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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. LORETTA SANCHEZ of California).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 29, 2010.

I hereby appoint the Honorable LORETTA SANCHEZ to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Reverend Bruce R. Scott, Pentecostals of South Lake, Merrillville, Indiana, offered the following prayer:

Loving Lord, Creator of everything, thank You for allowing us to come into Your presence. It is written in Your Word, if we would acknowledge You in all our ways, You will direct our steps. Thank You for the House of Representatives. I ask You to direct their steps today. Grant to them wisdom and understanding. Let them make right decisions based on biblical principles.

Lord, just as You paid a price for our salvation on Calvary, there is a price being paid today for this great Nation and our freedom. I ask You to be with our military personnel all over this world. Protect those in harm's way. Be with the family members at home; strengthen and encourage every spouse and child as they wait for the return of their loved one.

Bless our President and all the Members of Congress with wisdom and protection today. Surround our Nation with Your presence.

This I ask in the name above every name, in Jesus' name. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

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

WELCOMING REVEREND BRUCE R. SCOTT

The SPEAKER pro tempore. Without objection, the gentleman from Indiana, Congressman VISCLOSKY, is recognized for 1 minute.

There was no objection.

Mr. VISCLOSKY. It is my honor to welcome to the Chamber Reverend Randy Scott, who led us in the opening prayer.

Reverend Scott has dedicated his life to the service of his community and fellow citizens in northwest Indiana. Before joining the church, Randy spent 37 years of his life as a member of the International Brotherhood of Boilermakers, Local 374, in Hammond, Indiana.

After his retirement, Reverend Scott was touched by the Holy Spirit and realized that his life was destined for a higher purpose. He put his life in the hands of the Lord, who directed him to become a shepherd of His flock. Twenty-four years ago, Reverend Scott began ministering with the United Pentecostal Church International. Reverend Scott became the assistant pastor at the Pentecostals of South Lake Church in Merrillville, Indiana, where he has effectively ministered to the congregation for the past 20 years, enriching all those who pass through the doors. Reverend Scott has also dedicated himself to the Merrillville Clergy Association, where he has served as president for the past 3 years.

Reverend Scott is joined here today with his wife, Connie, and his daughter, Lydia.

It is my honor to welcome a man who encompasses so many of the wonderful qualities and experiences of the people of northwest Indiana, and I would like to personally thank Reverend Scott for offering this morning's prayer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain up to 10 further requests for 1-minute speeches on each side of the aisle.

ONE-YEAR ANNIVERSARY OF AMERICAN HIKERS BEING DETAINED IN IRAN

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

Ms. SCHWARTZ. This week marks the 1-year anniversary of three American hikers being detained in Iran. Joshua Fattal, Shane Bauer, and Sarah Shourd were visiting a mountainous region in northern Iraq and innocently strayed across the unmarked frontier into Iran. The Iranian Government locked them up, accusing them of espionage—a baseless accusation.

Last fall, Senator ARLEN SPECTER and I championed a resolution calling on Iran to release the hikers. I have met with all three mothers and stayed in touch with Josh's mother, Laura, who lives in Montgomery County,

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Pennsylvania. This Saturday the families of the hikers will gather at the Liberty Bell in Philadelphia to hold vigil for Josh, Shane, and Sarah.

I am deeply taken by the steadfast determination and spirit of the families as they advocate for their children's health, safety, and release. The hikers have been detained far too long, and Iran should demonstrate compassion and release them back to their families here in the United States.

I ask my colleagues to join me in acknowledging and sympathizing with these three young Americans and their families and calling on the Government of Iran to release them now.

HONORING CESAR ALVAREZ, RECIPIENT OF THE NATIONAL SCOPUS AWARD

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I rise today to honor Cesar Alvarez, a world-class lawyer and a pillar of our south Florida community.

This fall, the American Friends of The Hebrew University is bestowing upon Cesar its highest honor, the National Scopus Award. Named for the mountain upon which the university is built, the Scopus Award honors those who are true humanitarians.

Cesar has always shown impeccable leadership in both his professional and charitable endeavors, and his reputation for excellence is widely known. Through his law firm and so many charitable organizations, Cesar has had a significant and positive impact upon south Florida. For many years, Cesar has worked to forge alliances between our local Jewish and Cuban American communities. So it's particularly befitting that these two communities have come together to honor him.

Cesar, congratulations on this most recent of many recognitions. Your hard work and leadership are truly worth honoring and emulating.

WATER SUPPLY CHALLENGES IN THE SAN JOAQUIN VALLEY

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

Mr. COSTA. Madam Speaker, as we return to our districts with the August recess, I want to call attention to the ongoing water supply challenges facing the San Joaquin Valley that I represent.

This year, we pushed the administration to use all the flexibility and power within the law to increase pumping to move water to our valley. We pushed to find additional water supplies that were not previously available at contract rates, and we were able to increase the water allocation for farmers in our valley significantly. We also pushed to bring critical water infrastructure projects, like the Intertie that we will have groundbreaking next month.

Our efforts have produced more than four times the amount of water we received last year, but our fight for water, for valley jobs, and for our economy is far from over. Unemployment is still unacceptable. This administration and Congress must continue to step up its support for the San Joaquin Valley, as farmers and farm communities need a sustainable water supply to grow the country's fresh fruits and vegetables, our Nation's food supply.

That is why it is more important than ever in the next water year for Federal and State agency leaders to use every tool in their water toolbox to ensure that water flows. That means we must work together with our local water agencies.

□ 1010

WHAT WE HAVE LEARNED IN 2065 YEARS?

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

Mr. POE of Texas. Madam Speaker, everybody outside of Washington, DC, understands government spending is out of control.

For those inside the Beltway who don't get it, the Congressional Budget Office put out a report that explains it loud and clear. The report says, ''Deficits will cause debt to rise to unsupportable levels.''

That's right, unsupportable levels. Every family struggling right now that tries to make ends meet understands that you can't spend more than you make.

In 55 B.C. the Roman statesman and philosopher Cicero supposedly warned Rome before it crashed and burned: ''The budget should be balanced, the Treasury should be refilled, public debt should be reduced, and the arrogance of officialdom should be tempered and controlled, and the assistance to foreign lands should be curtailed, lest Rome become bankrupt. People must again learn to work, instead of living on public assistance.''

So what have we learned in 2065 years since Cicero first said these words? Apparently government-gone-wild big spenders haven't learned a thing.

And that's just the way it is.

9/11 HEALTH AND COMPENSATION

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

Mr. ISRAEL. Madam Speaker, today we consider the 9/11 Health and Compensation Act.

In my district, John Sferazo is counting on us to pass this bill. John was at Ground Zero clearing rubble and removing debris. Today his breathing is labored and his health is precarious.

There are tens of thousands of John Sferazos in this country: 13,000 who are ill; 53,000 whose health is being monitored; 71,000 who were exposed to poisonous toxins. This bill ensures a network of health care providers and monitoring.

Now some are saying, let's wait, let's debate more let's slow down. When the towers fell, John Sferazo did not say let's wait, let's debate, let's slow down. The responders put aside their lives and health for us, and we should put aside our politics for them.

We are bringing this bill to the floor under the same expedited consideration that we use to name post offices. Certainly John Sferazo and tens of thousands of 9/11 responders are worth at least as much expeditious consideration as we use to name post offices.

MEDIA SHOULD GIVE FACTS ON IMMIGRATION LAW

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

Mr. SMITH of Texas. Madam Speaker, yesterday a Federal judge sided with the Obama administration against Arizona's immigration enforcement law.

The ruling will be seen by Arizonans and the vast majority of Americans who support the law as just another example of this administration's failure to deal with illegal immigration and border security.

Like the administration, the national media has shown a clear bias against the Arizona law. Network evening news coverage has been slanted against the Arizona law by a margin of 10–1, according to an analysis by the Media Research Center. Only one in six stories mentioned public opinion polls showing that Americans support the law.

The national media should give Americans the facts about Arizona's immigration enforcement law, not provide cover for the administration's failure to secure the border.

9/11 HEALTH AND COMPENSATION

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

Mr. BISHOP of New York. Madam Speaker, I rise in strong support for the 9/11 Health and Compensation Act, which we will be considering later this morning. Consideration of this legislation is long overdue. Thousands of brave Americans are suffering from debilitating illnesses after being exposed to harmful toxins released by the debris of the World Trade Center.

The bill before us provides necessary medical monitoring and treatment to World Trade Center first responders, and those who worked or lived in downtown Manhattan on September 11. It also reopens the 9/11 Victim Compensation Fund to compensate those affected.

This legislation will help thousands of New Yorkers, courageous firefighters, police officers, EMTs and clean-up workers, as well as the thousands of selfless individuals who rushed from every State to lend a hand in the rescue recovery and cleanup efforts at Ground Zero.

Many of them are my constituents, like John Feal, who founded the FealGoodFoundation, which has achieved so much since September 11 to raise awareness and help those who answered the Nation's call upon learning of the attacks on lower Manhattan.

It is imperative that we affirm our commitment to first responders and survivors by ensuring they have access to treatment and care. We should pass this bill as a solemn measure of our indebtedness and to honor these most deserving patriots who sacrificed their health and safety for their fellow Americans.

I urge my colleagues to support this critical legislation.

MEDMAL ACT OF 2010

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

Mr. FLEMING. Madam Speaker, last month, along with fellow physician Congressman PHIL GINGREY of Georgia, I introduced the MedMal Act of 2010, legislation aimed at enacting a meaningful medical liability reform.

Unlike ObamaCare, this legislation will increase access and lower health care costs for patients, physicians and our government by reducing needless costs incurred because of defensive medicine. Furthermore, this reform will strengthen the doctor-patient relationship by encouraging collaboration between parties when a medical incident occurs.

Repealing ObamaCare and replacing it with patient-centered reforms continues to be our primary goal, a goal that our constituents sent us here to achieve.

Thus we remain committed to passing comprehensive medical liability reform as part of the solution. With a savings of at least $200 billion annually in defensive medicine costs, there is no reason not to act immediately.

WHAT MEDICINE SHOULD DO WHEN IT CAN'T SAVE YOU

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

Mr. BLUMENAUER. Madam Speaker, the current article of the New Yorker magazine has a thoughtful article from Atul Gawande, ''What medicine should do when it can't save your life.'' It focuses on those critical areas of end of life. It deals with fascinating studies that show people who deal, who are in hospice care, rather than the most aggressive medical interventions, actually, in many cases, live as long or in some cases even longer.

But, more important, Madam Speaker, is the notion of control for these patients. The people who have substantive discussions with their doctor about end-of-life preferences were more likely to die at peace and in control of their situation and to spare their families anguish.

This is exactly why I have introduced Personalize Your Care Act, H.R. 5795, to make sure that patients' wishes are observed, that the government helps promote that conversation, and that we allow people to live their lives the way they want to.

KEEP AVONDALE SHIPYARD OPEN

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

Mr. ALEXANDER. Madam Speaker, Northrop Grumman recently announced that they would consolidate and close Avondale Shipyard by 2013. In the midst of economic downturn, the gulf oil spill, the drilling moratorium, layoffs from the NASA shuttle program, the decision to close Avondale will very well have a devastating effect on the State of Louisiana.

We must find a solution to help those 5,000 employees that would be affected. Article I, section 9 of the Constitution states that ''no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.''

If Avondale were making cruise ships, then this wouldn't be a Federal jurisdiction. However, as Northrop Grumman Shipbuilding has built over 70 percent of the Navy's fleet, I believe this is the time to exercise some intervention into this consolidation process. We must assist the State in finding alternative issues for Avondale Shipyard in Louisiana.

STAND UP TO WALL STREET

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

Mr. WELCH. Madam Speaker, today, 40 of my colleagues are joining me to call on the Wall Street banks that are continuing to totally disrespect the American taxpayer to do the right thing.

In a report issued last week, compensation master Kenneth Feinberg identified 17 banks which paid out questionable bonuses, questionable in the sense that it was multimillion dollar payments for no good valuable work. These are banks that did this after accepting taxpayer assistance. To make matters worse, six of those 17 firms have yet to pay back the taxpayer money that was the lifeline to keep them going.

When the American public threw the lifeline, it was not for those banks and the benefit of the bankers. It was to stabilize the financial system and revive Main Street.

Why is it that when it comes to compensation on Wall Street, too much is never enough? Today, my colleagues are calling on these banks to put paying back the taxpayer ahead of paying off their executives.

□ 1020

OPPOSE THE CLEAR ACT

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

Mr. HASTINGS of Washington. Madam Speaker, instead of directly addressing the gulf oil spill tragedy, Congress is voting this week on legislation, the CLEAR Act, that is stuffed full of unrelated items, legislation that will kill American jobs and raise energy prices.

Simply put, Democrats are using the oil spill as an excuse to raise taxes and increase spending. The bill imposes a new $22 billion energy tax and has over $30 billion of new unrelated mandatory spending. What the Democrats are doing, Madam Speaker, is rushing ahead of the facts and writing laws before investigations into the spill are finished.

Reforms are needed to make American offshore drilling the safest in the world, but that doesn't require tax increases or billions of dollars of unrelated spending and inflicting greater economic pain and lost jobs on Americans.

I urge my colleagues to oppose the CLEAR Act.

HAMOT MEDICAL CENTER

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

Mrs. DAHLKEMPER. Madam Speaker, I rise today to applaud the exemplary health care institution in my district, Hamot Medical Center in Erie, Pennsylvania.

For more than 125 years, western Pennsylvanians have taken advantage of the excellent quality of care at Hamot Medical Center. This week, Hamot Medical Center is being recognized yet again for their high standards of quality and excellent patient care. U.S. News & World Report announced that Hamot Medical Center has been ranked among the top medical facilities in the Nation in the specialty of pulmonary medicine, which treats diseases of the lungs and respiratory tract. U.S. News & World Report's Best Hospitals 2010–11 includes rankings of 152 medical centers nationwide on tough standards of care and the number of patients served, among other factors.

I want to congratulate Hamot Medical Center for its commitment to its patients and to our community. Hamot is truly an asset to my district.

FEAR IS IN THE AIR FOR DEMOCRATS

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

Mr. PENCE. Thomas Jefferson said, ''When the people fear their government, there is tyranny; when the government fears the people, there is liberty.'' Make no mistake about it, there is fear in the air.

Now elitists in Washington, DC, would have us believe that the rising voice of the American people is based on fear, but it is becoming evident that the real fear is coming from Democratic elitists here in Washington who realize that the people will not be silenced.

Yesterday we learned of a new effort by Democrats in Washington to attack American citizens who speak their mind and peaceably assemble as ''extremists'' or ''radicals.'' Demeaning Tea Party citizens or other Americans for simply saying no to runaway spending, takeovers, and bailouts is beneath the dignity of a great political party and it smacks of desperation. The voices of the American people—whether the left or the right or the middle—should never be muted or demeaned by the leaders who serve them. And when we see baseless smears of good Americans whose only offense is the exercise of their First Amendment rights of free speech and free assembly, we should see the fear for what it is—the fear of losing an election.

MOURNING THE LOSS OF FORMER NBA STAR LORENZEN WRIGHT

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

Mr. COHEN. Madam Speaker, yesterday in Memphis, Tennessee, a tragedy was discovered that has affected our city and its professional sports world, a great basketball player and Memphian, Lorenzen Wright, was found murdered.

Lorenzen Wright was a 14-year NBA star who played 5 years with the Memphis Grizzlies, and before that, 2 years with the University of Memphis, taking our team to the Great Eight in Kansas City, and before that, in high school at Booker T. Washington.

Lorenzen Wright was a family man. He was loved in Memphis, he was an outstanding citizen who cared about young people, he loved his children, and the city grieves for him today.

It is a great loss to our city and to the basketball world. I miss Lorenzen Wright as a friend. I appreciate all he did for my city.

DEMOCRATS NEED MORE OF YOUR TAX DOLLARS

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

Ms. FOXX. Madam Speaker, $6.1 trillion, that's how much money the Federal Government has spent in just the first 18 months of the Obama Presidency. Washington is spending $7 million every minute of every hour of every day. There is only one way to feed that kind of destructive habit: Washington needs more of your tax dollars.

And that's exactly what Democrats here on Capitol Hill and in the White House are talking about, the largest tax increase in American history. And it's no surprise when this Democrat-controlled Congress is on the verge of a second straight year of creating a record annual deficit.

Instead of working with Republicans to make the hard choices to cut spending, Democrats are going to keep right on with out-of-control spending, and they will send the American people the bill. At a time when American families are struggling and when nearly 15 million people are looking for work, Washington Democrats are poised to hit every single taxpayer with a tax increase to pay for their reckless spending.

Madam Speaker, House Republicans will fight those tax increases and will work to stop Democrats' out-of-control spending.

FORT EDWARD FIRE

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

Mr. MURPHY of New York. Madam Speaker, there are times when words fall abysmally short to describe the horrors that punctuate our lives. A few weeks ago, our community was shaken by the devastating loss of six children in a house fire. As a father of three, a loss of this magnitude is beyond my comprehension.

Fort Edward has come together to remember and mourn the loss of these young lives. After the fire, a makeshift memorial grew up on the sidewalk in front of their home with a sea of flowers, toys, teddy bears, candles, and cards. Our community has grieved the loss of these children and come together in prayer and silence to offer support to their family and friends.

It is always a tragedy when children are taken before they've had a chance to grow, and it leaves us wondering, why did this happen? Hope was 12, Paige was 8, Lewis was 7, Mackenzie was 6, Emilie was 3, and Abbigayle was just 1 years old. Our hearts go out to their parents, and today I rise to remember the six children who lost their lives on that tragic night. Our entire community grieves their loss and keeps the memory of their lives close to our heart.

MISSED OPPORTUNITIES AND MISPLACED PRIORITIES

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

Mr. FLAKE. Madam Speaker, I want to say just a few words about missed opportunities and misplaced priorities.

This is typically appropriation season, but this is only our second appropriation bill—and maybe final appropriation bill that we do all year. We typically have an open rule where any Member can bring any amendment to the floor as long as it is germane to strike spending and save money for the taxpayers, yet this year the Rules Committee only saw fit to allow 22 percent of the amendments offered to go onto the floor today.

Typically, any Member can offer any amendment they would like to as long as it saves money. But instead of saving money this year, we decided to spend time doing things like H.R. 1460, recognizing the important role of pollinators, or supporting the goals and ideals of Railroad Retirement Day, or congratulating the Saratoga race course. These are suspension bills that take 10 minutes to debate on the floor; that's the same amount of time that we give for amendments. And so instead of doing amendments to save money, we're actually honoring racehorses and things like that.

TAX EXTENDERS BILL

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

Mr. NEAL. Madam Speaker, in December, and again in May, this House passed legislation to extend a set of expiring tax provisions providing billions of dollars in tax relief to millions of American families. That tax bill passed the House and has been stymied in the other body, where only two Republican Senators have stood up to their party's filibuster against these tax cuts. The $250 deduction for teachers is an important incentive for people who educate our children and buy classroom supplies out of their own pockets, but it has expired. Let me tell you who's suffering in the meantime: 124,000 teachers in Georgia cannot deduct $31 million in classroom supplies for our children; 26,000 teachers in Nevada cannot deduct $6.6 million in expenses; 113,000 teachers in North Carolina cannot deduct $28 million of classroom costs; and 314,000 teachers in Texas cannot deduct $81 million in expenses to educate our children. More than 3.5 million elementary and secondary teachers cannot deduct more than $908 million they will spend this year out of pocket.

A better educated child means a better job down the road. This tax deduction benefiting our Nation's teachers has been forgotten and cast aside by the Senate Republicans. I urge my colleagues on the other side of the aisle to

contact their Senators and tell them that the Tax Extenders bill means jobs.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the amendment of the House to the bill (S. 1749) ''An Act to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.''.

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 5850, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Mr. ARCURI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1569 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1569

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5850) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 171, line 17. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendments printed in part A of the report of the Committee on Rules accompanying this resolution; and (2) not to exceed four of the amendments printed in part B of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After disposition of the amendments specified in the first section of the resolution, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

POINT OF ORDER

Mr. FLAKE. Madam Speaker, I raise a point of order against H. Res. 1569 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes the violation of section 426(a).

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

The gentleman has met the threshold burden under the rule, and the gentleman from Arizona and the gentleman from New York each will control 10 minutes of debate on the question of consideration. After that debate, the Chair will put the question of consideration as the statutory means of disposing of the point of order.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Speaker, I raise this point of order today not to debate a point of unfunded mandates, although there are probably some in the legislation. It is simply the only opportunity that members of the minority have to stand up and talk about this process. We are only given a minimal amount of time on the rule, itself, and, on the bill, just an hour of debate and then amendment debate. Unfortunately, although we have had an open process in terms of amendments on appropriation bills for as long as any of us can remember—for decades and decades and decades—for the last couple of years, we have had structured rules come to the floor where members of the minority and the majority aren't allowed to offer the amendments that they would like.

