N) and inserting “, and”, and by inserting after subparagraph (N) the following new subparagraph:

“(O) an entry on a return claiming the credit under section 36 if—

“(i) the Secretary obtains information from the person issuing the TIN of the tax-

payer that indicates that the taxpayer does not meet the age requirement of section 36(b)(3),

“(ii) information provided to the Secretary by the taxpayer on an income tax return for at least one of the 2 preceding taxable years is inconsistent with eligibility for such credit, or

“(iii) the taxpayer fails to attach to the return the form described in paragraph (3) or (4) of section 36(d).”.

(e) INVESTIGATION AND PROSECUTION; REPORT.—The Commissioner of Internal Revenue shall take such steps as are necessary to investigate and prosecute instances of fraud related to the first-time homebuyer tax credit under section 36 of the Internal Revenue Code of 1986. The Commissioner of Internal Revenue shall provide reports to Congress on the status of the investigatory and prosecutorial actions not later than 90 days after the date of the enactment of this Act, and quarterly thereafter.

(f) EFFECTIVE DATE.—

**SA 2709.** Mr. UDALL of Colorado (for himself, Mr. SCHUMER, Mr. TESTER, Mr. MERKLEY, Mr. WHITEHOUSE, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ EXPEDITED CARD REFORM FOR CONSUMERS ACT.**

(a) SHORT TITLE.—This section may be cited as the “Expedited CARD Reform for Consumers Act of 2009”.

(b) EARLIER EFFECTIVE DATE FOR THE CREDIT CARD ACT OF 2009, GENERALLY.—Section 3 of the Credit Card Accountability Responsibility and Disclosure Act of 2009 (15 U.S.C. 1602 note) is amended by striking “become effective 9 months after the date of enactment of this Act,” and inserting “take effect on December 1, 2009, except that for a depository institution, as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), with fewer than 2 million credit cards in circulation on the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009, the effective date shall be February 22, 2010.”

(c) EARLIER EFFECTIVE DATES FOR SPECIFIC PROVISIONS TO PREVENT FURTHER ABUSES.—

(1) REVIEW OF PAST CONSUMER INTEREST RATE INCREASES.—Section 148(d) of the Truth in Lending Act (15 U.S.C. 1665c(d)) (as added by section 101(c) of the Credit Card Accountability Responsibility and Disclosure Act of 2009) is amended—

(A) by striking “9 months after the date of enactment of this section” and inserting “December 1, 2009, except that for a depository institution, as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), with fewer than 2 million credit cards in circulation on the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009, the effective date shall be February 22, 2010.”; and

(B) by striking “become effective 15 months after that date of enactment” and inserting “take effect on December 1, 2009, except that for a depository institution, as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), with fewer than 2 million credit cards in circulation on the date of the enactment of the Expedited CARD Reform for Consumers Act of

2009, the effective date shall be August 22, 2010”.

(2) REQUIREMENT THAT PENALTY FEES BE REASONABLE AND PROPORTIONAL TO THE VIOLATION.—Section 149(b) of the Truth in Lending Act (15 U.S.C. 1665d(b)) (as added by section 102(b) of the Credit Card Accountability Responsibility and Disclosure Act of 2009) is amended—

(A) by striking “9 months after the date of enactment of this section,” and inserting “December 1, 2009, except that for a depository institution, as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), with fewer than 2 million credit cards in circulation on the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009, the effective date shall be February 22, 2010.”; and

(B) by striking “become effective 15 months after the date of enactment of the section” and inserting “take effect on December 1, 2009, except that for a depository institution, as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), with fewer than 2 million credit cards in circulation on the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009, the effective date shall be August 22, 2010”.

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

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

The purpose of this hearing is to receive testimony on policy options for reducing greenhouse gas emissions.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by email to [Gina\\_Weinstock@energy.senate.gov](mailto:Gina_Weinstock@energy.senate.gov)

For further information, please contact Jonathan Black at (202) 224-6722 or Gina Weinstock at (202) 224-5684.

### SUBCOMMITTEE ON NATIONAL PARKS

Mr. BINGAMAN. Mr. President, the Subcommittee on National Parks had previously announced a hearing to be held on Wednesday, November 4, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC. In addition to the bills previously listed, the following bill will be included:

H.R. 1287, to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify

by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [allison\\_seyferth@energy.senate.gov](mailto:allison_seyferth@energy.senate.gov).

For further information, please contact David Brooks at (202) 224-9863 or Allison Seyferth at (202) 224-4905.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Thursday, November 5, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 1757, to provide for the prepayment of a repayment contract between the United States and the Uintah Water Conservancy District, and for other purposes; S. 1758, to provide for the allocation of costs to project power with respect to power development within the Diamond Fork System, and for other purposes; and S. 1759, to authorize certain transfers of water in the Central Valley Project, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [Gina\\_Weinstock@energy.senate.gov](mailto:Gina_Weinstock@energy.senate.gov).

For further information, please contact Tanya Trujillo at (202) 224-5479 or Gina Weinstock at (202) 224-5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 28, 2009, at 9:30 a.m., to conduct a hearing entitled "Dark Pools, Flash Orders, High Frequency Trading, and Other Market Structure Issues."

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 28, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on October 28, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on October 28, 2009, at 9:30 a.m., in room 406 of the Dirksen Senate Office Building to hold a hearing entitled "Legislative Hearing on S. 1733, Clean Energy Jobs and American Power Act."

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. STABENOW. 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 October 28, 2009.

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

COMMITTEE ON THE JUDICIARY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on October 28, 2009, at 10 a.m., in room SD-226 of the Dirksen Office Building, to conduct a hearing entitled "Effective Strategies for Preventing Health Care Fraud."

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

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Ms. STABENOW. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on October 28, 2009, at 2:30 p.m. to conduct a hearing entitled, "Achieving the President's Objectives: New OMB Guidance to Combat Waste, Inefficiency, and Misuse in Federal Government Contracting."

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

SPECIAL COMMITTEE ON AGING

Ms. STABENOW. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on October 28, 2009, from 2-4:30 p.m. in room 562 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON NATIONAL PARKS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be au-

thorized to meet during the session of the Senate on October 28, 2009, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Ms. STABENOW. Mr. President, on behalf of Senator MARK UDALL, I ask unanimous consent that a fellow in his office, Matt Bowen, be granted floor privileges for the duration of the month of October.

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

Mr. CARDIN. Mr. President, I ask unanimous consent that Lauren Bate-man, Caren Street, and Maria Urbina, from Senator REID's office, be granted the privilege of the floor for the month of October.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 504, 505, 506 to and including 511, except the nomination of BG Michael J. Walsh, 512 to and including 514, 519, 520, and all nominations on the Secretary's desk in the Air Force, Army, Coast Guard, Marine Corps, and Navy; that the nominations be confirmed en bloc; the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; provided further that the President be immediately notified of the Senate's action; and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS

IN THE DEPARTMENT OF DEFENSE

Gladys Commons, of Virginia, to be an Assistant Secretary of the Navy.

Christine H. Fox, of Virginia, to be Director of Cost Assessment and Program Evaluation, Department of Defense.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Lt. Gen. Mark A. Welsh, III

IN THE ARMY

The following named officers for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

*To be brigadier general*

Colonel Kelly J. Thomas

The following named officer for appointment in the Reserve of the Army to the