Traditionally, Members could offer any amendment as long as it was germane and as long as it struck spending from the legislation and it was legislated on an appropriation bill. Yet this year and last year, for the first time, Members can't bring amendments to the floor. They have to submit them to the Rules Committee. Then the Rules Committee decides which ones they want to allow on the floor and which ones they don't or they will decide, Oh, you've offered 12 amendments, but you can only offer four. This limits the ability of the minority, in particular, to actually stand up and try to save money in the legislation.

We have to remember that every bill we consider this year, every appropriation bill—and unfortunately, probably, we are only going to consider two until after the election. Of the ones we consider, 42 cents of every dollar we spend we are borrowing. We are borrowing 42 cents of every dollar we are spending for whatever we spend it on.

Now, I think it is perfectly right and proper to ask: Is this right to spend, for example, money on, well, in this case, 461 earmarks in this piece of legislation alone? Some of them are for bike paths and street beautification. These are all good things, but they have no Federal nexus. They shouldn't be paid for by the Federal taxpayer. Yet, when we try to bring these amendments to the floor to debate them, only a few are allowed. Why is that?

I would ask if the gentleman representing the Rules Committee can explain why this is happening, why in the world we are so hard-pressed for time now, apparently, that we can only consider a couple of amendments, 22 percent of those that were offered.

I reserve the balance of my time.

Mr. ARCURI. I yield myself such time as I may consume.

Madam Speaker, it is clear that this point of order has nothing to do with unfunded mandates. Technically, this point of order is about whether or not to consider this rule and, ultimately, the underlying bill. In reality, it is about preventing the bill from moving forward without any opportunity for debate and without any opportunity for an up-or-down vote on the legislation, itself. It is about slamming the door on the legislative process.

I think that is wrong, and I hope my colleagues will vote ''yes'' so that we can consider this important legislation on its merits and not stop it on a procedural motion. Let's stop wasting time on parliamentary roadblocks and get to the debate on this legislation, itself. It is a very important piece of legislation that has critical funding pieces in there for transportation and for housing. Those who oppose the bill can vote against it on final passage, but we must consider this rule, and we must pass the bill today.

I reserve the balance of my time.

Mr. FLAKE. I thank the gentleman.

Madam Speaker, slamming the door on the legislative process. My taking 10 minutes to talk about this rule is slamming the door on the legislative process.

How is that?

What I am here to talk about is how the door has been slammed on the legislative process. The inability of Members to come and offer amendments to appropriation bills to try and save money is what is slamming the door on the legislative process. It has nothing to do with somebody's standing up and claiming time to speak against the rule.

So that is just baffling to me and to anybody out there, listening, when they learn that I offered 11 amendments. There were 461 earmarks which

were costing nearly $330 million. I should note, this year, Republicans have taken a moratorium. So, of those 461 earmarks, only six were sponsored by Republican Members—six out of 431. I commend my Republican colleagues for the position that has been taken this year.

Let me just read a list of the ones that I will be challenging today:

I was allowed to choose four out of the 11 I submitted. Now, I could have submitted a lot more and could have tried to have been dilatory about this, but I said, I'll offer just as many as I would if that were the number that I could actually offer coming to the floor. But I was only allowed four.

□ 1040

I should mention many of my Republican colleagues who offered earmark amendments were not given any, not any. Some of them had a great case to make here. They would have asked, for example, why it is that certain Members requested, say, $4 million for an earmark and got more than that, actually, given to them.

Why is it, if you take the position that some Members take, that, hey, I know my district better than anybody else, better than those faceless bureaucrats we always hear about in the bureaucracy, so I need $4 million for this bike path or whatever, and you get $5 million, how is that? That's a good question to ask. It would have been nice to get the answer for that, but we won't be able to because those Members were denied the ability to come down and offer their amendments.

I'll be offering amendments to strike funding, for example, for the Blackstone River Bikeway in Rhode Island. It might be a good bikeway. They might need it there. But I can tell you, the Federal Government doesn't need to pay for it. The Federal taxpayer doesn't need to pay for it, especially when we're spending 42 cents of every dollar—we're borrowing, I'm sorry, 42 cents for every dollar we spend.

I would challenge any Member who will vote against my amendment to strike funding from the Blackstone River Bikeway in Rhode Island to go home and say, with a straight face to their constituents, yes, I think it's proper that we borrow 42 cents from either the Chinese or from your kids or grandkids because we can't pay for it now, for the Federal Government to pay for a bikeway in Rhode Island.

Or for downtown Tacoma streetscapes, a downtown Tacoma streetscape improvement project in Washington. Why in the world should, in this case, a powerful member of the Appropriations Committee be able to get an earmark to pay for downtown Tacoma streetscapes?

Again, we're borrowing 42 cents for every dollar we spend there. Go home to your constituents, I dare you, and say, yes, I voted to uphold, to keep that earmark in there. It was so important that we got the downtown Tacoma streetscape project that we're borrowing 42 cents from your kids and grandkids to pay for, just so I can go home to my constituents and say, hey, I bring home the bacon.

Or the restoration and improvements to the historic Darwin Martin House Home and Complex. Now, it might be good. Why is the taxpayer paying, through the Federal Government, and borrowing 42 cents on every dollar to do that?

Or the construction of a children's playground. It might be a good playground, the children might need it somewhere, but it's not the Federal Government's responsibility. And go home to your constituents, I dare you today, anybody who votes to strike my amendment or votes my amendment down to strike that funding, go home and explain why in the world we need construction of a children's playground and borrow, those kids who are going to be playing on it, borrow their money because we can't pay for it now. But it's so important for us to go home and say I brought home the bacon that we're going to approve that earmark.

Let me tell you another reason why we can't reform this process very easily. This chart will show you the appropriations process this year. And it looks, people have said, like a PAC-MAN chart. But the red there is the percentage of earmark dollars that are associated with powerful Members of Congress. Those are either appropriators, or those who chair committees, or those who are in leadership positions. That makes up about 13 percent of the body.

In this bill today, and this is one of the lower ones, 42 percent of the earmark dollars are going to just 13 percent of the Members of this body.

Now, for those who say, hey, we're here to earmark because we know our constituents better. We know our district better than those faceless bureaucrats, apparently you only know your district if you're a powerful Member or you're a member of the Appropriations Committee. That seems to be the determiner of whether or not you know your district. And I just don't think that's right.

I said earlier in a 1-minute something, and I was wrong and I want to confess that. I said that it takes 10 minutes to debate a suspension bill. And in that same 10 minutes of debating a suspension bill we could debate an amendment, an amendment takes 10 minutes.

I was wrong. It takes 40 minutes; 40 minutes are allotted to debate suspension bills. So we could actually debate four amendments for the time that it takes to debate one suspension bill.

And let me remind those who are watching what a suspension bill is. It's a bill that doesn't go through the regular process. It's brought to the floor because it's typically noncontroversial.

This year we've done a lot of suspension bills. We have recognized the important role of pollinators, as I mentioned, H.R. 1460.

We spent 40 minutes supporting the goals and ideals of Railroad Retirement Day.

We spent 40 minutes supporting the goals of National Dairy Month. Those might be good things, but we don't need to spend 40 minutes debating on the floor the goals and ideals of National Dairy Day, or supporting the goals and ideals of American Craft Beer week, or congratulating the Chicago Blackhawks, spending 40 minutes there, when every 40 minutes you spend apparently is 10 minutes, or 10 times 4, that we don't do amendments here on appropriation bills.

So the notion that we're running out of time, somehow, and we don't have time to do appropriation bills, typically, the months of June and July are reserved mostly to do appropriation bills. This is only the second appropriations bill we've done. We've done the last one yesterday. We're going to start and finish this one today.

In years past, we've taken sometimes 3 or 4 days to do one appropriation bill. That's perhaps as it should be because this is important. We're spending a lot of money here. That's what Congress does. But we ought to take care, and we ought to allow Members who have amendments to try to save the taxpayer money to actually offer them.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members that remarks should be directed to the Chair and not to the television audience.

Mr. ARCURI. Madam Speaker, it's clear that this point of order has nothing to do with unfunded mandates. My friend from Arizona talks about the inability to make any amendments, and yet he talked about four amendments that he would be offering today. So, clearly, he will have an opportunity to make his points.

Again, I would just say that this point of order has nothing whatsoever to do with unfunded mandates. And I want to urge my colleagues to vote ''yes'' on the motion to consider so that we can debate and pass this important piece of legislation today.

I yield back the balance of my time.

The SPEAKER pro tempore. The point of order will be disposed of by the question of consideration.

The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. Madam Speaker, I ask unanimous consent that all Members

be given 5 legislative days in which to revise and extend their remarks on House Resolution 1569.

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

There was no objection.

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

Madam Speaker, House Resolution 1569 provides a structured rule for consideration of H.R. 5850, the Transportation, Housing and Urban Development and Related Agencies Appropriation Act of 2011. The rule provides 1 hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule waives all points of order against provisions in the bill for failure to comply with clause 2 of rule XXI. The rule makes in order the amendments printed in part A of the report of the Committee on Rules accompanying this resolution, not to exceed four amendments printed in part B of the report of the Committee on Rules if offered by Representative FLAKE of Arizona or his designee.

All points of order against the amendments except for clause 9 and 10 of rule XXI are waived. The rule provides that for those amendments reported from the Committee of the Whole, the question of their adoption shall be put to the House en gros and without division of the question.

The rule provides one motion to recommit with or without instructions.

□ 1050

The rule provides that after disposition of amendments, the chair and ranking minority member of the Committee on Appropriations each may offer one pro forma amendment to the bill for purpose of debate, which shall be controlled by the proponent. The Chair may entertain a motion that the committee rise only if offered by the chair of the Committee on Appropriations or his designee. Finally, the rule provides the Chair may not entertain a motion to strike out the enacting words of the bill.

Madam Speaker, I rise as a member of the Rules Committee and also as a member of the Transportation and Infrastructure Committee in strong support of H.R. 5850, the fiscal year 2011 Transportation-HUD Appropriations Act, because housing and transportation are two areas that must be priorities, especially in tough economic times such as we are in, because we get the double return on our investment. As we have seen with the recovery bill, investment in infrastructure not only generates economic recovery by putting people back to work, but those construction jobs strengthen our transportation system and improve our housing stock. They make our roads safer, our bridges safer for our families and our friends and our constituents to travel on.

The Transportation-HUD appropriations bill continues this investment and our commitment to using all the tools available to continue the economic recovery that has taken hold. It is also important to note that the legislation continues these important programs, but in a fiscally responsible way. Overall, the bill spends $500 million less than was appropriated during the current fiscal year. The amount provided overall is $1.3 billion below the President's request.

I commend the committee for its work in crafting a bill that spends less overall and still manages to increase the funds available for key programs that are at the heart of our Nation's economic recovery. The committee has done so by scaling back spending on other programs, which is never popular or easy, but is the right thing to do.

Included in H.R. 5850 is $45.2 billion to improve and repair our Nation's aging highway infrastructure. The bill includes more than $11.3 billion for the Federal Transit Administration, which will support bus and rail projects, and an estimated 20,000 additional jobs for transit workers nationwide. This not only provides more transportation options to Americans during tough economic times, it also decreases traffic congestion, reduces our dependence on foreign oil and greenhouse gas emissions, and makes our roads safer for commuters.

This bill adds another $1.4 billion to continue developing and building a national system of high speed rail. High speed rail moves more people at a lower cost, at a faster speed, and with less impact on our environment than road transportation. We have developed the most advanced highway and aviation systems in the world over the last 60 years, but in comparison to the rail systems in other nations such as Germany, France, and even China, we have clearly fallen behind. This bill continues our commitment to correcting that situation and developing a robust national intercity rail network.

Related to the Department of Housing and Urban Development, H.R. 5850 makes critical investments to help communities continue to address the fallout from the housing and foreclosure crisis that we see nationwide. The bill provides communities with the tools they need to build, purchase, or rent affordable housing. It provides rental assistance to low-income families, homeless veterans, and other at-risk groups, and supplies funding for repairs and renovation of affordable housing across America.

The bill provides $4 billion for the Community Development Block Grant program, which sends funding directly to local governments for projects that address housing, social services, and other economic challenges in their communities.

Madam Speaker, this is just a sample of the important programs and initiatives that the Transportation-HUD Appropriations Act will fund in fiscal year 2011. I urge my colleagues to support the rule and the underlying bill.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would like to thank my friend, the gentleman from New York (Mr. ARCURI), for the time, and I yield myself such time as I may consume.

I would like to take a minute first to thank Cesar Gonzalez. He is my rules associate, general counsel, legislative director. This is the last rule we are going to be working on together. Congressman MARIO DIAZ-BALART, who is aware of Cesar's talent, has made what I consider a very wise decision in hiring Cesar as his chief of staff. So we are not going to be working on rules together, but we will always be friends. And I am deeply grateful for his friendship and for the extraordinary assistance that he has given to me and our office and our constituents during all of the time that he has honored us by working with us. So Cesar, thank you.

Madam Speaker, yesterday the majority brought to this floor the first fiscal year 2011 appropriations bill. I know it's almost August, but that's the case. The first appropriations bill was brought to the floor yesterday by the majority. And they brought it forth under a restrictive process that blocks Members on both sides of the aisle from introducing amendments. And today the majority continues that process, that unfortunate process, with yet another restrictive rule, this time on the second appropriations bill that they are bringing to the floor, the Transportation and Housing and Urban Development appropriations bill. And they bring it forth with a rule that allows 24 of the 108 amendments that were submitted to be debated. That's 22 percent of the amendments submitted.

As you know, Madam Speaker, that used to not be the case. Always throughout the history of the Republic, appropriations bills have been brought forth under open rules. And you know, Madam Speaker, we have been here for some years now, sometimes the process of debate on appropriations bills got unruly and long and frustrating. But that's the way democracy's supposed to work.

So the way that for centuries we've worked out that process, Congress has worked out that process, is that, you know, the chairman and the ranking member of the appropriations subcommittee on the floor, after a while, after days, they come together with a unanimous consent agreement and they limit debate. The Congress, we limit debate by unanimous consent. That's the way it's worked out. You know, you don't close the process at the beginning—at least we didn't before. Starting last year, this majority decided to, however. And that's unfortunate.

Now, under the traditional process that was followed since the beginning

of the Republic, no one from the majority leadership or the Rules Committee got to pick and choose what amendments the House could debate on appropriations bills as long as they were germane. In other words, as long as they were connected, the issue was connected to the bill at hand.

Now, that's what an open rule is, an open process. And as I say, it's been the tradition of the Congress of the United States to debate appropriations bills under an open process, under open rules. I outline what an open rule is because it's been so long since the House has considered an open rule. And I am sorry for our new Members, because they have never experienced an open rule. But that's why I outlined what an open rule process is.

The last time we saw one on an appropriations bill was July 31, 2007, almost exactly 3 years ago to the day. Even on that bill the majority then came back and closed the process. But at least they initially came to the floor with an open rule 3 years ago on an appropriations bill.

For a nonappropriations bill, February 8, 2007, the month after they took the majority. That was their last open rule, the last open rule that this majority permitted to the Membership in this Congress. You know, that's sad. But especially it's unnecessary. But there is extraordinary power in the majority, obviously, and our friends on the majority side are showing us every day. They exercise that power. You know, it's a record that no one should be proud of, but it is the legacy of this majority.

□ 1100

Now, what is the reason for the majority to use such a restrictive process? Last year they told us that it was to curb the consideration of amendments in order to move the process forward in a timely manner because they wanted to avoid an omnibus appropriations bill, but they didn't. We still had an omnibus appropriations bill and it was 2 weeks before Christmas.

As I said last year, as I said yesterday, as I say now, this process is unjust and it's unnecessary. It was a mistake last year. It was a mistake yesterday. It's a mistake today. It's a colossal mistake that the majority will come to regret.

I reserve the balance of my time.

Mr. ARCURI. Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in allowing me to speak on this rule.

Madam Speaker, embedded here in this legislation for Transportation-HUD is the Livable Communities Initiative, a visionary, popular, and important program of the administration. In fact, however, it began in the last Congress where the subcommittee of Transportation and HUD, under the leadership of Chairman OLVER, promoted these initiatives. It was also part of a partnership with Mr. OBERSTAR, the chair of the Transportation and Infrastructure Committee, who has long championed these efforts to have the Federal Government be a better partner working with communities on critical areas of transportation and housing.

This bill has built on this approach. It has taken critical elements that strengthen community, revitalize the economy, and help protect the planet.

I must, however, speak against a couple of ill-advised attacks on the livable communities program of the administration. In particular, there is an amendment by my friend and colleague from Oregon (Mr. DEFAZIO) that would strip out of transportation elements of livability. The irony is that the reauthorization that Mr. DEFAZIO is working on—which we all hope will happen sooner rather than later—actually will promote a number of these approaches. And the money that he would strip out would actually have gone to help get a head start on the important program that actually will be a part of the legislation that I am confident will be produced by his subcommittee and, ultimately, by the Transportation and Infrastructure Committee.

These are not areas that are insignificant. There is great public support. For example, the TIGER grants received 40 times more requests than the administration had money for. And I must point out that this is not taking any money away from the transportation trust fund because, if it's not authorized, it comes from the general fund.

Equally sad, and I think misguided, is an amendment offered by my colleagues PETERS, ADLER, HIMES, and WELCH that would strike or reduce funding for a number of critical programs where the committee has adjusted it even above what the administration requested. These are programs for high-speed rail, infrastructure investment grants, HOPE VI, Brownfield redevelopment, railroad safety technology, Veterans Affairs-supported housing. I mean, I could go on. Time doesn't permit.

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

Mr. ARCURI. I yield the gentleman an additional minute.

Mr. BLUMENAUER. These are precisely the types of programs that we should be concentrating on because they stretch dollars, because they help promote the activities back on the ground in our districts, and, in fact, they are supported by the people who sent us here in the first place. I would strongly recommend that my colleagues look carefully at these provisions.

What Chairman OLVER and his subcommittee have done is to rebalance efforts that were offered by the administration. In some cases, they were reduced; in some cases, they were increased. But there is a package here that will make a difference for every community, rural and urban, from coast to coast, making the Federal Government a better partner, promoting the livability of our communities where every family is safer, healthier, and more economically secure.

While I will support the rule, I strongly urge, if these two amendments are offered, that they be rejected.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it's my pleasure to yield 3 minutes to my friend from Georgia, my classmate—it's amazing how the years have passed—JOHN LINDER.

Mr. LINDER. Madam Speaker, I rise in opposition to the motion to order the previous question. I oppose it so that the minority might have the opportunity to offer legislation that has been endorsed by the American people through the YouCut program, legislation that is strongly supported by Members on both sides of the aisle. That legislation is H.R. 5885, a bill introduced to terminate the advance earned income tax credit, saving American taxpayers more than $1 billion over the next decade.

An August 10, 2007, report by the GAO revealed significant noncompliance and fraud with the advance EITC. The GAO found that 20 percent of the recipients did not have a valid Social Security number, almost 40 percent of the recipients did not file a tax return, and 80 percent of the recipients failed to comply with at least one program requirement. And yet, despite evidence of significant fraud, abuse, and general non-compliance, GAO found that only 3 percent of the EITC-eligible individuals used the advance option.

Given the low level of utilization and the high error rates among those who do use it, several members of the majority party have proposed to terminate the advance EITC option. President Obama has promised to repeal it in both of his annual budgets. Earlier this week, Senator REID included repeal as an offset in the small business bill on the Senate floor. And last week, four of our Democrat colleagues here in the House introduced deficit reduction legislation that included the very same language on repealing the advance EITC that is the subject of my legislation.

Republicans agree with our Democrat colleagues that the advance EITC is a waste of taxpayer money and should be terminated. I ask my colleagues to defeat the previous question so that we may consider this legislation on the floor today.

Mr. ARCURI. I reserve the balance of my time

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it's my pleasure to yield 4 minutes to the great leader from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Speaker, I rise in opposition to this ill-advised rule. Number one, we

have a rule that is allowing us to somehow consider an appropriations bill before we even have a budget. There is no budget, Madam Speaker. My friends on the other side of the aisle, the Democrats, don't even want a speed bump as they drive down the road to national bankruptcy.

We're supposed to have a budget before we have appropriations bills. And, in fact, I think the Democratic chairman of the Budget Committee said it best when he said, If you can't budget, you can't govern. Well, according to the House Budget Committee, clearly the Democrats cannot govern.

This year will mark the first time in history that the House has failed to even consider, much less pass, a budget, and yet we have a rule allowing us to spend yet more of the people's money.

It also marks the second year in a row where the Democrats have chosen to bring these bills under closed rules. I, myself, had six different amendments. And when we're spending the people's money, the people's representatives ought to be heard. None of my six amendments will be heard, Madam Speaker, because the Rules Committee decided they would have a closed rule and they didn't want to hear from my amendments.

□ 1110

So had I had an opportunity, Madam Speaker, I believe that the American people need to continue to focus on this practice of earmarking. The Republicans have taken an earmark moratorium. We said, you know what, the process is broken. Now, not every earmark is bad, Madam Speaker, but the process is broken, and yet the Democrats continue to bring them.

And had I had an opportunity, I would have brought an amendment saying, you know what, maybe we should strike the earmark that the Budget Committee chairman, Chairman SPRATT, has for a neighborhood community center in York County, South Carolina. I have no doubt that good things can be done with that money, Madam Speaker, but does the chairman of the Budget Committee and does this body really believe it's worth borrowing 41 cents on the dollar, mainly from the Chinese, and sending the bill to our children and grandchildren? I hope not. But this body will not be able to work its will.

I would have introduced an amendment to strike the earmark of the gentlelady from Ohio, Representative KILROY, who thought it was worth borrowing 41 cents on the dollar, mainly from the Chinese, and to bill to our children and grandchildren, to put in the Columbus Bicentennial Bikeways-West Side Improvement in Columbus, Ohio.

Madam Speaker, at some point the American people want to know: does their President, does their Congress, what part of broke don't they understand? Earmark after earmark after earmark, and I could go through the list that I tried to offer, but unfortunately can't offer under this closed rule, and funny, it seems to give the impression that the earmarks are being allowed for the senior Members of the Democratic leadership and those who have very challenging races come November. I have no doubt it is a coincidence but here it is; yet, no amendments can be offered.

When the gentleman from New York said he's bringing a rule that will allow us to debate a fiscally responsible bill, he failed to note it is 38.1 percent above the 2008 level. I mean, this is part of the spending spree that is bankrupting America. He conveniently only looks on a one-term basis; yet, the American people have to pay on a multiyear basis.

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

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 1 additional minute.

Mr. HENSARLING. You would think, Madam Speaker, after this President and this Congress increased what we call non-defense discretionary spending, which is really garden variety government, not the entitlement programs, not the Pentagon, has increased 84 percent in just 2 years, at what point do you say enough is enough? And that's why Republicans every week are bringing forth another proposal under the YouCut program to say, let's start saving some money.

So as you heard from the gentleman from Georgia, this week is the advanced earned income tax credit, frankly brought by a Democrat who now apparently has decided to abandon his own child and make it an orphan. But this is a program that could save taxpayers $1.1 billion.

We need to vote down the rule, vote down the previous question. Allow us today to make one small saving, again at least one small speed bump on the road to national bankruptcy brought courtesy of our friends on the other side of the aisle.

Reject the rule.

Mr. ARCURI. Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding.

I want to thank the Rules Committee and Chairwoman SLAUGHTER for making my amendment in order, which was referenced by my good friend and colleague from Oregon (Mr. BLUMENAUER) earlier.

We need a new transportation policy for this country. We need a 21st century transportation policy. We're living under the Bush-era priorities and policies and inadequate funding. We have a system with 150,000 bridges that are weight-limited or functionally obsolete. We have transit systems across the country that have an $80 billion backlog just to be in a state of good repair, let alone building out new transit options for Americans. People are dying because of that capital backlog. They're dying right here in the Nation's capital where they're running obsolete, crummy, old rail cars that aren't safe.

We have a transportation crisis, and I've written a bill, along with Chairman OBERSTAR, that will address more robustly than a provision stuck in here by the Appropriations Committee the issues of livability and planning in a coordinated way for a better transportation future, more options for people who live in congested metropolitan areas. But tell you what, if you take and create that with, say, $200 million—and my colleague was wrong; it is $200 million that comes out of the trust fund. That means it's $200 million that we don't have to help deal with those 150,000 bridges that need to be repaired or replaced. That's a lot of money, and it would be kind of like putting a great, new, shiny coat of paint on an old jalopy that's riddled with rust and burning oil by the quart every time you drive it. That's what will happen if you create this office of livability.

This administration, who has not seen fit to even send down one iota of policy for a transportation bill that was due last October—and they keep saying, oh, we're getting to it, we'll get you some ideas soon, we're working on it, it's a very high priority, the President is a really big infrastructure guy: well, where's the dough? Where's the policy? Nothing.

Now, they do want to cherry-pick. They want this office of livability and then they can tout that through the next election and we'll never get a transportation bill. We can't let them cherry-pick. If they want to come down and talk about the comprehensive approach I've taken in my bill for livability, congestion management, new transit options, 21st century policy of transportation that takes into account livability, quality of life, economic development, congestion, reducing fuels, waste and all those things, let's have that conversation. But guess what, we're going to have to invest a little bit more money to do it.

This administration is petrified. It's like all the options I've sent them, tax the oil industry, tax oil speculators, a whole bunch of things, they won't even begin the discussion, and if my colleague leads a successful fight against this amendment today, we will never have that discussion during the term of this President, never.

So I've got to urge in the strongest words possible to my colleagues.

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

Mr. ARCURI. I yield the gentleman an additional minute.

Mr. DEFAZIO. If you care about a new 21st century transportation policy, if you care about the fact that the United States of America is falling behind because of the state of disrepair of our system, the delays for our businesses and industry, the lack of competitiveness because of that system, if

we look at what our competitors are doing to build out new systems and efficient systems, if you care about those things, you will vote for my amendment. Strip the $200 million from an unauthorized program. Remember, this is an appropriations bill. You're not supposed to create new programs or authorize things. All we say is, it's subject to authorization. That is why I'm happy to look at the $200 million or even more for an office of livability in an authorizing bill.

Let's have a meaningful discussion. Let's get it done. Don't let the administration cherry-pick and end-run us.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is my privilege to yield 2 minutes to the gentleman from Virginia (Mr. CANTOR), the Republican whip.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I rise in opposition to this bill and ask that finally we in this House turn towards the matter of such concern to the American people, and that is, the growth, incredible growth, in size of Washington and its government.

With 1.5 million votes cast, Madam Speaker, the YouCut movement continues to give Americans a vehicle to help put a stop to Washington's never-ending shopping spree. House Republicans have already offered more than $120 billion in commonsense budget cuts. Yet, week in and week out, our colleagues on the other side of the aisle have voted against the will of the people and blocked these commonsense spending reductions.

Madam Speaker, maybe today is the day when that changes. This week's leading vote-getter is a proposal sponsored by Congressman JOHN LINDER of Georgia. It would save the taxpayers $1.1 billion by eliminating the advanced earned income tax credit, a program plagued by waste, fraud and abuse.

The idea was first put forward by our friends on the other side of the aisle, Madam Speaker, and for many of us in the minority, it was heartening to see our colleague in the Democratic Caucus embracing the commonsense spending cuts that this Congress so persistently refused.

□ 1120

Addressing our staggering national debt is not a partisan calling. It is a national imperative because our country stands at a crossroads.

Madam Speaker, I urge all of my colleagues on both sides of the aisle to vote to bring this week's YouCut proposal to the floor.

Mr. ARCURI. Madam Speaker, may I inquire as to the amount of time remaining.

The SPEAKER pro tempore. The gentleman from New York has 16 minutes remaining, and the gentleman from Florida has 15½ minutes remaining.

Mr. ARCURI. Madam Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Madam Speaker, the previous speaker had a cute poster showing Uncle Sam talking about cuts, and we know that we have a long-term deficit issue to deal with.

But I think it's appropriate to look at the numbers, and the simple numbers are things that we ought to be able to agree on in a bipartisan basis. The numbers show that this year's bill that we will pass today spends $500 million, $500 million less than last year's bill. I want to repeat that, $500 million cut compared to last year's bill.

We are aware of the situation, and we are reducing this expenditure by $500 million. That's the math. It should be bipartisan math, and there is no question about it no matter what kinds of pictures you want to bring out on your posters.

But I also want to point out this bill does some things that are smart, looking to our future.

Number one, it makes an investment in trying to move to cleaner aviation fuels so that we can reduce carbon pollution from our air aviation industry to invest in biofuels. We just flew the first algae-based biofuel Green Hornet, an Air Force F–18, at supersonic speeds. We think we can replace a significant number of fossil fuels with green fuels. This makes an investment.

Second, this bill makes an investment in moving to the electrification of our transportation system. Americans, for the first time, are now going to be able to buy American-made cars that run on electric engines. We need a place to plug them in. This bill helps to move having plug-in stations.

We are starting that effort on the I–5 corridor up in the State of Washington and Oregon. This bill will extend those efforts to work with local communities so Americans will have a choice to buy American-made electric-powered propulsion systems, plug them in with American made plug-in stations. This is a vision for the future.

We are starting with cuts to this bill and moving with targeted investment to move to the next generation of vehicles. It's a good plan for America.

Mr. LINCOLN DIAZ-BALART of Florida. It's my privilege, Madam Speaker, to yield 2 minutes to my good friend from California (Mr. HERGER).

Mr. HERGER. Madam Speaker, I urge the House to defeat the previous question on the rule so we can vote to end the advanced Earned Income Tax Credit. This year, the Federal Government is running a $1.5 trillion deficit with 43 cents of every dollar we are spending being borrowed money.

The American people want us to get spending under control and the Republican YouCut initiative enables the American people to actually vote on specific spending cuts. This week YouCut participants have asked Congress to consider eliminating the advanced EITC. A Government Accountability Office report found that the advanced EITC is unpopular with eligible taxpayers and disproportionately subject to fraud, with 20 percent of the claimants lacking even a valid Social Security number.

Repealing the advance option would not affect low-income workers' eligibility for the EITC, but it would save taxpayers—not the $500 million that is less than the last budget, as my friend Washington just stated, but double that, more than double that, $1.1 billion by cutting down on fraud and abuse.

Madam Speaker, this is a bipartisan measure. In fact, President Obama included it in his budget for this year. By taking up this commonsense proposal, we can cut more than a billion dollars' worth of fraud out of the Federal budget.

Let's take this opportunity to show the American people that Congress is finally serious about tackling the deficit. Vote ''no'' on the previous question.

Mr. ARCURI. I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is my pleasure to yield 2 minutes to the great leader from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Madam Speaker, the American people are very concerned about out-of-control Washington spending, and they are demanding action.

Over the last several months, the Republican Conference has engaged the American people in this effort through our YouCut program, and we have offered literally tens of billions of dollars in cuts, and all of those cuts have been rejected by the Democrat majority.

Today we are going to offer another cut, and this one is so rife with abuse that it has even been identified by a Democrat working group as a commonsense cut that will help to reduce the deficit.

The Democrat leadership has not offered an opportunity to make this cut, but the Republican Conference will. Here is a chance for many of our Democrat friends to stand up and put their votes where their rhetoric has been.

Today they are either going to hide behind their leadership on procedural grounds and oppose this commonsense cut that many of them have publicly supported, or they are going to stand with the American people and join us in beginning the process of bringing this deficit under control.

The proof is in the vote. No hiding, no excuses, no more rhetoric. We are calling their bluff.

Vote ''no'' on the previous question and let's start cutting this out-of-control Federal deficit and Federal spending.

Mr. ARCURI. I continue to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is a privilege to yield 2 minutes to my friend from the Rules Committee, the leader from North Carolina, Dr. FOXX.

Ms. FOXX. I thank my colleague from Florida for yielding time.

Madam Speaker, I sat in the Rules Committee yesterday and heard from our colleagues on both sides of the aisle about this bill.

I was really struck by something, Madam Speaker. I was struck by the fact that many of our colleagues across the aisle have obviously been on the road to Damascus lately because all of a sudden, after running up the largest deficit in the history of this country, as my colleagues before me have said, we are borrowing 43 cents for every dollar we spend, we have a $1.5 trillion deficit. After helping to do that, suddenly we see Democrat amendments to cut spending.

Obviously, some people on the other side of the aisle are paying attention to what most of the American people are saying. In fact, 95 percent of the people in my district think that spending is the biggest problem facing this country.

There were 31 Democrat amendments offered, 12 of them cut spending. Five of those amendments to cut spending were made in order.

Again, Madam Speaker, I think this is a very cynical, very cynical ploy, one of many practiced by colleagues across the aisle to make it look like they are doing something that they aren't, which is to pay attention to cutting spending.

We need to vote down this rule. We need to vote ''no'' on the previous question, and we need to bring back serious issues where we are cutting spending and listening to the American people.

Mr. ARCURI. I continue to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 5 minutes to my dear friend from California, the ranking member, Mr. DREIER.

Mr. DREIER. I thank my good friend from Miami for his typical, spectacular job.

I have to say, as I stand here I am thinking about the fact that there are probably not going to be too many more opportunities for him to be here as we look towards the waning weeks of this Congress. I want to say that it's been a wonderful privilege for me to serve with him.

□ 1130

He has done such an important job, and of course is best known for being a champion in the struggle for freedom and democracy and opportunity for people, especially in this hemisphere. I just thought about that when I stood up, so I would like to say that as I begin my remarks.

It's also rather sad, Madam Speaker, that my friend has to preside over a rule which has this institution moving in the direction of more restrictions, more control, less liberty, and less opportunity. That is exactly what we've seen happen in the past year, especially when it comes to the appropriations process.

By tradition, appropriations have been sacrosanct when it comes to the amendment process. We have had people who have had amendments that I would vigorously disagree with, and we always, always allowed for an open amendment process, with only one or two exceptions, and that was usually done when there was a bipartisan consensus to have some kind of structure to an appropriations debate. But now it has tragically, with what took place last year and what is taking place now, become the norm for us to shut down the opportunity for the American people—the American people—to be heard through their elected representatives, denying both Democrats and Republicans alike the opportunity to participate.

I note that there are some new members of the Rules Committee, lots of new Members of this institution, and Madam Speaker, I don't know exactly what the numbers are, but there are people who have never once witnessed the United States House of Representatives, the People's House, engaging in an open rule debate. Now, why is it so important for us to pursue openness on this? Because, as my friend from Grandfather Community, North Carolina (Ms. FOXX) just said, the priority of her constituents—and I believe most Americans, certainly the people whom I represent in California—is the need for us to reduce the size and scope and reach of government so that we can create jobs and create individual initiative and responsibility. And we are denying Democrats and Republicans alike the chance to offer these amendments through the open amendment process.

For example, two of my very distinguished, hardworking colleagues who have been in the forefront in the quest to reduce spending, my California colleague, Mr. CAMPBELL, and our Texas colleague, Mr. HENSARLING, both were denied an opportunity to offer amendments. Now if we had had an open amendment process, they would be able to offer their amendments that would bring about reductions in spending so that we can get our economy back on track and exercise the kind of fiscal restraint which is essential if we are going to succeed.

So Madam Speaker, that is why we are going to encourage—my colleague will in just a moment—defeat of the previous question so that we can bring about a proposal that will allow us to cut spending under our YouCut program, the proposal that Mr. LINDER has brought forward. And we also want to defeat this rule.

I was just reminded by one of our staff members that this may be the last appropriations bill that we consider. Guess what number it is of the 12? It's the second appropriations bill. And yet the Appropriations Committee has not even engaged in markups that were promised. We have gone well beyond the deadline. As we all know, for the first time since the 1974 Budget and Impoundment Control Act was implemented, we have not had a budget resolution here in the House of Representatives.

So being promised the most open Congress in history is something that has clearly been thrown out the window, Madam Speaker. I hope very much that we will be able to defeat the previous question so we can have a chance to vote to cut spending, and then defeat this rule and come down with a process that will allow Democrats and Republicans to carry the voice of the American people to the floor of this institution.

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

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend from New York once again for his courtesy. I think this has been a good debate.

Madam Speaker, on Tuesday of this week, the Congressional Budget Office released a report titled ''Federal Debt and the Risk of a Fiscal Crisis.'' The report sounded an alarm on the Federal Government's out-of-control debt and the consequences if we fail to address the debt. It said, ''Growing budget deficits will cause debt to rise to unsupportable levels.'' And we are seeing in other countries in the world that this is not a theoretical problem. I mean, this is a very serious, practical problem that can devastate countries and truly hurt people. And so we have to realize that as a Nation we have to change course. I know that is going to require bipartisanship, and I hope that we see it soon, but we're not seeing it yet, and it's very worrisome. On the contrary, the path we are on is, as the Congressional Budget Office has said, not supportable.

So one way to help reign in Federal spending—and of course none of this is going to be pleasant, but it's necessary, and I know that action that's required is approaching because it is necessary—but one way is to cut spending that is not absolutely necessary, that can be considered wasteful.

Over the last week, participants in Minority Whip CANTOR's YouCut initiative voted on programs for us to bring to this floor for cutting. To date, participants in that program have voted to cut $120 billion in spending. This week, the participants in that program voted to cut the Advanced Earned Income Tax Credit program. That program allows eligible taxpayers to receive a portion of their earned income tax throughout the year in their paychecks. There was a recent audit of the program that found that 80 percent of the recipients did not comply with at least one program requirement, another 20 percent had invalid Social Security numbers and thus may not have been eligible for the credit, and 40 percent failed to file the annual tax return required to reconcile the credit. Suffice it to say that, as a result, the program is susceptible to waste and abuse, and cutting it would save more than $1 billion.

So I will be asking Members to vote ''no'' on the previous question so that we can have a vote on that issue, on cutting the Advanced Earned Income Tax Credit program. I would like to remind the membership that a ''no'' vote on the previous question will not preclude consideration of the underlying legislation before us today, the Transportation, Housing and Urban Development appropriations bill.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield back the balance of my time.

Mr. ARCURI. Madam Speaker, I would like to say thank you to the gentleman from Florida for his handling of this rule. It is always a pleasure to participate in a debate on a rule on the floor with you, Mr. DIAZ-BALART.

Madam Speaker, we heard a lot today. And I think it was very interesting to listen to the debate go back and forth, and certainly from my colleagues on the other side of the aisle who talked a great deal about spending. Clearly, spending is one of the most important issues that we are dealing with here in Congress.

In particular, my friend and colleague from the Rules Committee, Ms. FOXX, talked about the fact that it is—I think she said—''the most important issue that faces Congress.''

□ 1140

I would say that it clearly is one of the most important issues that faces Congress, but when you talk to people, when you talk to Americans, they think that the most significant issue that we in Congress need to deal with is the economy—it is jobs; it is putting people back to work, and equally important, it is making sure that the people who do have jobs continue to have jobs.

I think this bill really is indicative of what the Democrats are trying to do. We recognize the fact that it is necessary to begin to make cuts. That is why this bill has cut $500 million from the amount that we spent last year. On the other hand, when you listen to economists, they are very clear in saying that we have to be careful in how quickly and how drastically we make cuts because we are starting to see the economy turn around. If we make draconian cuts and if we make cuts too quickly, it will stand to jeopardize the recovery that is beginning to take hold, that is beginning to take foot.

So I think this bill takes exactly the right approach in terms of beginning to cut but not doing it in such a drastic way that we will affect or detrimentally hurt the recovery that is beginning to take effect. The Transportation-HUD Appropriations Act funds some of the most important initiatives that pay for everything from roads, bridges, and railroads to housing for veterans and low-income families.

In my opening remarks, I discussed the critical investments that this bill makes in our transportation system. The bill also invests in housing programs for vulnerable populations, including retirees, people with disabilities, veterans, and even children.

The funding is even more essential during these very tough economic times. The bill includes funding to address the problem of homelessness among our veterans. All too often, men and women who sacrifice the most for our freedoms are hit the hardest in tough economic times. We owe our veterans the utmost respect and gratitude for their service, and we must honor the commitment made to them. They should not have to return home to be confronted by the possibility of poverty or homelessness.

To address this, H.R. 5850 includes funding for an additional 10,000 vouchers through the Veterans Affairs Supportive Housing Program, administrated by HUD, in conjunction with the Veterans Administration.

H.R. 5850 includes another $825 million to rehabilitate and to build new housing for low-income seniors. Currently, there are 10 eligible seniors on waiting lists for each unit of available housing. In America, it is unacceptable that our Greatest Generation is faced with this shortage. HUD's section 202 program is the largest housing program specifically dedicated to serving the elderly, with over 268,000 units for seniors.

Madam Speaker, housing and transportation are two areas that absolutely must be priorities and that are essential during a recovery. The funding that H.R. 5850 provides for these programs will ensure that our economy continues to rebound and that out-of-work Americans are able to find jobs and to afford housing.

Again, I want to stress that the committee has produced a bill that makes critical investments, which I have highlighted, and that it manages to do so while, at the same time, spending $500 million less overall on these agencies during the current fiscal year. During these tough economic times, American families have been forced to cut back and tighten their belts. We need to ensure that the Federal Government and agencies are following their example and doing so well. H.R. 5850 holds the Federal Government to that standard.

I urge my colleagues, Democratic and Republican, to support it. I urge my colleagues to vote ''yes'' on the previous question and on the rule.

Mr. BROWN of Georgia. Madam Speaker, I rise today in opposition to this rule.

By limiting debate and preventing many fiscally responsible amendments, the House of Representatives has missed a real opportunity to reign in federal spending.

I submitted nine very simple, common sense amendments to this legislation that were dismissed by this leadership.

Is the majority leadership so afraid of making their Members vote against such common sense measures as cutting this bill by a half-percent that they wouldn't even allow for consideration?

At a time when the American people are crying out to Congress for fiscal restraint, crying out that we tighten our purse strings, how can we in good conscience rule a simple half penny on the dollar cut out of order?

I also submitted an amendment that would have not allowed any money from this bill to be spent on art work that will be displayed in Dulles Metro Stations.

Providing art work for currently non-existent metro stations clearly should not be a Federal priority.

But alas, this amendment was also ruled out of order.

If we can not spend more than 1 hour debating an appropriations bill that allocates billions of dollars, nor have the opportunity to amend and cut some of that spending, then I would suggest that our priorities on what deserves time on this very floor are severely misplaced.

Throughout this bill we can see countless examples of spending taxpayers' hard earned money on programs that, very simply, should not be receiving one cent.

These restrictive rules are doing nothing but stopping legitimate debate on numerous programs and earmarks that most of us know should not be included.

And the people who are experiencing the greatest disservice are the American People; our constituents.

This is not the way that this distinguished body should be conducting the affairs of the Republic.

I urge my colleagues to vote ''no'' on this rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1569 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution add the following new section:

SEC. 4. Immediately upon the adoption of this resoluion the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5885) to amend the Internal Revenue Code of 1986 to terminate the advance payment of the earned income tax credit. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may

have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 5885.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 5893, INVESTING IN AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

Mr. HASTINGS of Florida. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1568 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1568

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5893) to amend the Internal Revenue Code of 1986 to create jobs through increased investment in infrastructure, to eliminate loopholes which encourage companies to move operations offshore, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 2. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the calendar day of August 1, 2010.

The SPEAKER pro tempore. The gentleman is recognized for 1 hour.

Mr. HASTINGS of Florida. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the distinguished gentlewoman from North Carolina (Ms. FOXX). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

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

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

There was no objection.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Madam Speaker, this resolution provides a closed rule for the consideration of H.R. 5893, the Investing in American Jobs and Closing Tax Loopholes Act of 2010.

The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI and against the bill, itself. The rule provides that the previous question shall be considered as ordered, without intervening motion, except 1 hour of debate for the Ways and Means Committee and one motion to recommit with or without instructions. The rule also provides same-day authority for a resolution reported from the Rules Committee through Sunday, August 1, 2010.

Madam Speaker, H.R. 5893, the Investing in American Jobs and Closing Tax Loopholes Act of 2010, creates and protects American jobs through increased investment in infrastructure and by closing tax loopholes that enable companies to move their operations offshore. This is another piece of legislation to add to the long list of bills that Democrats have passed this Congress to spur opportunities to support American jobs, American manufacturing, and American families. Democrats are helping Americans dig out of the worst recession in decades. We are making steady, albeit slow—too slow for me—gains in our economy. The struggle is not over, but we are on the right path.

Madam Speaker, this legislation funds the highly successful Build America Bonds program, the Recovery Zone Bonds, the Emergency State Jobs Assistance program, and it closes unfair tax loopholes that allow corporations to send American jobs overseas. This bill provides critical funding for infrastructure investment that will create jobs here in the United States and will put money in the pockets of people who badly need it.

□ 1150

And yet, still, the Republicans are against it.

Madam Speaker, it seems every other day around here we have to drag our Republican colleagues kicking and screaming to the House floor to try to help hardworking Americans, and they continue to say ''no.''

Every other day we have to try to persuade our friends on the other side of the aisle that it's not crazy for the American Government to invest in the American economy to benefit the American people.

Every other day we have to remonstrate the same old arguments from the Republicans about spending and deficits and taxes and the bad old government stifling our economic recovery.

I'll remind this body that the Republicans were against the largest stimulus in history, which was not large enough for me and some of us in this body. But they were against this stimulus, an effort that demonstrably has saved American jobs.

And I'll remind this body that 95 percent of the Republicans in this House have signed a pledge to protect tax breaks for companies that ship American jobs overseas.

And I'll remind this body that Republicans have consistently voted against job creation and economic development measures that directly benefit, directly benefit hardworking Americans trying to secure enough income to feed their families and keep their homes.

Every single time Democrats try to pass essential legislation in this body, and the other body, Republicans complain about the numbers. If it's spending on investments in our economy, Republicans complain the numbers are too high. But if it's spending on tax cuts for the extremely 1 percent wealthiest of Americans, the Republicans complain the numbers are too low.

Well, here's a number and a letter we should be mindful of: $2.2 trillion, and the letter D: D is the grade given to America's infrastructure by the American Society of Engineers in 2009.

And $2.2 trillion is the amount the American Society of Engineers estimates the United States needs to spend over the next 5 years to repair our crumbling infrastructure.

Madam Speaker, in recent years we've seen levees fail, bridges collapse. As a matter of fact, we saw a levee fail last week in Iowa. Bridges collapsed. I asked one of our colleagues yesterday that appeared before the Rules Committee, how did he feel when the bridge collapsed in Minnesota. He referenced it as a national tragedy, as all of us do and did.

But when I came to this Congress in 1992, there were 14,000 bridges that were in disrepair in the United States of America. And I dare say that we have not even come close and, likely, there are many more. And what I said to him was, I wanted his daughter, who I know, to travel on a safe bridge, and I wanted my children and all the children of all Americans, when they cross a bridge, to know that that bridge is safe.

Millions of tons of hazardous waste have wrecked fragile ecosystems, and billions of gallons of wastewater have poured from burst pipes into our rivers and streams, and we saw that happen this week in America.

Beyond the disasters is the steadily rising gridlock on our highways, roads, airports and rails, the constant erosion of our water systems. Right here in the metropolitan Washington area people are on boil water advisories and limited uses, including for showers.

Declining park land in urban areas and maintenance backlogs in our schools amounting to hundreds of billions of dollars.

Budget cuts are not going to repair bridges, replace water treatment facilities or maintain classrooms. State and local governments desperately need Federal funding to engage American small businesses and put people to work.

This legislation provides billions of dollars in infrastructure bonds and other supports so communities can hire the necessary workers to make sure that, while we are arguing about process here, whether or not it's a closed rule or an open rule, arguing process in the Rules Committee, more dams don't fail. That's what we want to make sure that does not happen.

Dollars that go to infrastructure projects get returned to the economy at higher rates. Infrastructure spending is impactful, essential, and worthwhile, pumping in cash that goes right to the American worker.

The funding in this legislation is paid for. It does not add to the deficit. It is revenue neutral, and there is no wasteful spending in here.

What Republicans argue is wasteful, I say, is essential to preventing millions of Americans from falling into destitution. For every one job opening in our great country, there are five applicants. Unemployment remains unbearably high, and all economists indicate that it is going to remain that way for some time to come.

I dare say that what America needs to understand, and what my colleagues here on both sides of the aisle continue to say, is that it happened on this President's watch, or it happened on that President's watch. The real truth is the economy in this country transitioned, as well as globally, over about a 45-year period of time. I'll get to that one day, so as how there's a better understanding than all of this finger-pointing about who caused this deficit.

And I certainly hope we have a debate about how much the war in Iraq and Afghanistan cost. I can tell you now it's about $1 trillion. And guess what our deficit is? Just a little more than $1 trillion.

Madam Speaker, it's far past time to pass this legislation. I urge my colleagues to vote favorably on this rule and on the final passage of this legislation.

I reserve the balance of my time.

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

Madam Speaker, I thank my colleague from Florida for yielding time, and I appreciate very much and accept his comments, in particular about how we are concerned personally for each other's children and each other's family. I believe that is absolutely true. And I appreciate the comments that the gentleman made yesterday in Rules in that respect, and also here.

Madam Speaker, Merriam-Webster's dictionary defines outrageous as ''going beyond all standards of what is right or decent,'' ''deficient in propriety or good taste.''

The outrageous rule before us today represents a sickening embarrassment for this institution that the American people have charged with the responsibility to provide effective solutions to their real problems.

Unfortunately, the ruling liberal Democrat majority has taken this opportunity to devise a cynical plot to ram through this misguided, partisan legislation which has had no committee consideration, no CBO cost estimate, and was sprung on the minority party only 90 minutes before its consideration in the Rules Committee yesterday. Despite these atrocities, the ruling liberal Democrats couldn't bring themselves to allow for any amendments, choosing instead to present us with this closed rule containing same-day ''martial-law'' authority through Sunday.

Although we've grown accustomed to this type of process under the reign of the current liberal Democrat majority, their arrogance and contempt for institutional integrity never ceases to shock and amaze us.

This is a far cry from 2006 when then-minority leader NANCY PELOSI promised regular order for legislation in her ''New Direction for America.''

At that time she pledged that bills should be developed following full hearings and open subcommittee and committee mark ups with appropriate referrals to other committees.

Members should have at least 24 hours to examine a bill prior to consideration at the subcommittee level. Bills should generally come to the floor under a procedure that allows open, full and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute.

□ 1200

The third point she made, ''Members should have at least 24 hours to examine bill and conference report text prior to floor consideration. Rules governing floor debate must be reported before 10 p.m. for a bill to be considered the following day.''

''Should,'' I guess, is the operative word here, Madam Speaker. Speaker PELOSI could say she didn't promise, she just said ''should.'' How times have changed. With hypocrisy like this, it's no wonder the American people are shaking their heads watching the shenanigans of this most leftist, liberal, elitist, arrogant, and out of touch Democrat regime in the history of our great Nation.

The liberals will undoubtedly excuse their shameful actions today by blaming George Bush, as they always do, and relate their actions to certain instances under Republican congressional leadership, but it makes no sense to criticize in one breath and emulate in another what they identify as the sins of the past.

My friend across the aisle talked about tax cuts and how Republicans love tax cuts but don't want investments. I want to point out to my colleague that in the 2001 tax cuts which

were passed, there were many Democrats who voted for those tax cuts, both on the House and Senate side. The same thing with the 2003 tax cuts. Democrats supported those. And we were very grateful for that. In the final consideration of the Iraq war authorization, many Democrats supported that also. So we do have revisionist history, Mr. Speaker. And I would like to insert into the RECORD the record of the votes on those various items.

Let's be clear about what this bill does, Mr. Speaker. We are spending more of taxpayers' money on plans that will kill private-sector jobs. We know we have the largest deficit in history, and we need to stop this spending. Let me say to you again, there are four parts to this bill. Let me mention what they are in terms the American people can understand.

Number one, it provides for up to $5 billion for the Welfare Emergency Fund, doubling a new welfare program that Democrats created in the 2009 stimulus. The bill has $31.8 billion in revenue increases that will hurt an already weakened economy and could threaten our international competitiveness. The bill spends $25.6 billion on State infrastructure programs while abandoning small businesses, and will not create the private-sector jobs that we need. Also, we know that this bill wouldn't be needed at all if the stimulus that our friends tout so much had not been the huge failure that it has been and had actually worked.

Mr. Speaker, I urge my colleagues to reject this rule and reject this bill so we can begin to restore a semblance of sanity in this noble institution.

INITIAL CONSIDERATION OF 2001 TAX CUTS H.R. 1836, 107TH CONGRESS

ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT (EGTRRA)—P.L. 107–16, (16 MAY 2001)

Question: On Passage: Yea-and-Nay.

Bill title: Economic Growth and Tax Relief Reconciliation Act.

	Yeas	Nays	Pres	NV
Republican	216			4
Democratic	13	196		1
Independent	1			
Totals	230	197		5

13 House Democratic Representatives voting aye: Abercrombie, Bishop, Clement, Condit, Cramer, Gordon, Hall (TX), John, Lucas (KY), Maloney (CT), McIntyre, Shows, and Traficante.

Senate Vote Counts: Yeas 62, Nays 38

12 Senators voting yea: Baucus (D–MT), Breaux (D–LA), Carnahan (D–MO), Cleland (D–GA), Feinstein (D–CA), Johnson (D–SD), Kohl (D–WI), Landrieu (D–LA), Lincoln (D–AR), Miller (D–GA), Nelson (D–NE), Torricelli (D–NJ).

FINAL CONSIDERATION OF 2001 TAX CUTS—H.R. 1836 (26 MAY 2001)

Question: On Agreeing to the Conference Report.

Bill Title: Economic Growth and Tax Relief Reconciliation Act.

	Yeas	Nays	Pres	NV
Republican	211			10
Democratic	28	153		29
Independent	1	1		
Totals	240	154		39

28 House Democratic Representatives voting aye: Abercrombie, Barcia, Berkley, Capps, Carson (OK), Clement, Condit, Cramer, Dooley, Gordon, Hall (TX), Hooley, Israel, John, Larsen (WA), Lucas (KY), Matheson, McCarthy (NY), Moore, Peterson (MN), Roemer, Ross, Sandlin, Schiff, Shows, Tauscher, Traficant, and Turner.

Senate Vote Counts: Yeas 58, Nays 33, Present 2, Not Voting 7

11 Democratic Senators voting aye: Breaux (D–LA), Carnahan (D–MO), Cleland (D–GA), Feinstein (D–CA), Johnson (D–SD), Kohl (D–WI), Landrieu (D–LA), Lincoln (D–AR), Miller (D–GA), Nelson (D–NE), and Torricelli (D–NJ).

INITIAL CONSIDERATION OF 2003 TAX CUTS—H.R. 2, 108TH CONGRESS

JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003 (JGTRRA)—P.L. 108–27 (9 MAY 2003)

Question: On Passage: Recorded vote.

Bill Title: Jobs and Growth Reconciliation Tax Act.

	Ayes	Noes	Pres	NV
Republican	218	3		8
Democratic	4	199		2
Independent		1		
Totals	222	203		10

4 House Democrats voting aye: Alexander, Cramer, Hall, and Lucas (KY).

Senate Vote Counts: Yeas 51, Nays 49

3 Democratic Senators voting yea: Bayh (D–IN), Miller (D–GA), and Nelson (D–NE).

FINAL CONSIDERATION OF 2003 TAX CUTS—H.R. 2, (23 MAY 2003)

Question: On Agreeing to the Conference Report: Yea-and-Nay.

Bill title: Jobs and Growth Reconciliation Tax Act.

	Yeas	Nays	Pres	NV
Republican	224	1		4
Democratic	7	198		
Independent		1		
Totals	231	200		4

7 House Democrats voting aye: Alexander, Cramer, Hall, Lucas (KY), Marshall, Matheson, and Scott (GA).

Senate Vote Counts: Yeas 50, Nays 50

Vice President Voted Yea.

2 Senate Democrats voting yea: Miller (D–GA), Nelson (D–NE).

FINAL CONSIDERATION OF IRAQ WAR AUTHORIZATION—H.J. RES. 114, 107TH CONGRESS

AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002—P.L. 107–243 (10 OCT 2002)

According to CRS report RL31715: ''In October 2002, Congress authorized the President to use the armed forces of the United States to defend U.S. national security against the threat posed by Iraq and to enforce all relevant U.N. resolutions regarding Iraq.''

Question: On Passage: Yea-and-Nay.

Bill title: To Authorize the Use of United States Armed Forces Against Iraq.

	Yeas	Nays	Pres	NV
Republican	215	6		2
Democratic	81	126		1
Independent		1		
Totals	296	133		3

81 House Democrats voting aye: Ackerman, Andrews, Barcia, Bentsen, Berkley, Berman, Berry, Bishop, Blagojevich, Borski, Boswell, Boucher, Boyd, Carson (OK), Clement, Cramer, Crowley, Davis (FL), Deutsch, Dicks, Dooley, Edwards, Engel, Etheridge, Ford, Frost, Gephardt, Gordon, Green (TX), Hall (TX), Harman, Hill, Hoeffel, Holden, Hoyer, Israel, Jefferson, John, Kanjorski, Kennedy (RI), Kind (WI), Lampson, Lantos, Lowey, Lucas (KY), Luther, Lynch, Maloney (NY), Markey, Mascara, Matheson, McCarthy (NY), McIntyre, McNulty, Meehan, Moore, Murtha, Pascrell, Peterson (MN), Phelps, Pomeroy, Roemer, Ross, Rothman, Sandlin, Schiff, Sherman, Shows, Skelton, Smith (WA), Spratt, Stenholm, Tanner, Tauscher, Taylor (MS), Thurman, Turner, Waxman, Weiner, Wexler, and Wynn.

Senate Vote Counts: YEAs 77, NAYs 23

Baucus (D–MT), Bayh (D–IN), Biden (D–DE), Breaux (D–LA), Cantwell (D–WA), Carnahan (D–MO), Carper (D–DE), Cleland (D–GA), Clinton (D–NY), Daschle (D–SD), Dodd (D–CT), Dorgan (D–ND), Edwards (D–NC), Feinstein (D–CA), Harkin (D–IA), Hollings (D–SC), Johnson (D–SD), Kerry (D–MA), Kohl (D–WI), Landrieu (D–LA), Lieberman (D–CT), Lincoln (D–AR), Miller (D–GA), Nelson (D–FL), Nelson (D–NE), Reid (D–NV), Rockefeller (D–WV), Schumer (D–NY), and Torricelli (D–NJ).

FINAL CONSIDERATION OF AFGHANISTAN, ET AL. WAR—AUTHORIZATION S.J. RES. 23, 107TH CONGRESS

AUTHORIZATION FOR USE OF MILITARY FORCE—P.L. 107–40

CRS Summary: Authorization for Use of Military Force—Authorizes the President to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations, or persons.

States that this Act is intended to constitute specific statutory authorization within the meaning of the War Powers Resolution.

Passed House without Objection 9/14/2001.

Senate Vote Counts: Yeas 98, Nays 0, Not voting 2 (Craig–ID; Helms–NC).

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 4 minutes to my good friend from Houston, Texas, the distinguished gentlelady SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I was listening to the gentleman from Florida, and I want to thank him for framing the discussion as he has done, and really speaking to our colleagues and the American people. I was trying to discern what my colleague was saying, good friend from the other side of the aisle. And I would only say that the only people that are shaking their heads are those who are trying to pay their mortgages, who are trying to make sure that their incoming freshman or upper classman has the tuition that they need to finish school.

Americans are asking us to stop the chatter about procedures and begin to do the work that they need to rebuild this Nation. That's the business of this Democratic leadership, of which I am proud to associate with.

My friends talk about the story of the Recovery Act, and they are absolutely right. We've been so busy with our elbow to the grindstone that we haven't been able to tell the story of the many, many jobs created by the Recovery Act. But watch us in the month of August, when we go home and shine the light on the many, many jobs. In the 18th Congressional District, over $800 million, 97 projects, job-creating, bridge-making programs to help those in that district.

So today we take another leap of faith. And I hope that we can get an understanding about what this bill does. The bill closes the loopholes, something Americans are very clear about, that are given to corporations to take jobs overseas. If they can do their business here, they need to do it. But in the meantime, what do we give you? First of all, we all know that the government cannot use all the dollars that are issued. When you give money to State and local governments, what do they do? They contract with small businesses in that community who then either keep the employees they have or they expand and need to hire.

And let me give you an example. Build America Bonds is part of this legislation, an exciting way to invest in America. More than $106 billion of infrastructure investments nationwide will come about because of this. It will not be government workers that will be nailing and cementing and designing, it will be local businesses that will be part of this exciting opportunity. Recovery Zone Bonds that will provide $10 billion in Recovery Zone Economic Development Bonds and $15 billion in Recovery Zone Facility Bonds, all having to bring in small businesses.

In my own community of Houston, we are looking at ways to improve our water and sewer. Most communities have aging water systems and sewer systems. There has usually been a cap on how much money a State can spend on water and sewage. We are lifting those caps so that bonds can be issued so that the burden does not fall right away on the taxpayer. These are what we are trying to do to infuse capital not in the pockets of the government, but in the pockets of our businesses that will in turn reinvest in the community and in the government by way of the general churning of the economy. Building, expanding, improving the quality of life that is necessary.

Those who are in need of TANF would be helped. Those who are in need of the expansion of business will be helped. And then what I think is enormously important, we will be investing in real American jobs because we will extend the Emergency Fund for Job Creation and Assistance. These programs provide for short-term, one-time aid for needy families, and subsidized employment programs help these families put money back into the economy.

So I would argue that we can chatter about procedure, and that's a good talk for inside this august body.

The SPEAKER pro tempore (Mr. PASTOR of Arizona). The time of the gentlewoman has expired.

Mr. HASTINGS of Florida. I yield the gentlelady 1 additional minute.

Ms. JACKSON LEE of Texas. But I can tell you that if anybody is scratching their head at the kitchen table as to how I am going to make next month's payment or tomorrow's payment, if anyone is confused, they're not confused about a procedure that is going to allow this bill to move forward to give them help and not a hand out. They are going to be ready to take advantage of these constructive, financial, and fiscally sound, paid-for vehicles which they can utilize to rebuild their local communities, both rural and urban. That's what America is all about. That's what this debate will be about today.

And in conclusion, I would say adding to a grand and great Transportation-HUD bill, one of the greatest ones that will provide for massive mobility and housing in this Nation, that's what Americans are looking for, for us to stand up and be counted and move this Nation forward. I thank the gentleman for the time. I ask that you vote for the rule and this bill.

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

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

□ 1210

Mr. DREIER. I want to begin by expressing my appreciation to my very good friend and Rules Committee colleague, the gentlewoman from Grandfather Community, North Carolina, for doing her typical spectacular job and appropriately describing this as an outrageous rule. She's right on target. I'd really say ''pathetic'' when I look at both process and substance, because it is absolutely pathetic. Somebody said to me, well, you can say ''outrageous,'' I can say ''pathetic,'' and we can call the whole thing off.

We'd be a lot better off, Mr. Speaker, if we did, in fact, not consider this rule the way we're doing it. Because while my friend from Houston just said the American people understand the need to get assistance—not a handout but assistance—so that we can get the economy moving, we can get that. But they also want us to do it with the kind of openness and fairness and transparency that we were promised in this great document, A New Direction for America. We've gotten anything but that.

The reason that the substance is pathetic, along with the process itself, is that is not going to do anything to create jobs. This is designed—and while it wasn't directly said, I certainly inferred it from the testimony that we had in the Rules Committee last night. Well, everybody should have a chance to vote on job creation before we adjourn in August. So that's why this rush.

Well, it's done clearly in the most inappropriate way when it comes to the deliberative nature. There was basically no consultation whatever with the ranking member on the committee. When I asked the chairman on the Ways and Means Committee whether or not there had been any consultation seeking a bipartisan approach, he said that he hoped this would have bipartisan support at the end of the day. When I asked, the only response that I was given was that he had a discussion with the chairman of the Senate Finance Committee, our friend Mr. BAUCUS, but no consultation whatsoever.

The bill was introduced at 3:30 yesterday afternoon, and the Rules Committee met 90 minutes later to bring up this measure. Gosh. As I recall, looking at the rules, we should have at least had a 24-hour layover. I would say to my friend from Ft. Lauderdale, what is the rush here? We now know that we're going to be in session on Friday. We know that the Senate is scheduled to meet next week. Is there any reason for us not to have had this bill introduced, allow it to lay over for 24 hours, allow Democrats and Republicans alike to look at it so that we could decide what it consists of, and then have a Rules Committee meeting? I don't know why we didn't do that.

I'm happy to yield to my friend if he would like to respond as to why it wasn't introduced with a 24-hour period to allow us to have it lay over.

I yield to the gentleman.

Mr. HASTINGS of Florida. I believe that the distinguished chair of the Ways and Means Committee answered my good friend from California yesterday with regard to the immediacy.

Among the things that he said to you was we had waited for the United States Senate, which, if you recall, much of what is in this provision, and he said to you there is nothing new in here that we haven't voted on before.

Mr. DREIER. Mr. Speaker, if I might reclaim my time, and I do so to simply say we've heard that tired old argument, that we've voted on these items before. We've never had it as a package like this.

Mr. HASTINGS of Florida. Will the gentleman yield?

Mr. DREIER. I'm happy to yield to my friend.

Mr. HASTINGS of Florida. Pointedly, did we not vote on the measures in this particular provision?

Mr. DREIER. Reclaiming my time, Mr. Speaker, I would say the answer is no, we have not voted on this package of items. And let me address this by saying that I don't believe that the litany of items included in this bill which

we're just starting to look at have, in fact, had an opportunity for consideration.

There was somebody who took a glance at it yesterday afternoon who said to me, This is not what we need to be doing to create jobs. What we need to be doing is focusing on reducing the capital gains rate and the dividend tax right now, tax rate. That would do more to stimulate job creation and economic growth than anything that we've got in this piecemeal package that has been put together.

And the transparency, as far as I'm concerned, is based on the following: It's simply a desire to say we've tried to do something to create jobs.

Well, Mr. Speaker, I can understand why my colleagues on the other side of the aisle have wanted to do that. We've come forward repeatedly with proposals to do just that. And we have tried the policy of dramatically increasing spending in the size and scope and reach of government, and guess what? We were promised that the unemployment rate wouldn't exceed 8 percent if we passed the stimulus bill. We all know that it's at 9½ percent nationwide.

I see my friend Ms. CHU here from California. We have a 12.3 percent unemployment rate. In Los Angeles County, it's higher than that. And in the area that I represent to the east, it's 14.4 percent in parts of San Bernardino County. We have an unemployment rate that is far in excess of what we were promised if we passed the stimulus bill. We have tried that, Mr. Speaker.

Let's now focus on job creation and economic growth with a responsible package, not this pathetic piecemeal approach which is outrageous. And to do it without any kind of consultation whatsoever with the minority is beyond the pale.

So I urge my colleagues to vote ''no'' on this measure. Let's do what the American people want. Let's have an open debate and let's put into place pro-growth economic policies which have been proven to be successful under President John F. Kennedy, a great Democrat, and under President Ronald Reagan, a great Republican President.

Mr. HASTINGS of Florida. Mr. Speaker, I'm very pleased at this time to yield 2 minutes to the distinguished gentlewoman from California (Ms. CHU).

Ms. CHU. Mr. Speaker, I want to speak to the importance of passing the Investing in American Jobs and Closing Tax Loopholes Act, the importance of passing this bill now.

This bill creates jobs, rebuilds infrastructure, and promotes investments that gets our economy going again.

And I want to take a moment to talk about one specific aspect of this bill, the extension of the Emergency Fund for Job Creation and Assistance.

In Los Angeles County, the area I represent, one out of every eight residents is unemployed. In one area of my district, East L.A., the unemployment rate is 16.75 percent. This is unacceptable.

A while back, L.A. County instituted an innovative program to get people back to work. It uses TANF funds from the stimulus to place unemployed workers in positions for up to a year. And it created over 11,000 jobs in L.A. County and almost 250,000 across the country.

In Palmdale, California, this program helped Jody, a single mother of two, find work at a local coffeehouse. There, Jody so impressed her new boss that he plans to permanently hire her and three others from the program.

But this proven job creation program expires in September. The clock is ticking. If we don't act, those 250,000 tales of success become horror stories. Today's bill will keep those Americans working.

I urge all of my colleagues to support the Investing in American Jobs and Closing Tax Loopholes Act.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, you know, every time our colleagues come here and talk about the horrible unemployment in their districts, they condemn themselves. They condemn their own policies and the policies of their President because they promised, when President Obama came to office and pushed through the stimulus package, that unemployment would never go above 8 percent. It's been a failure. Everything they've done has been a failure, Mr. Speaker. But they keep trying.

Again, I want to say Einstein said the definition of insanity is doing the same thing over and over and over again and expecting a different result. That's what our colleagues across the aisle keep doing, the same thing over and over again and expecting different results.

This bill is not going to create private sector jobs. It is only going to put us deeper in debt and cause us to lose more jobs.

My colleague from Texas also mentioned the loopholes, that this bill is going to close loopholes. Well, that is convenient language for our colleagues across the aisle. It's doublespeak. And language means something.

When our colleagues across the aisle talk about a loophole, they're saying this is something that gives us an excuse to raise taxes. The loopholes that they talk about are legal entities in our tax structure that probably most of them voted for.

□ 1220

But when it's convenient for them, they call it a loophole, and let me say also that my colleague from California was absolutely right. The staff from the Ways and Means Committee says this bill is definitely not the same as bills we've seen before. There are items in here that have not been in any other legislation in this session.

Mr. Speaker, if we look at the rule before us, we might wonder what mystical legislation would prompt the ruling liberal Democrat regime to resort to such authoritarian tactics being proposed by this rule. Unfortunately, the answer isn't anything American job seekers want to hear but, rather, a rehash of the tired, old, failed destructive policies of this regime who are apparently scared to death that the American people are seeing through their partisan schemes.

While this bill does contain some Federal taxpayer funds to bailout States for infrastructure, they are coupled with tax increases that will be added to the unconscionable liberal tax policy that will bleed the American economy of desperately needed private sector jobs.

Not only does the bill write a blank check by authorizing such sums as necessary—and let me point out to the American people, ''such sums'' means a blank check. It means they can spend as much as they want to. Here we have the largest deficit in our history, and yet, they're writing another blank check to bureaucrats. But one of the most telling provisions in the bill simply assigns a more politically palatable title to an expensive Federal welfare fund. Indeed, title II, section 201(a)(1) of the bill changes the name of the Emergency Contingency Fund for State Temporary Assistance for Needy Family Programs to the Emergency Fund for Job Creation and Assistance. And again, for those not versed in Washington double-speak, State Temporary Assistance For Needy Families Programs is Washington double-speak for welfare money. This was a welfare bill, part of it was, and it continues to be one, no matter the title.

Apparently our liberal friends on the other side of the aisle are so motivated to create another permanent Federal welfare benefit they simply cannot tolerate the word ''temporary'' being in the title of their beloved welfare fund. The new title also highlights the misnomer of suggesting that increasing unemployment benefits will increase employment or, as Speaker PELOSI recently put it, growing unemployment benefits ''creates jobs faster than almost any other initiative you can name.''

Renowned economist Arthur Laffer wrote in the July 8, 2010, Wall Street Journal that: ''The Democratic argument also ignores the impact of unemployment benefits on employer costs. Employers don't usually hire people to assuage their consciences. They hire people to make after-tax profits. And if workers require more pay because of higher unemployment benefits, employers will hire fewer employees.''

Mr. Speaker, this bill is going to redistribute wealth. That is what our colleagues across the aisle are so good at doing. And again, as Mr. Laffer pointed out, ''The government doesn't create resources.'' There's always a zero sum game. There's no stimulus given from unemployment benefits.

''To see these effects clearly, imagine a two person economy in which one of the two people is paid for being unemployed. From whom do you think the unemployment benefits are taken? The other person obviously. While the one person who is unemployed may 'buy' more as a result of unemployment benefits, the other person from whom the unemployment benefits are taken will 'buy' less. There is no stimulus for the economy.''

If unending expansion of Federal welfare benefits is the liberal plan for creating private sector jobs, I'm frightened to imagine what success looks like to them. It's my hope that this Election Day, or ideally before, that the ruling liberal Democrats learn the lesson that, ''When you're in a hole, stop digging.''

Mr. Speaker, at this time I'd like to say The Washington Times had it right on March 3, 2010. Every bill that comes before the House these days is called a jobs bill. The title was, ''Lawmakers cry 'jobs' to push through bills.'' That's what we see happening over and over and over and over again by our colleagues. Again, they can't stand to say that they're increasing welfare in this country. They're trying to say this is creating jobs. It's not going to create jobs, Mr. Speaker.

We can start today, though, by rejecting this rule, rejecting the underlying bill and doing something about real jobs.

Mr. Speaker, I would like to insert The Washington Times article into the RECORD.

[From The Washington Times, Mar. 3, 2010]

LAWMAKERS CRY ''JOBS'' TO PUSH THROUGH BILLS

(By Stephen Dinan)

It was a modest measure to designate several thousand beachfront acres of St. Croix as a National Historic Site, but in the hands of a skilled congressman such as Rep. Nick J. Rahall II, it became yet another jobs bill.

Likewise the Travel Promotion Act, which would create a nonprofit group to push U.S. tourism, has been billed as a job-producing machine by Senate Majority Leader Harry Reid, Nevada Democrat.

It doesn't stop there—backers last week unveiled a bipartisan bill to create a visa category for entrepreneurs, predicting it ''will create jobs in America.''

From immigration to clean energy to expanding the social safety net, there's no better way to grease the skids for new government programs in Washington nowadays than to declare them job-producing bills, then watch supporters line up and potential opposition crumble.

When Mr. Reid dubbed as a jobs bill a simple $15 billion measure to offer payroll tax breaks and continued highway construction funding, it helped head off a potential Republican filibuster. Likewise, the Trade Promotion Act, which would tout the U.S. as an international tourist destination, sailed through the Senate after it was tagged with the almighty jobs-bill moniker.

Given an unemployment rate hovering near 10 percent, the focus on jobs is not surprising.

House and Senate lawmakers raised the jobs issue on the chamber floors at least 154 times over the past week, and the jobs issue is more popular in Congress now than it has been in nearly two decades—since the 1991–92 recession.

President Obama joined the jobs chorus Tuesday, touting a $6 billion plan to offer up to $3,000 rebates for energy-efficiency home upgrades as ''a common-sense approach that will help jump-start job creation.''

Mr. Obama, who used the word ''jobs'' 11 times in his 17–minute speech in Savannah, Ga., said the issue is dominating his time right now.

''When it comes to domestic policy, I have no more important a job as president than seeing to it that every American who wants to work and is able to work can find a job—and a job that pays a living wage,'' he said.

On Monday, Republicans fought back the ever-broadening definition of what creates jobs. They told Democrats to quit trumpeting a $104 billion bill on the Senate floor as a job creator and argued that it merely continues existing tax breaks and spending that are extended every year.

''The bill before us creates no new jobs, and I challenge my Democratic friends to show us how doing what we always do and what was done last year—extending the R&D tax credit, extending COBRA insurance, extending unemployment benefits—creates jobs,'' said Sen. Jon Kyl, Arizona Republican.

Sen. Max Baucus, Montana Democrat, said saving jobs is just as important as creating them. If Congress allows tax cuts to expire, he said, jobs definitely would be lost.

''If the provisions we are seeking merely to extend were not passed, it would be a job destroyer,'' Mr. Baucus said.

Members of both sides of the aisle are joining the chorus.

Sen. John Thune, South Dakota Republican, offered an amendment to the $104 billion extenders bill that would redirect unspent money from last year's $862 billion stimulus bill to let small businesses write off more investments and give them a capital-gains tax cut.

''True job creation doesn't happen when the government adds jobs; it grows when small businesses are given the incentives to thrive,'' he said.

Meanwhile, the top Democrat and top Republican on the Senate Foreign Relations Committee are sponsoring the immigration bill to increase visas for entrepreneurs.

It's sometimes tough to see how the jobs math adds up.

The administration has estimated that the $862 billion stimulus act would create up to 3.5 million jobs, which would seem like a bad deal if a $15 billion highway funding extension could create 1 million jobs alone, as Mr. Reid has said on the Senate floor.

Mr. Reid also has said a health care overhaul ''would create 400,000 jobs a year,'' and that his travel promotion bill ''will create tens of thousands of jobs in the service industry.''

''It is a jobs bill, and that is an understatement,'' he said.

Among the other job creators being touted, the beachfront historic site in the U.S. Virgin Islands stands out.

Democrats, arguing for the bill in January, said designating the site and spending the $40 million or more to acquire the land will transform it into a popular tourist destination.

''It will create jobs and help ease unemployment on the island,'' said Mr. Rahall, the West Virginia Democrat who shepherded the bill through the House.

Dubious Republicans pointed out that the cost of a ticket from the U.S. to the island and the travel time make it unlikely that the new historic site would be a major economic draw.

''Let's quit spending like crazy. Let's sell off some of our assets, pay down our debt and let America find jobs again,'' said Rep. Louie Gohmert, Texas Republican.

Mr. Speaker, I want to go back to my comment about welfare because I think the American people thought that welfare was done away with many years ago in this country, but that simply isn't the case.

A document that was prepared by the Heritage Foundation and released September 16, 2009, provides a valuable perspective on the current state of welfare spending, and I'm going to be quoting from that document for several moments.

''Welfare spending has grown enormously since President Lyndon B. Johnson launched the War on Poverty. Welfare spending was 13 times greater in FY 2008, after adjusting for inflation, than it was when the War on Poverty started in 1964. Means-tested welfare spending was 1.2 percent of the gross domestic product, the GDP, when President Johnson began the War on Poverty. In 2008, it reached 5 percent of GDP . . .

''Since the beginning of the War on Poverty, taxpayers have given $15.9 trillion (in inflation-adjusted 2008 dollars) to means-tested welfare. In comparison, the cost of all other wars in U.S. history was $6.4 trillion (in inflation-adjusted 2008 dollars).''

My colleague across the aisle wants to blame our deficit on the war, and yet, we're spending much, much more on welfare than we are spending on war, and we have done that since the sixties.

''In his first two years in office, President Barack Obama will increase annual Federal welfare spending by one-third, from $522 billion to $697 billion. The combined 2-year increase will equal almost $263 billion . . . After adjusting for inflation, this increase is two-and-a-half times greater than any previous increase in Federal welfare spending in U.S. history. As a share of the economy, annual Federal welfare spending will rise by roughly 1.2 percent of GDP.''

Americans are already frightened to death of our deficit. Now they're going to see why a large part of that deficit is here.

''While campaigning for the Presidency, Obama lamented that 'the war in Iraq is costing each household about $100 per month.' '' Let me say that again. ''The war in Iraq is costing each household about $100 per month,'' President Obama said.

□ 1230

Applying the same standard to means-tested welfare spending means that welfare will cost each household $560 per month in 2009 and $638 per month in 2010.''

Go on and make all your comparisons you want to about how much is being spent on the war. Keeping this Nation safe is the role of the Federal Government.

''Most of Obama's increases in welfare spending are permanent expansions of the welfare state, not temporary increases in response to the current recession. According to the long-term spending plans set forth in Obama's FY 2010 budget, combined Federal and State spending will not drop significantly after the recession ends. In fact, by 2014, welfare spending is likely to equal $1 trillion per year.''

According to President Obama's budget projections, Federal and State welfare spending will total $10.3 trillion over the next 10 years, FY 2009 to FY 2018. This spending will equal $250,000 for each person currently living in poverty in the U.S., or $1 million for a family of four.

''Over the next decade, Federal spending will equal $7.5 trillion, while State spending will reach $2.8 trillion. These figures do not include any of the increases in health care expenditure currently being debated in Congress.'' This was written in 2009 before the health care bill was passed.

''In the years ahead, average annual welfare spending will be roughly twice the spending levels under President Bill Clinton after adjusting for total inflation. Total means-tested spending is likely to average 6 percent of GDP for the next decade.''

I am ending my quote of the Heritage article.

Mr. Speaker, the American people are frightened to death. That's what I hear every weekend when I go home, frightened to death about the direction of this country. They can identify the fact that we are spending too much. It's helpful to show them where some of that money is going and to balance out the misinformation our colleagues are giving out across the aisle about this issue.

Mr. Speaker, this rule and this bill need to be rejected. I could go on and on about the jobs situation. We know full well that our colleagues like to brag about how many jobs that they have created.

I am only going to show a couple of posters because we talk about this a lot, but I think it's very, very important to do it. I would like to show the job increases and jobs lost across the Presidencies of President Bush and President Obama.

If we look at this, we will see that from the time President Bush came in, there was a drop in job growth right after 9/11, but then there was a 46-month steady increase of jobs up to 8.1 million. If you look at President Obama's administration, there has been a loss of over 3 million jobs.

Now, I know our friends can count this lots of different ways. Another way that Scott Hennessey has said we should do it is to look at the average unemployment rate during a President's time in office. This clearly shows that under President Obama our average unemployment rate has been 9.5 percent, under President Bush, 5.3 percent. I think that tells the tale. So they can talk about creating jobs; they can talk about all their wonderful policies.

All their wonderful policies have created this hole that we are in. They should stop digging, Mr. Speaker, instead of continuing to dig.

The evidence is here, Mr. Speaker. The liberal Democrat agenda has failed. They need to go back to the drawing board and come back to the American people with real solutions to the real problems of the American people.

This isn't time to dither and blame the Republican minority for the disappointing collapse of governance we have seen since the liberal regime seized control of Congress in 2007, or blame President Bush for everything bad that they have done.

Mr. Speaker, I will point out again that this bill is a welfare emergency fund expansion. H.R. 5893 will add $5 billion to the welfare emergency fund, doubling this fund the Democrats created in their 2009 stimulus bill, again, an example of the fact that the stimulus has failed miserably.

The Democrats' welfare emergency fund expansion would especially benefit States that have increased welfare case loads and spending on welfare most. The new welfare money will be paid to States in FY 2011, a third fiscal year since this welfare emergency fund started.

Democrats are trying to re-brand this welfare emergency fund to seem to be all about jobs. It's not.

After calling it the emergency contingency fund for State Temporary Assistance for Needy Family Programs for the last 2 years, Democrats now propose to rename this program the Emergency Fund for Job Creation and Assistance, but only 25 percent of the $4 billion in welfare emergency funds has been spent on jobs.

I urge a ''no'' vote on the bill, Mr. Speaker, and on the rule.

I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, would you be kind enough to tell me how much time I have remaining.

The SPEAKER pro tempore. The gentleman has 14 minutes remaining.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Mr. Speaker, you know, Paul Krugman wrote an article in The New York Times sometime back, and he is the Nobel Prize winning economist. On July 20 he talked about ''Tax Cut Truthiness.''

Without reading the entire article, he cites to Erick Erickson and says, ''But I think we have part of the key to how Republicans can believe that returning to the Bush agenda is exactly what we need: they've invented themselves an alternate history in which wonderful things happened under Bush, and earlier booms have been sent down the memory hole.''

Now, I have had the good fortune of being here in the minority and in the majority. I served 8 years under President Bush in the minority. I also served 8 years during the Clinton administration.

My late mom had a statement about all of us as politicians. She used to say, if you are going to say that George H.W. Bush did it, then you have to say that Jimmy Carter did it and then somebody else will say that Reagan did it. She said why don't you all just admit it that George Washington did it and get it over with so as how you don't have to keep pointing fingers at each other.

My distinguished colleague from North Carolina just certainly misspoke and didn't mean to when she said that this particular measure isn't scored.

Mr. Speaker, I submit for the RECORD the Preliminary CBO Estimate of Changes in Revenue and Direct Spending of the Investing in America Jobs and Closing Tax Loopholes Act of 2010. I might add that it points out that it is revenue neutral, as I said previously.

Preliminary CBO Estimate of Changes in Revenues and Direct Spending of the Investing in American Jobs and Closing Tax Loopholes Act of 2010

Version: f:\VHLC\072810\072810.211.xml; July 28, 2010 (1:55 p.m.)

(Millions of dollars, by fiscal year) July 28, 2010

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-2014	2010-2015	2010-2019	2010-2020
CHANGES IN REVENUES															
TOTAL CHANGES IN REVENUES[a]	0	993	2,460	3,100	3,121	5,137	1,518	3,302	3,262	3,243	3,218	9,672	14,809	26,128	29,346
CHANGES IN DIRECT SPENDING															
Title I -- Infrastructure Incentives															
Budget Authority	0	554	2,090	2,871	2,871	2,871	2,871	2,871	2,871	2,871	2,871	8,385	11,256	22,738	25,609
Estimated Outlays	0	554	2,090	2,871	2,871	2,871	2,871	2,871	2,871	2,871	2,871	8,385	11,256	22,738	25,609
Title II -- Other Jobs Programs															
Budget Authority	0	3,546	-39	-9	-1	0	0	0	0	0	0	3,498	3,498	3,498	3,498
Estimated Outlays	0	2,634	670	160	17	10	7	0	0	0	0	3,480	3,490	3,497	3,497
TOTAL CHANGES IN DIRECT SPENDING															
Budget Authority	**0**	**4,100**	**2,051**	**2,862**	**2,870**	**2,871**	**2,871**	**2,871**	**2,871**	**2,871**	**2,871**	**11,883**	**14,754**	**26,236**	**29,107**
Estimated Outlays	**0**	**3,188**	**2,760**	**3,031**	**2,888**	**2,881**	**2,878**	**2,871**	**2,871**	**2,871**	**2,871**	**11,865**	**14,746**	**26,235**	**29,106**
NET INCREASE OR DECREASE (-) IN DEFICITS FROM REVENUES AND DIRECT SPENDING															
NET CHANGES IN DEFICITS[b, c]	**0**	**2,195**	**300**	**-69**	**-233**	**-2,256**	**1,360**	**-431**	**-391**	**-372**	**-347**	**2,193**	**-63**	**107**	**-240**

Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation.

Notes:

Components may not sum to totals because of rounding.

a. Negative numbers denote a decrease in federal revenues; positive numbers denote an increase in revenues.
b. Positive numbers denote an increase in the budget deficit; negative numbers denote a decrease in the deficit.
c. All effects are on-budget.

I am so glad that my colleague and I come from virtually all the same kinds of backgrounds, if you read her biography and you read my own. We also have been advantaged in this society by taking advantage of the opportunities that were presented to us.

But where we parted company somewhere along the line, well she didn't want, evidently, to give opportunity to those who have no opportunity. I have been taught all of my life to do everything I can for the least of these in society. Now, I heard her, and I agree that the role of government identified in the United States Constitution clearly points out that national security is the role, and a primary role, of the Congress.

But promoting the general welfare is also a role of Congress. When I see, as I do, at the pantry in Fort Lauderdale, them not having the funds to carry forward, when I see the food bank on Oakland Park, that's less than nine blocks from the office where I am privileged to serve the people of the State of Florida, when I see it robbed by thieves so that they can't help the needy, I know that out there somewhere are people that are hurting, and they are hurting that people need our help.

□ 1240

And they need our help whether it's from the Federal Government or the State government or the local government, they need our help. And to suggest by any stretch of the imagination that it is wrong for us to help those who are in need is anathema to my background. And that isn't because I am a liberal Democrat; that is because I am an American citizen who believes in America and who believes in all of its people, whether they are rich or whether they are poor.

Now, I don't believe at all that this YouCut project that my friends have created allows that States do anything less than be incentivized by using the temporary assistance for needy families. No less an authority than the former chairman of the National Republican Party, Haley Barbour, who is now a member of the National Governors Association—and I might add, support for this temporary assistance program is expected to and sought to be brought onboard by the National Governors Association; they support it, the National Conference of State Legislatures, they support it, and the National Association of Counties have all urged Congress to continue the TANF as a way to create jobs and assist families. Listen to what Haley—who I happen to know and I happen to think is a distinguished American and an outstanding Governor of Mississippi—listen to what Haley said on February 17. He said, I hope the program will be extended so more jobs could be created. Now that's a conservative for you.

Now my colleague on the other side, I have been very anxious and very concerned that evidently people in this body do not understand how much Iraq cost this country. I did not vote for us to go to Iraq, and I am glad I didn't. I did not vote for the supplemental that we passed 2 days ago, and I am glad I didn't because it didn't include things that should have been included. I might add that I can't make Afghanistan make sense when I see the number of young Americans that are being killed in that particular theater. But I do know this: Joseph Stiglitz, who is a economics Nobel Laureate, claimed the Iraq war will cost the United States more than $3 trillion, and he said the final tally is likely to climb much higher than that. There are others who believe that the conflicts in Iraq and Afghanistan have cost Americans a staggering $1 trillion to date, second only, in inflation-adjusted dollars, to the $4 trillion price tag for World War II. It cost us $1.1 million per man and woman in uniform in Afghanistan. Now somebody make it make sense to me that it's all right for us to continue down that path while it's not all right for us to have temporary assistance for needy families.

Mr. Speaker, the legislation before us today is another tool that State and local governments can use to invest in infrastructure development and put much-needed cash and jobs into the economy. I am well aware that Republicans object to the expeditious nature of this legislation. However, the provisions in this legislation have already been debated and considered on numerous other occasions, and we do need to act quickly.

When we sent it, Mr. Speaker, to the United States Senate, these are the things that were included. My colleague began her remarks today by saying that it's outrageous. I find it interesting that she cited as one of the definitions of outrageous, ''exceeding the limits of what is normal or tolerable.'' It also describes outrageous as ''whatever is so flagrantly bad that one's sense of decency or one's power to suffer or tolerate is violated.''

Now, I fall into that second category and believe that small business lending is not outrageous. That was what was sent to the Senate that Republicans said no about. I believe that infrastructure investments are not outrageous. Much of that that was sent to the Senate was what Republicans said no about.

Business tax relief; I certainly don't believe that that is outrageous, and that's what was stripped out in the United States Senate by Republicans and was not voted on by Republicans in this particular body.

Individual tax cuts. TANF jobs and emergency funding that we now have some of. Veterans concurrent receipt, I don't think that's outrageous. The National Housing Trust Fund, I don't think in a time of downturn in this economy, with one out of every five Americans facing foreclosure or in foreclosure, I certainly don't think that that is outrageous. I don't think it's outrageous to hold harmless the provisions for low-income families in this country. They stripped out, by saying no, oil disaster response.

National Flood Insurance, something that has been around that has helped a lot of us all over America, they stripped that out. I don't think that it's outrageous that it was in there.

Mine safety—and we've seen what happened in West Virginia—I don't think taking that out was the right thing to do; I certainly don't think it was outrageous to leave it in there.

Federally declared disaster areas, where floods and drought and other matters have gone on. Agriculture disaster relief was taken out of this measure, and I'm here to believe that it was outrageous? Other expiring disaster relief programs were as well.

Now some of the things that are in there, some of the things that are in it that I don't think are outrageous: It extends the Build America Bonds program that everybody in this institution knows has been successful for State and local government. It makes additional allocation of recovery zone bonds to ensure that each local municipality receives the minimum allocation or equal to at least its share of national employment in December of 2009. I certainly don't think that's outrageous.

And I might add my colleague Mr. DREIER also referred, as did Dr. FOXX, to the outrageousness. I don't think it is outrageous to exclude bonds financing facilities that furnish water and sewage from State volume caps estimated to cost $371 million over 10 years.

Is it outrageous to eliminate the cost imposed on State and local governments by the alternative minimum tax, estimated to cost $224 million over 10 years? Is it outrageous to have new market tax credits? Is it outrageous to have emergency job fund creation and assistance, scheduled to expire on September 30, to extend that through 2011?

I don't think it's outrageous to suspend the recognition of foreign tax credits. And even though it is a legal entity in our law, as my colleague has said, I don't think it's outrageous that we close tax loopholes that allow American corporations to take American jobs abroad and cause this economy to continue to be exacerbated.

I don't think it's outrageous for us to offset the cost of this bill. However, the provisions in this legislation, as I indicated, have already been debated and considered on numerous other occasions. In fact, we have already pared down this legislation from the larger measure that I just talked about that the House already passed because the Senate could not get enough votes from the Republicans for passage in their body.

Now, America can continue to put up with these people that drove us in the ditch and give them the keys if they want to and expect that if we return to that era, that we are going to have prosperity. I don't think so. I saw what

happened. I believe Americans saw what happened.

The programs that we are considering are designed especially to assist the American people in times of economic hardship, just like the one our Nation is currently facing. We need to act to help Americans, not find evermore excuses not to help. Republicans have been consistently saying ''no'' on every jobs package and economic development legislation that we have put forward in this House of Representatives.

Mr. Speaker, Republicans in this Chamber are against everything coming their way from the Democratic side of the aisle. They want to block any job creation legislation in order to make Democrats look bad for the upcoming election, but they are doing so at the expense of the American people.

□ 1250

This legislation will help. This legislation does not add one nickel to the deficit and does not contain wasteful spending. Democrats are hard at work on an agenda to improve our economy, to create jobs, and to ensure that all Americans—all Americans—will be able to take advantage of opportunities and to have an opportunity to have opportunity as our economy recovers.

I hope that my colleagues on the Republican side of the aisle will unite with us to help Americans in these most difficult economic times.

Mr. Speaker, I am prepared to urge a ''yes'' vote on the previous question and on the rule.

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

The previous question was ordered.

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

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

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR AN ADJOURNMENT OF THE SENATE

Mr. HASTINGS of Florida. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON RES. 307

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the Senate recesses or adjourns on any day from Thursday, August 5, 2010, through Saturday, August 14, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, September 13, 2010, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Majority Leader of the Senate or his designee, after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the Senate recesses or adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the Senate shall again stand recessed or adjourned pursuant to the first section of this concurrent resolution.

The SPEAKER pro tempore. The concurrent resolution is not debatable.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR AN ADJOURNMENT OF THE HOUSE

Mr. HASTINGS of Florida. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 308

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on any legislative day from Thursday, July 29, 2010, through Tuesday, August 3, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 14, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Speaker or her designee, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble at such place and time as she may designate if, in her opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the House adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

The SPEAKER pro tempore. The concurrent resolution is not debatable.

The question is on the concurrent resolution.

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

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting House Concurrent Resolution 308 will be followed by 5-minute votes on:

Ordering the previous question on House Resolution 1569;

Adopting House Resolution 1569, if ordered;

Adopting House Resolution 1568; and

Suspending the rules with regard to H.R. 3040.

The vote was taken by electronic device, and there were—yeas 231, nays 189, not voting 12, as follows:

[Roll No. 483]

YEAS—231

Ackerman
Baca
Baird
Baldwin
Barrow
Bartlett
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Frank (MA)
Fudge
Garamendi
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kind
Kirkpatrick (AZ)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Maloney
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—189

Aderholt
Adler (NJ)
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)

Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Coble
Cole
Conaway
Connolly (VA)
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Ellsworth
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
Kilroy
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Markey (CO)
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
McNerney
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Putnam
Radanovich
Rangel
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Sestak
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—12

Akin
Andrews
Buyer
Hoekstra
Klein (FL)
Lynch
Moran (KS)
Shadegg
Tiahrt
Wamp
Watson
Young (FL)

□ 1323

Messrs. ARCURI and SESTAK changed their vote from ''yea'' to ''nay.''

Messrs. JOHNSON of Illinois, BARTLETT of Maryland, INSLEE, GOHMERT, and Mrs. LUMMIS changed their vote from ''nay'' to ''yea.''

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5850, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore (Ms. LORETTA SANCHEZ of California). The unfinished business is the vote on ordering the previous question on House Resolution 1569, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 236, nays 179, not voting 17, as follows:

[Roll No. 484]

YEAS—236

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

NAYS—179

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

NOT VOTING—17

Akin
Andrews
Bilbray
Buyer
Farr
Garamendi
Green, Gene
Hoekstra
Lynch
Moran (KS)
Poe (TX)
Shadegg
Tiahrt
Wamp
Watson
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). All Members have 1 minute to vote.

□ 1332

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Ms. FOXX. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 231, noes 185, not voting 16, as follows:

[Roll No. 485]

AYES—231

Ackerman
Adler (NJ)
Altmire
Arcuri
Baca
Baird

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

NOES—185

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

NOT VOTING—16

Akin
Andrews
Crowley
Farr
Franks (AZ)
Hoekstra
Lynch
Moran (KS)
Nunes
Poe (TX)
Shadegg
Tiahrt
Wamp
Watson
Waxman
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes to vote.

□ 1339

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5893, INVESTING IN AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 1568, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 233, nays 182, not voting 17, as follows:

[Roll No. 486]

YEAS—233

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

NAYS—182

Aderholt
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper

Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—17

Akin
Andrews
Higgins
Hoekstra
Israel
Lynch
Meeks (NY)
Moran (KS)
Poe (TX)
Radanovich
Shadegg
Tiahrt
Wamp
Waters
Watson
Waxman
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1347

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SENIOR FINANCIAL EMPOWERMENT ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3040) to prevent mail, telemarketing, and Internet fraud targeting seniors in the United States, to promote efforts to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud have on seniors, to educate the public, seniors, their families, and their caregivers about how to identify and combat fraudulent activity, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 335, nays 81, not voting 16, as follows:

[Roll No. 487]

YEAS—335

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gohmert
Gonzalez
Gordon (TN)
Granger
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Weiner
Welch
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NAYS—81

Baird
Barrett (SC)
Bartlett
Barton (TX)
Bean
Bishop (UT)
Blackburn
Boehner
Bono Mack
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Camp
Campbell
Cantor
Carter
Chaffetz
Coble
Coffman (CO)
Conaway
Duncan
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Graves (GA)
Hastings (WA)
Hensarling
Herger
Hunter
Inglis
Issa
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn
Latta
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Myrick
Nunes
Olson
Paul
Pence
Petri
Price (GA)
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Simpson
Stearns
Thompson (PA)
Thornberry
Tiberi
Upton
Walden
Westmoreland
Wilson (SC)
Young (AK)

NOT VOTING—16

Akin
Andrews
Frank (MA)
Hoekstra
Linder
Loebsack
Lynch
Moran (KS)
Schock
Shadegg
Shuster
Tiahrt
Wamp
Watson
Waxman
Young (FL)

□ 1354

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. AKIN. Madam Speaker, on July 29, 2010, I was absent from the House and missed rollcall votes 483, 484, 485, 486 and 487. Had I been present, I would have voted "no" on rollcall 483, "no" on rollcall 484, "no" on rollcall 485, "no" on rollcall 486 and "yes" on rollcall 487.

GENERAL LEAVE

Mr. OLVER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on H.R. 5850.

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

There was no objection.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore. Pursuant to House Resolution 1569 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5850.

□ 1355

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5850) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, with Mr. SNYDER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Massachusetts (Mr. OLVER) and the gentleman from Iowa (Mr. LATHAM) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, it is my privilege and pleasure to present the fiscal year 2011 Transportation, Housing and Urban Development, and Related Agencies appropriations bill to the House.

I want to thank all of the subcommittee members for their input and help with writing this bill. In particular, I would like to recognize my ranking member, TOM LATHAM, for his valuable insights during the 13 hearings the subcommittee held covering the budgets and the challenges facing transportation and housing. We do not always agree, but I greatly appreciate his partnership, and his input has made the bill better.

I also want to recognize the hard work of our staff, specifically on the minority side, Dena Baron—who I notice is soon to multiply—Matt McCardle and Doug Bobbitt, and on the majority side, Kate Hallahan, David Napoliello, Laura Hogshead, Sylvia Garcia, Patrick Hatch, Eve Goldsher, Kristin Palmer, and Blair Anderson. My ranking member and I are lucky to have such a dedicated staff who work amicably and respectfully together. They have spent many late nights putting this bill together, and we would not be here today without their hard work.

The committee-reported bill provides $67.4 billion in discretionary resources, a decrease of $500 million below the FY 2010 enacted level and more than $1.3 billion below the President's request. Within an allocation that is 2 percent below the President's request, we have still been able to develop a bill that creates jobs through investments in infrastructure and supports families that have been hit the hardest by the foreclosure crisis. These targeted increases are possible because the bill makes a number of significant reductions from the budget request by not funding $4.8 billion in new, unauthorized initiatives that were proposed by the administration, including the National Infrastructure Bank, the Choice Neighborhoods program, and a major program to transform how our 3,200 public housing authorities function.

□ 1400

Specifically within transportation, investments are targeted to areas that will create skilled jobs immediately and build the infrastructure that underpins future economic growth. The fact remains that our transportation network has great investment needs with aging highways, bridges, and transit systems, and an air traffic control system in desperate need of modernization. It is my belief that we can no longer defer investments in our transportation systems, which provide the foundation for our Nation's economy.

Specifically, the bill provides: $45.2 billion for the Federal Highway Administration, which is an increase of $3.9 billion above the President's request, that will allow States to complete additional infrastructure projects, spur the economy, and create approximately 142,000 new jobs.

It provides $11.3 billion for public transportation programs, an increase in total budgetary resources of $508 million above the President's request, in order to help address the nearly $80 billion maintenance backlog needed to meet a state of good repair on the Nation's fixed guideway and bus systems.

It provides a total of $3.2 billion for Amtrak, the High-Speed Intercity Passenger Rail program, and investments in Positive Train Control. This includes a $127.5 million increase for the first year of Amtrak's fleet plan that will support the development of a domestic manufacturing base for locomotives and railcars, and it provides $1.16 billion for NextGen, to modernize our outdated air traffic control system, which will reduce operational costs and allow airlines to utilize our airspace more efficiently.

Within housing, we were able to use a portion of the savings, which I mentioned above, to fill holes where the President eliminated or deeply cut vital programs, including:

Restoring funding to construct housing units for the elderly and disabled to their fiscal 2010 levels;

Restoring $75 million for 10,000 new VASH housing vouchers, which continues Congress' commitment to homeless veterans;

Providing $200 million for HOPE VI to rehabilitate the most severely distressed public housing communities in the Nation; and

Restoring $455 million to the Public Housing Capital Fund to help Public Housing Authorities make critical repairs and improvements to public housing units. Every dollar invested in this program returns over $2 to the local economies and to the construction industry.

This bill also recognizes that, as the foreclosure crisis continues and with experts estimating that a record 1 million households will lose homes in 2010, access to supportive services is critical.

To that extent, the bill continues the National Reinvestment Corporation's Foreclosure Mitigation Counseling program, because homeowners who receive such counseling through this program are 60 percent more likely to avoid foreclosure than those who do not use such aid. It provides $2.2 billion for homeless assistance grants to shelter families forced from their homes, and it takes a strong step forward in our commitment to reducing chronic homelessness.

Overall, HUD programs are maintained at levels that will ensure affordable housing opportunities are available as families recover from the economic downturn.

More broadly, this bill recognizes that the current paradigm in which affordable housing is connected to unaffordable commutes is unsustainable for families' budgets. As such, the bill provides $677 million to coordinate transportation and infrastructure investments with the availability of housing and community services in order to decrease transportation costs, improve access to jobs and services, promote healthy communities, and enhance community connectivity.

Finally, I expect many Members to come before this body today to talk about reducing spending and the moral imperative of not leaving a deficit for future generations. Let me remind everyone that the investments in this bill address another looming deficit, specifically our transportation and housing infrastructure deficit.

The Department of Transportation's most recent Conditions and Performance Report indicates there is an annual investment gap of $26.9 billion to maintain our current system of highways and bridges and an annual gap of $95.9 billion to improve the system. Every dollar deferred today will catch up to the next generation in the form of falling bridges, broken roads, deteriorating housing, and an economy choked by congestion.

In conclusion, we worked hard to balance many competing needs to produce a bill that reflects the bipartisan needs of transportation and housing and that puts Americans back to work. I am pleased with the product, and I urge Members to support it.

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2011 (H.R. 5850)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF TRANSPORTATION					
Office of the Secretary					
Salaries and expenses	102,686	117,000	111,615	+8,929	-5,385
Immediate Office of the Secretary	(2,631)	(2,667)	(2,667)	(+36)	---
Immediate Office of the Deputy Secretary	(986)	(1,000)	(1,000)	(+14)	---
Office of the General Counsel	(20,359)	(19,711)	(19,711)	(-648)	---
Office of the Under Secretary of Transportation for Policy	(11,100)	(13,568)	(12,015)	(+915)	(-1,553)
Office of the Assistant Secretary for Budget and Programs	(10,559)	(20,022)	(19,522)	(+8,963)	(-500)
Office of the Assistant Secretary for Governmental Affairs	(2,504)	(2,530)	(2,530)	(+26)	---
Office of the Assistant Secretary for Administration	(25,520)	(25,695)	(25,695)	(+175)	---
Office of Public Affairs	(2,055)	(2,240)	(2,240)	(+185)	---
Office of the Executive Secretariat	(1,658)	(1,683)	(1,683)	(+25)	---
Office of Small and Disadvantaged Business Utilization	(1,499)	(1,513)	(1,513)	(+14)	---
Office of Intelligence, Security, and Emergency Response	(10,600)	(10,999)	(10,999)	(+399)	---
Office of the Chief Information Officer	(13,215)	(22,995)	(19,663)	(+6,448)	(-3,332)
Acquisition workforce capacity and capabilities	---	7,623	7,623	+7,623	---
Subtotal	102,686	124,623	119,238	+16,552	-5,385
National infrastructure development	600,000	---	400,000	-200,000	+400,000
Livable communities initiative	---	20,000	20,000	+20,000	---
Financial management capital	5,000	21,000	18,500	+13,500	-2,500
Office of Civil Rights	9,667	9,767	9,767	+100	---
Cyber security initiatives	---	30,000	28,188	+28,188	-1,812
Transportation planning, research, and development	16,168	9,819	9,819	-6,349	---
Maritime study	2,000	---	---	-2,000	---
Working capital fund	(147,596)	---	(148,096)	(+500)	(+148,096)
Minority business resource center program	923	913	913	-10	---
(Limitation on guaranteed loans)	(18,367)	---	(18,367)	---	(+18,367)
Minority business outreach	3,074	3,395	3,395	+321	---
Payments to air carriers (Airport & Airway Trust Fund)	150,000	132,000	146,000	-4,000	+14,000
Total, Office of the Secretary	889,518	351,517	755,820	-133,698	+404,303
National Infrastructure Innovation and Finance Fund					
National infrastructure innovation and finance fund program account	---	4,000,000	---	---	-4,000,000
Federal Aviation Administration					
Operations	9,350,028	9,793,000	9,793,000	+442,972	---
Air traffic organization	(7,299,299)	---	(7,630,628)	(+331,329)	(+7,630,628)
Aviation safety	(1,234,065)	---	(1,304,486)	(+70,421)	(+1,304,486)
Commercial space transportation	(15,237)	---	(16,747)	(+1,510)	(+16,747)
Financial services	(113,681)	---	(114,784)	(+1,103)	(+114,784)
Human resource management	(100,428)	---	(103,297)	(+2,869)	(+103,297)
Region and center operations	(341,977)	---	(361,354)	(+19,377)	(+361,354)
Staff offices	(196,063)	---	(208,994)	(+12,931)	(+208,994)
Information services	(49,278)	---	(53,360)	(+4,082)	(+53,360)
Facilities & equipment (Airport & Airway Trust Fund)	2,936,203	2,970,000	3,000,000	+63,797	+30,000
Research, engineering, and development (Airport & Airway Trust Fund	190,500	190,000	198,000	+7,500	+8,000

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2011 (H.R. 5850)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
Grants-in-aid for airports (Airport and Airway Trust Fund)(Liquidation of contract authorization)	(3,000,000)	(3,550,000)	(3,550,000)	(+550,000)	---
(Limitation on obligations)	(3,515,000)	(3,515,000)	(3,515,000)	---	---
Administration	(93,422)	(100,208)	(99,708)	(+6,286)	(-500)
Airport Cooperative Research Program	(15,000)	(15,000)	(15,000)	---	---
Airport technology research	(22,472)	(27,217)	(27,417)	(+4,945)	(+200)
Small community air service development program	(6,000)	---	---	(-6,000)	---
Rescission of contract authority (BY AIP)	-394,000	---	---	+394,000	---
Subtotal	(3,121,000)	(3,515,000)	(3,515,000)	(+394,000)	---
Total, Federal Aviation Administration	12,082,731	12,953,000	12,991,000	+908,269	+38,000
Appropriations	(12,476,731)	(12,953,000)	(12,991,000)	(+514,269)	(+38,000)
Rescissions of contract authority	(-394,000)	---	---	(+394,000)	---
(Limitations on obligations)	(3,515,000)	(3,515,000)	(3,515,000)	---	---
Total budgetary resources	(15,597,731)	(16,468,000)	(16,506,000)	(+908,269)	(+38,000)
Federal Highway Administration					
Limitation on administrative expenses	(413,533)	(420,843)	(428,843)	(+15,310)	(+8,000)
Federal-aid highways (Highway Trust Fund):					
(Liquidation of contract authorization)	(41,846,000)	(42,102,000)	(45,956,700)	(+4,110,700)	(+3,854,700)
(Limitation on obligations)	(41,107,000)	(41,362,775)	(45,217,700)	(+4,110,700)	(+3,854,925)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	---	---
Surface transportation projects	292,829	---	---	-292,829	---
Rescission of contract authority (Highway Trust Fund)	---	-263,131	---	---	+263,131
Administration (rescission of contract authority)	---	---	-1,863	-1,863	-1,863
Highway related safety grants (rescission)	---	---	-4	-4	-4
Miscellaneous appropriations and miscellaneous highway trust funds (rescission)	---	---	-33,906	-33,906	-33,906
Additional highway investment	650,000	---	---	-650,000	---
Total, Federal Highway Administration	942,829	-263,131	-35,773	-978,602	+227,358
Appropriations	(942,829)	---	---	(-942,829)	---
Rescissions of contract authority	---	(-263,131)	(-1,863)	(-1,863)	(+261,268)
Rescissions	---	---	(-33,910)	(-33,910)	(-33,910)
(Limitations on obligations)	(41,107,000)	(41,362,775)	(45,217,700)	(+4,110,700)	(+3,854,925)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	---	---
Total budgetary resources	(42,049,829)	(41,099,644)	(45,181,927)	(+3,132,098)	(+4,082,283)
Federal Motor Carrier Safety Administration					
Motor carrier safety operations and programs (Highway Trust Fund)(Liquidation of contract authorization)	(239,828)	(259,878)	(259,878)	(+20,050)	---
(Limitation on obligations)	(239,828)	(259,878)	(259,878)	(+20,050)	---
Motor carrier safety grants (Highway Trust Fund) (Liquidation of contract authorization)	(310,070)	(310,070)	(310,070)	---	---
(Limitation on obligations)	(310,070)	(310,070)	(310,070)	---	---
Motor carrier safety grants (HTF) (rescission of contract authority)	-1,611	---	---	+1,611	---
Motor carrier safety (HTF) (rescission of contract authority)	-6,416	---	-7,330	-914	-7,330
National motor carrier safety program (HTF) (rescission of contract authority)	-3,233	---	-15,076	-11,843	-15,076
Total, Federal Motor Carrier Safety Administration	-11,260	---	-22,406	-11,146	-22,406
(Limitations on obligations)	(549,898)	(569,948)	(569,948)	(+20,050)	---
Total budgetary resources	(538,638)	(569,948)	(547,542)	(+8,904)	(-22,406)

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2011 (H.R. 5850)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Highway Traffic Safety Administration					
Operations and research (general fund)	140,427	132,837	148,127	+7,700	+15,290
Operations and research (Highway Trust Fund)					
(Liquidation of contract authorization)	(105,500)	(117,376)	(110,073)	(+4,573)	(-7,303)
(Limitation on obligations)	(105,500)	(117,376)	(110,073)	(+4,573)	(-7,303)
Subtotal	(245,927)	(250,213)	(258,200)	(+12,273)	(+7,987)
National driver register (Highway Trust Fund)					
(Liquidation of contract authorization)	(4,000)	(4,170)	(4,170)	(+170)	---
(Limitation on obligations)	(4,000)	(4,170)	(4,170)	(+170)	---
National driver register modernization	3,350	2,530	2,530	-820	---
Highway traffic safety grants (Highway Trust Fund)					
(Liquidation of contract authorization)	(619,500)	(620,697)	(626,328)	(+6,828)	(+5,631)
(Limitation on obligations)	(619,500)	(620,697)	(626,328)	(+6,828)	(+5,631)
Highway safety programs (23 USC 402)	(235,000)	(235,000)	(235,000)	---	---
Occupant protection incentive grants(23 USC 405)	(25,000)	(25,000)	(25,000)	---	---
Safety belt performance grants (23 USC 406)	(124,500)	(124,500)	(124,500)	---	---
(Distracted driving prevention grants)	---	(50,000)	(50,000)	(+50,000)	---
State traffic safety information system improvement grants (23 USC 408)	(34,500)	(34,500)	(34,500)	---	---
Alcohol-impaired driving countermeasures grants (23 USC 410)	(139,000)	(139,000)	(139,000)	---	---
Grant administration	(18,500)	(19,697)	(25,328)	(+6,828)	(+5,631)
High visibility enforcement	(29,000)	(29,000)	(29,000)	---	---
Child safety and booster seat grants	(7,000)	(7,000)	(7,000)	---	---
Motorcyclist safety	(7,000)	(7,000)	(7,000)	---	---
Operations and research (rescission of contract authority)(S Sec 142)	-2,299	---	---	+2,299	---
Highway traffic safety grants (rescission of contract authority)(H Sec 142)(S Sec 144)	-14,004	---	-7,907	+6,097	-7,907
Total, National Highway Traffic Safety Admin.	127,474	135,367	142,750	+15,276	+7,383
Appropriations	(143,777)	(135,367)	(150,657)	(+6,880)	(+15,290)
Rescissions of contract authority	(-16,303)	---	(-7,907)	(+8,396)	(-7,907)
(Limitations on obligations)	(729,000)	(742,243)	(740,571)	(+11,571)	(-1,672)
Total budgetary resources	(856,474)	(877,610)	(883,321)	(+26,847)	(+5,711)
Federal Railroad Administration					
Federal railroad operations	---	153,846	---	---	-153,846
Offsetting fee collections	---	-25,000	---	---	+25,000
Direct appropriation	---	128,846	---	---	-128,846
Safety and operations	172,270	---	203,348	+31,078	+203,348
Railroad research and development	37,613	40,000	40,000	+2,387	---
Rail line relocation and improvement program	34,532	---	---	-34,532	---
Railroad safety technology	50,000	---	75,000	+25,000	+75,000
Railroad safety	---	49,502	---	---	-49,502
Capital assistance for high speed rail corridors and intercity passenger rail service	2,500,000	1,000,000	1,400,000	-1,100,000	+400,000
National Railroad Passenger Corporation:					
Operating grants to the National Railroad Passenger Corporation	563,000	563,000	563,000	---	---
Office of Inspector General	---	22,000	---	---	-22,000
Capital and debt service grants to the National Railroad Passenger Corporation	1,001,625	1,052,000	1,203,500	+201,875	+151,500
Total, Federal Railroad Administration	4,359,040	2,855,348	3,484,848	-874,192	+629,500

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2011 (H.R. 5850)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Transit Administration					
Administrative expenses	98,911	113,559	130,698	+31,787	+17,139
(Rail transit safety oversight program)	---	---	(24,139)	(+24,139)	(+24,139)
Technical assistance and workforce development	---	28,647	---	---	-28,647
Formula and Bus Grants (Hwy Trust Fund, Mass Transit Account (Liquidation of contract authorization)	(9,400,000)	---	(9,200,000)	(-200,000)	(+9,200,000)
(Limitation on obligations)	(8,343,171)	---	(8,961,348)	(+618,177)	(+8,961,348)
Transit Formula Grants (Hwy Trust Fund, Mass Transit Account (Liquidation of contract authorization)	---	(9,200,000)	---	---	(-9,200,000)
(Limitation on obligations)	---	(8,271,700)	---	---	(-8,271,700)
Greenhouse gas and energy reduction (Limitation on obligations)	---	(52,743)	---	---	(-52,743)
Livable communities (Limitation on obligations)	---	(306,905)	---	---	(-306,905)
Rail transit safety oversight program	---	24,139	---	---	-24,139
Research and University Research Centers	65,670	29,729	65,376	-294	+35,647
Capital investment grants	2,000,000	1,822,112	2,000,000	---	+177,888
Energy efficiency and greenhouse gas reduction grants	75,000	---	---	-75,000	---
Washington Metropolitan Area Transit Authority capital and preventive maintenance	150,000	150,000	150,000	---	---
Total, Federal Transit Administration	2,389,581	2,168,186	2,346,074	-43,507	+177,888
(Limitations on obligations)	(8,343,171)	(8,631,348)	(8,961,348)	(+618,177)	(+330,000)
Total budgetary resources	(10,732,752)	(10,799,534)	(11,307,422)	(+574,670)	(+507,888)
Saint Lawrence Seaway Development Corporation					
Operations and maintenance (Harbor Maintenance Trust Fund)	32,324	32,150	33,868	+1,544	+1,718
Maritime Administration					
Maritime security program	174,000	174,000	174,000	---	---
Operations and training	149,750	164,353	169,353	+19,603	+5,000
Ship disposal	15,000	10,000	10,000	-5,000	---
Assistance to small shipyards	15,000	---	---	-15,000	---
Maritime Guaranteed Loan (Title XI) Program Account:					
Administrative expenses	4,000	3,688	3,688	-312	---
Guaranteed loans subsidy	5,000	---	---	-5,000	---
Subtotal	9,000	3,688	3,688	-5,312	---
Total, Maritime Administration	362,750	352,041	357,041	-5,709	+5,000
Pipeline and Hazardous Materials Safety Administration					
Administrative expenses:					
General Fund	20,493	21,744	21,744	+1,251	---
Pipeline Safety Fund	639	639	639	---	---
Pipeline Safety information grants to communities	(1,000)	(1,000)	(1,000)	---	---
Subtotal	21,132	22,383	22,383	+1,251	---
Hazardous materials safety	37,994	40,434	40,434	+2,440	---
Pipeline safety:					
Pipeline Safety Fund	86,334	92,206	92,206	+5,872	---
Oil Spill Liability Trust Fund	18,905	18,905	18,905	---	---
Subtotal	105,239	111,111	111,111	+5,872	---

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2011 (H.R. 5850)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
Emergency preparedness grants:					
Limitation on emergency preparedness fund	(28,318)	(28,318)	(28,318)	---	---
(Emergency preparedness fund)	(188)	(188)	(188)	---	---
Total, Pipeline and Hazardous Materials Safety Administration	192,683	202,246	202,246	+9,563	---
Research and Innovative Technology Administration					
Research and development	13,007	17,200	18,900	+5,893	+1,700
Office of Inspector General					
Salaries and expenses	75,114	79,772	86,406	+11,292	+6,634
Surface Transportation Board					
Salaries and expenses	29,066	25,988	31,249	+2,183	+5,261
Offsetting collections	-1,250	-1,250	-1,250	---	---
Total, Surface Transportation Board	27,816	24,738	29,999	+2,183	+5,261
Total, title I, Department of Transportation	21,455,289	22,880,116	20,362,455	-1,092,834	-2,517,661
Appropriations	(21,876,852)	(23,143,247)	(20,428,541)	(-1,448,311)	(-2,714,706)
Rescissions	---	---	(-33,910)	(-33,910)	(-33,910)
Rescission of contract authority	(-421,563)	(-263,131)	(-32,176)	(+389,387)	(+230,955)
(Limitations on obligations)	(54,244,069)	(54,821,314)	(59,004,567)	(+4,760,498)	(+4,183,253)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	---	---
(Limitations)	(28,318)	(28,318)	(28,318)	---	---
Total budgetary resources	(75,699,358)	(77,701,430)	(79,367,022)	(+3,667,664)	(+1,665,592)
TITLE II - DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Management and Administration					
Executive direction	26,855	30,265	30,265	+3,410	---
Administration, operations and management	537,011	538,552	538,552	+1,541	---
Acquisition workforce capacity and capabilities	---	2,071	2,071	+2,071	---
Subtotal	537,011	540,623	540,623	+3,612	---
Personnel compensation and benefits:					
Public and Indian Housing	197,074	197,282	197,282	+208	---
Community Planning and Development	98,989	105,768	105,768	+6,779	---
Housing	374,887	395,917	395,917	+21,030	---
Office of the Government National Mortgage Association	11,095	10,902	10,902	-193	---
Policy Development and Research	21,138	23,588	23,588	+2,450	---
Fair Housing and Equal Opportunity	71,800	67,964	67,964	-3,836	---
Office of Healthy Homes and Lead Hazard Control	7,151	6,762	6,762	-389	---
Subtotal	782,134	808,183	808,183	+26,049	---
Total, Management and Administration	1,346,000	1,379,071	1,379,071	+33,071	---

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2011 (H.R. 5850)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
Public and Indian Housing					
Tenant-based rental assistance:					
Renewals	16,339,200	17,310,000	17,080,000	+740,800	-230,000
Tenant protection vouchers	120,000	125,000	125,000	+5,000	---
Administrative fees	1,575,000	1,791,000	1,791,000	+216,000	---
Family self-sufficiency coordinators	60,000	60,000	60,000	---	---
Incremental family unification vouchers	15,000	---	---	-15,000	---
Veterans affairs supportive housing	75,000	---	75,000	---	+75,000
Sec. 811 Mainstream voucher renewals	---	113,663	113,663	+113,663	---
Disaster housing assistance program	---	66,000	66,000	+66,000	---
Homeless vouchers demonstration program	---	85,000	85,000	+85,000	---
Transformation initiative (transfer out)	---	(-195,507)	(-100,000)	(-100,000)	(+95,507)
Subtotal (available this fiscal year)	18,184,200	19,550,663	19,395,663	+1,211,463	-155,000
Advance appropriations	4,000,000	4,000,000	4,000,000	---	---
Less appropriations from prior year advances	-4,000,000	-4,000,000	-4,000,000	---	---
Total, Tenant-based rental assistance appropriated in this bill	18,184,200	19,550,663	19,395,663	+1,211,463	-155,000
Transforming rental assistance demonstration program	---	350,000	---	---	-350,000
Public Housing Capital Fund	2,500,000	2,044,200	2,500,000	---	+455,800
Transformation initiative (transfer out)	---	(-20,442)	---	---	(+20,442)
Public Housing Operating Fund	4,775,000	4,829,000	4,829,000	+54,000	---
Transformation initiative (transfer out)	---	(-48,290)	(-48,290)	(-48,290)	---
Revitalization of severely distressed public housing	200,000	---	200,000	---	+200,000
(Choice neighborhoods)	(65,000)	---	---	(-65,000)	---
Choice neighborhoods	---	250,000	---	---	-250,000
Transformation initiative (transfer out)	---	(-2,500)	---	---	(+2,500)
Native American housing block grants	700,000	580,000	700,000	---	+120,000
Transformation initiative (transfer out)	---	(-5,800)	---	---	(+5,800)
Native Hawaiian housing block grant	13,000	10,000	10,000	-3,000	---
Transformation initiative (transfer out)	---	(-100)	(-100)	(-100)	---
Indian housing loan guarantee fund program account	7,000	9,000	9,000	+2,000	---
(Limitation on guaranteed loans)	(919,000)	(994,000)	(994,000)	(+75,000)	---
Transformation initiative (transfer out)	---	(-8)	(-8)	(-8)	---
Native Hawaiian loan guarantee fund program account	1,044	---	1,044	---	+1,044
(Limitation on guaranteed loans)	(41,504)	---	(41,504)	---	(+41,504)
Total, Public and Indian Housing	26,380,244	27,622,863	27,644,707	+1,264,463	+21,844
Community Planning and Development					
Housing opportunities for persons with AIDS	335,000	340,000	350,000	+15,000	+10,000
Transformation initiative (transfer out)	---	(-3,400)	(-3,500)	(-3,500)	(-100)
Community development fund	4,450,000	4,380,100	4,352,100	-97,900	-28,000
Transformation initiative (transfer out)	---	(-43,801)	(-43,521)	(-43,521)	(+280)
Community development loan guarantees (Section 108):					
(Limitation on guaranteed loans)	(275,000)	(500,000)	(427,000)	(+152,000)	(-73,000)
Credit subsidy	6,000	---	10,000	+4,000	+10,000
Brownfields redevelopment	17,500	---	17,500	---	+17,500
HOME investment partnerships program	1,825,000	1,650,000	1,825,000	---	+175,000
Transformation initiative (transfer out)	---	(-16,500)	---	---	(+16,500)
Self-help and assisted homeownership opportunity program	82,000	---	82,000	---	+82,000
Capacity building	---	60,000	---	---	-60,000
Transformation initiative (transfer out)	---	(-600)	---	---	(+600)
Homeless assistance grants	1,865,000	2,055,000	2,200,000	+335,000	+145,000
Transformation initiative (transfer out)	---	(-20,550)	---	---	(+20,550)
Total, Community Planning and Development	8,580,500	8,485,100	8,836,600	+256,100	+351,500

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2011 (H.R. 5850)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
Housing Programs					
Project-based rental assistance:					
Renewals	8,325,853	9,054,000	9,061,000	+735,147	+7,000
Contract administrators	232,000	322,000	315,000	+83,000	-7,000
Subtotal (available this fiscal year)	8,557,853	9,376,000	9,376,000	+818,147	---
Transformation initiative (transfer out)	---	(-89,760)	---	---	(+89,760)
Advance appropriations	393,672	400,000	400,000	+6,328	---
Less appropriations from prior year advances	-400,000	-393,672	-393,672	+6,328	---
Total, Project-based rental assistance appropriated in this bill	8,551,525	9,382,328	9,382,328	+830,803	---
Housing for the elderly	825,000	273,700	825,000	---	+551,300
Transformation initiative (transfer out)	---	(-2,737)	---	---	(+2,737)
Housing for persons with disabilities	300,000	90,037	300,000	---	+209,963
Transformation initiative (transfer out)	---	(-900)	---	---	(+900)
Housing counseling assistance	87,500	88,000	88,000	+500	---
Transformation initiative (transfer out)	---	(-880)	(-880)	(-880)	---
Energy Innovation Fund	50,000	---	---	-50,000	---
Rental housing assistance	40,000	40,600	40,600	+600	---
Transformation initiative (transfer out)	---	(-406)	(-406)	(-406)	---
Rent supplement (rescission)	-72,036	-40,600	-40,600	+31,436	---
Manufactured housing fees trust fund	16,000	14,000	14,000	-2,000	---
Offsetting collections	-7,000	-7,000	-7,000	---	---
Transformation initiative (transfer out)	---	(-70)	(-70)	(-70)	---
Subtotal	9,000	7,000	7,000	-2,000	---
Total, Housing Programs	9,790,989	9,841,065	10,602,328	+811,339	+761,263
Appropriations	(9,870,025)	(9,888,665)	(10,649,928)	(+779,903)	(+761,263)
Rescissions	(-72,036)	(-40,600)	(-40,600)	(+31,436)	---
Offsetting collections	(-7,000)	(-7,000)	(-7,000)	---	---
Federal Housing Administration					
FHA - Mutual mortgage insurance program account:					
(Limitation on guaranteed loans)	(400,000,000)	(400,000,000)	(400,000,000)	---	---
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	---	---
Offsetting receipts	---	-960,000	-960,000	-960,000	---
Proposed additional offsetting receipts (Sec. 211)	---	-902,000	-902,000	-902,000	---
Positive credit subsidy (HECM)	---	250,000	150,000	+150,000	-100,000
Administrative contract expenses	181,400	207,000	207,000	+25,600	---
Additional contract expenses	14,000	4,000	4,000	-10,000	---
Transformation initiative (transfer out)	---	(-1,355)	(-1,355)	(-1,355)	---
Working capital fund (transfer out)	(-70,794)	(-71,500)	(-71,500)	(-706)	---
Consumer education and outreach	7,500	---	---	-7,500	---
FHA - General and special risk program account:					
(Limitation on guaranteed loans)	(15,000,000)	(20,000,000)	(20,000,000)	(+5,000,000)	---
(Limitation on direct loans)	(20,000)	(20,000)	(20,000)	---	---
Offsetting receipts	-140,000	-315,000	-315,000	-175,000	---
Credit subsidy	8,600	---	---	-8,600	---
Right of first refusal	5,000	5,000	5,000	---	---
Total, Federal Housing Administration	76,500	-1,711,000	-1,811,000	-1,887,500	-100,000
Government National Mortgage Association (GNMA)					
Guarantees of mortgage-backed securities loan guarantee program account:					
(Limitation on guaranteed loans)	(500,000,000)	(500,000,000)	(500,000,000)	---	---
Offsetting receipts	-720,000	-720,000	-720,000	---	---
Total, Gov't National Mortgage Association	-720,000	-720,000	-720,000	---	---

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2011 (H.R. 5850)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
Policy Development and Research					
Research and technology	48,000	87,000	50,000	+2,000	-37,000
Fair Housing and Equal Opportunity					
Fair housing activities	72,000	61,100	72,000	---	+10,900
Transformation initiative (transfer out)	---	(-611)	---	---	(+611)
Office of Lead Hazard Control and Healthy Homes					
Lead hazard reduction	140,000	140,000	140,000	---	---
Transformation initiative (transfer out)	---	(-1,400)	(-1,400)	(-1,400)	---
Management and Administration					
Working capital fund	200,000	243,500	243,500	+43,500	---
(By transfer)	(70,794)	(71,500)	(71,500)	(+706)	---
Office of Inspector General	125,000	122,000	122,000	-3,000	---
Transformation initiative	20,000	20,000	20,000	---	---
(By transfer)	---	(455,617)	(199,530)	(+199,530)	(-256,087)
Total, Management and Administration	345,000	385,500	385,500	+40,500	---
(Grand total, Management and Administration)	(1,691,000)	(1,764,571)	(1,764,571)	(+73,571)	---
Total, title II, Department of Housing and Urban Development	46,059,233	45,570,699	46,579,206	+519,973	+1,008,507
Appropriations	(42,604,597)	(44,115,299)	(45,123,806)	(+2,519,209)	(+1,008,507)
Rescissions	(-72,036)	(-40,600)	(-40,600)	(+31,436)	---
Advance appropriations	(4,393,672)	(4,400,000)	(4,400,000)	(+6,328)	---
Offsetting receipts	(-860,000)	(-2,897,000)	(-2,897,000)	(-2,037,000)	---
Offsetting collections	(-7,000)	(-7,000)	(-7,000)	---	---
(By transfer)	(70,794)	(527,117)	(271,030)	(+200,236)	(-256,087)
(Transfer out)	(-70,794)	(-527,117)	(-271,030)	(-200,236)	(+256,087)
(Limitation on direct loans)	(70,000)	(70,000)	(70,000)	---	---
(Limitation on guaranteed loans)	(916,235,504)	(921,494,000)	(921,462,504)	(+5,227,000)	(-31,496)
TITLE III - OTHER INDEPENDENT AGENCIES					
Access Board	7,300	7,300	7,300	---	---
Federal Maritime Commission	24,135	25,498	25,300	+1,165	-198
National Transportation Safety Board salaries and expenses	98,050	100,400	104,232	+6,182	+3,832
Amtrak Office of Inspector General	19,000	---	22,000	+3,000	+22,000
Neighborhood Reinvestment Corporation	233,000	250,000	285,000	+52,000	+35,000
United States Interagency Council on Homelessness	2,450	2,680	2,680	+230	---
Total, title III, Other Independent Agencies	383,935	385,878	446,512	+62,577	+60,634
Grand total (net)	67,898,457	68,836,693	67,388,173	-510,284	-1,448,520
Appropriations	(64,865,384)	(67,644,424)	(65,998,859)	(+1,133,475)	(-1,645,565)
Rescissions	(-72,036)	(-40,600)	(-74,510)	(-2,474)	(-33,910)
Rescissions of contract authority	(-421,563)	(-263,131)	(-32,176)	(+389,387)	(+230,955)
Advance appropriations	(4,393,672)	(4,400,000)	(4,400,000)	(+6,328)	---
Negative subsidy receipts	(-860,000)	(-2,897,000)	(-2,897,000)	(-2,037,000)	---
Offsetting collections	(-7,000)	(-7,000)	(-7,000)	---	---
(Limitation on obligations)	(54,244,069)	(54,821,314)	(59,004,567)	(+4,760,498)	(+4,183,253)
(By transfer)	(70,794)	(527,117)	(271,030)	(+200,236)	(-256,087)
(Transfer out)	(-70,794)	(-527,117)	(-271,030)	(-200,236)	(+256,087)
Total budgetary resources	(122,142,526)	(123,658,007)	(126,392,740)	(+4,250,214)	(+2,734,733)
Discretionary total	(67,900,000)	(68,737,520)	(67,400,000)	(-500,000)	(-1,337,520)

I reserve the balance of my time.

Mr. LATHAM. I yield myself such time as I may consume.

Mr. Chairman, I am going to be very brief as Mr. OLVER has told us an awful lot about H.R. 5850, the fiscal year 2011 Transportation and Housing, or THUD, bill.

I just want to say, on a personal level, thank you to Chairman OLVER for his ability to work together on this bill. He has been a true gentleman and very, very cooperative. He has reached out and has really made this a pleasure to go through the entire hearing process this year.

I also want to thank the staff for all of their hard work. Mr. OLVER has already named the staff members, but I also want to make sure that they know how much we appreciate all of their hard work.

I really believe, this year, that we did have an opportunity to adhere to a normal appropriations process. We have a closed or a modified open rule here today, and it hasn't always been easy throughout the whole process. We did have a very entertaining and, I think, a very productive hearing season, and I appreciate all of the efforts to bring some of the housing and transportation concerns to light, especially when the chairman and I don't always agree on the best solutions to tackle these complicated issues of spending, housing, and transportation.

The result of those hearings is the bill before us, totaling $67.4 billion, which is a mere $500 million below the fiscal year 2010 levels. Before we celebrate this reduction, we need to remember that the fiscal year 2010 bill was a whopping 23 percent over the year before. I want to say that again. The bill last year was 23 percent higher than the year before that. So, really, the $500 million reduction in this bill is a drop in the bucket of where we need to go to bring us back to some sanity and a reasonable state.

While Mr. OLVER is a most accommodating chairman, I do have some disagreements with some of the funding decisions he has made in the bill before us. I know the administration has come to Chairman OLVER and has complained that he didn't fund each and every new idea in the bill—and I commend him for that. However, in light of the drastic deficit situation that is facing this country, I would prefer a little more critique and restraint on some of the new, untested, and expensive programs before proposing funding at or above the President's request.

Livability? Sustainability? Have we defined these concepts? Obviously not, since this bill gives the Department of Transportation $4 million to figure out how to measure livability.

Should we be asking the American taxpayers to give us $4 million for the Department of Transportation to go and figure out what they want to do in your local communities when families are trying to keep their homes and invest in their businesses? I would say no.

Another example, really, is high-speed rail. The President got $8 billion in the stimulus bill for high-speed rail back in 2009, and only a very small fraction of that $8 billion has gone out the door as the Federal Railroad Administration is still working with recipients of those funds to nail down a grant agreement. The only industry that has been stimulated by the high-speed rail funds are the planners and the lobbyists. Yet this bill gives another $400 million on top of the President's request of $1 billion and on top of the whopping $2.5 billion they got in fiscal year 2010.

So if this bill becomes law, the taxpayers will have given—or more appropriately, borrowed—almost $12 billion for high-speed rail, and we still don't have one single operating high-speed rail line on the horizon.

Is this a horrible bill? No, it's not. Does it spend too much? Certainly, it does.

I would encourage Members to give careful consideration to the few amendments that are made in order today. There are some very thoughtful amendments that would reduce the cost of this bill, which would still fund the core programs under THUD at a respectable level.

In closing, I want to thank Chairman OBEY, Chairman OLVER, Ranking Member LEWIS, and all of the members of the subcommittee for getting this bill to the House floor. Again, I would like to thank the staff, both the committee staff and personal office staff, for all of their hard work in putting together this legislative package.

I reserve the balance of my time.

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Mr. OLVER. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the chairman of the full committee.

Mr. OBEY. I thank the gentleman for the time.

Mr. Chairman, I would describe this bill as a fiscally responsible jobs bill. It is below the President's request by $1.3 billion, and below last year by one-half billion dollars.

Last year, the Recovery Act demonstrated that investments in transportation and housing both support decent paying jobs, while providing critical infrastructure investments.

Let me review some of the facts: To help the economy save jobs, we put over $60 billion in the Recovery Act for transportation and housing programs. With the exception of two new programs that were created in that bill, nearly all of the money, 98 percent, has been obligated. It has started over 14,000 transportation construction projects supporting an average of 41,000 direct jobs each quarter. It has rehabilitated or developed more than 188,000 units of low-income housing, and served over 357,000 low-income individuals through housing for the homeless.

But the economic downturn was far worse than was predicted. There are still many families reeling from the housing crisis. In fact, approximately 6 million homes have been foreclosed upon in the past 3 years, and our roads, bridges and mass transit systems are in desperate need of additional investment.

The Department of Transportation states that there is a yearly investment gap of $27 billion just to maintain our current highways and bridges. And the state of our transit system isn't much better.

This bill increases the amount that can be spent on highways and transit by a modest $4.5 billion over fiscal 2010, and over the President's request, even as we come in under last year and under the President's request overall. According to DOT's job model estimates, this increase will support more than 150,000 transportation jobs.

In addition, vulnerable populations affected by the economic downturn, such as the homeless, the elderly and the disabled, are also supported in this bill through programs such as funding for section 8 housing vouchers. We have $113 million for foreclosure mitigation counseling. The bill also includes $75 million for 10,000 additional vouchers for homeless veterans, support for the homeless, with $2.2 billion allocated for housing and services, and a new demonstration linking HUD and HHS funding to better support these families and individuals.

Low-income individuals have disproportionately been affected by this economic crisis. We need to focus instead on the right kind of affordable housing for seniors, the disabled and the homeless. That's what this bill does, and I urge support of it.

Mr. LATHAM. I yield such time as he may consume to the gentleman from California (Mr. LEWIS), the ranking member.

Mr. LEWIS of California. I very much appreciate my colleague yielding.

Mr. Chairman, I would like to start my remarks by paying tribute to one of the great staff members we have around here. Dena Baron wants us to get through quickly, for she's just about ready to give delivery to her second child. And for those who are curious about all of that, Dena is planning to deliver us a baby girl.

I very much want to express, Mr. Chairman, my appreciation and thanks to Chairman OLVER and Ranking Member LATHAM for their efforts in producing this legislation. While they may not agree on the overall spending level for this bill, they have worked together in a bipartisan fashion. While they have real policy differences, Chairman OLVER and Mr. LATHAM know that it's in the best interest of the House and the American public to get this bill done.

Yesterday's passage of the MILCON–VA bill marked the second latest date in the last 15 years that the House passed its first regular appropriations bill. The only other year in recent history with a more dismal record was 2

years ago when MILCON–VA was the first—and only—appropriations bill brought to the floor—on August 1.

Astonishing that we are now 2 months away from beginning the new fiscal year, and only a day away from the 6-week August congressional recess, and we are only now considering the second of 12 annual spending bills.

So far this year, 11 of the 12 funding bills have been marked up in subcommittee. And yet, only two of the 12 bills have been considered by the full Appropriations Committee. Those two bills, the bill we passed yesterday and the bill we're considering today, are likely to be the only bills passed by the House this year.

The full Appropriations Committee was scheduled to mark up the Agriculture and Homeland Security bills 2 days ago. As members of the committee began to enter the room for those markups at 3 p.m., the session was abruptly postponed, and as of this moment, there's been no explanation.

Let me state the obvious as clearly as I can. This year's appropriations process has been a complete and utter failure. Members of both sides of the aisle have voiced frustration for months about the committee's inability to get its work done. Traditionally, June and July are the months we're debating and passing our spending bills. Not this year, Mr. Chairman. Not this year.

As Mr. WOLF pointed out last night, this has become the ''Suspension Congress.'' This year, the Appropriations Committee—once known as the ''Workhorse Committee''—has done virtually nothing. The House itself has done very little in the way of substantive work, instead debating frivolous bills on the suspension calendar. Week after week, the majority leader has given away Friday legislative sessions because the Democrat majority refuses to move appropriations bills, and because there was no other legislative work to keep Members in town.

It's also worth noting, Mr. Chairman, that on the very rare occasion when our appropriations bills are brought to the floor, they are brought up under a closed rule to stifle debate on issues that the Democratic majority would prefer to ignore until after the election.

All Members, whether they're Republicans or Democrats, have a legitimate right to offer and debate amendments under the longstanding traditional open rule process governing appropriations bills. This includes those amendments that would strike what Members believe to be excessive levels of spending.

Had Republicans been afforded the opportunity to offer amendments under open rules, there's little doubt that much of our effort would be geared towards reducing spending. It was just last week that Democratic members of the Appropriations Committee rejected a Republican amendment in full committee that would have pared back overall discretionary spending this year by $31 billion from Chairman OBEY's generous allocation, and $39 billion from the President's request.

In addition, Republicans have offered amendments in committee this year to reduce spending by over $70 billion. Each and every amendment to reduce the rate of growth of spending has been defeated on a party-line vote. Unfortunately, my Democratic colleagues have not offered a single vote in support of those cuts.

According to the OMB Mid-Session Budget Review, the annual budget deficit is projected to reach a record of $1.47 trillion this year. As a percentage of the economy, it's the largest deficit since World War II. With the Federal Government now borrowing 41 cents on every dollar it spends, and with spending continuing at record levels, it appears that there's little relief in sight.

Indeed, the Obama Administration is conceding that these large deficits are here to stay. According to the President's own numbers, the national debt, which was at $5.8 trillion at the end of 2008, will soar to $18.5 trillion by the end of this decade.

□ 1420

These future deficits are driven almost entirely by rising levels of government spending. I know there's a tendency among some of my friends to blame President Bush for everything, but the fact is that President Obama's budget would push inflation-adjusted Federal spending over $36,000 per household by the year 2020. This is $12,000 above the level per-household that existed under President Bush. Even President Obama's enormous $3 trillion tax increase proposal won't stop this spending from pushing the national debt to even more dangerous levels.

With the mid-session budget review, the Obama White House has now confirmed what committee Republicans have been saying all year: That the Democrat majority's agenda of runaway spending, surging taxes, and soaring budget deficits is leading to historic deficits and record levels of debt. The only way out of this deficit and debt nightmare is to curb Uncle Sam's appetite for spending. We simply must do something about the rising tide of red ink before we're overcome by it. I ask my colleagues on the other side of the aisle how many more shocking budget projections we need before you join us in saying enough is enough?

With that, Mr. Chairman, I urge a ''no'' vote on final passage.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), a very valued member of the Appropriations subcommittee.

Ms. KILPATRICK of Michigan. Thank you, Mr. OLVER, our outstanding chairman who has brought us this far.

I want to thank Kate Hallahan and the rest of the staff for working to bring this bill to the floor with us. It's a very complicated bill, but it is the bill in the Federal Government that will put America back to work rebuilding our crumbling infrastructure, providing jobs across America, doing the things that are necessary so we take care of Americans who have lost their jobs, helping the institutions of higher learning so they train, and be able to keep their tuitions lower, so that our children can build a better America as we go forward.

This is a good bill. It's a bill that's been worked for the betterment of America. It's an artistic compilation of ideas and investments that will make America strong again as we move into the 21st century.

Chairman OLVER and Ms. Hallahan and the staff and the rest us should be commended. We wish we had more. This bill is $1 billion less than what the President gave us because we recognize that our Nation is in crisis. So we had to work with what we had and have some outstanding programs put together in an artistic way that America is invested in again, that our crumbling roads and bridges can be fixed, and that we might put people back to work, help our institutions of higher education, and build a better America.

There are several things I want to highlight in the bill just briefly. Most of you know that our veteran population, who have given their lives to this country, many have returned home. They have returned home unemployed. Many are homeless. There have been studies all over America now from various institutions how homeless veterans must have housing, jobs. This Congress has passed the best veterans bill in several decades. And we are getting to that so that our veterans, who dedicate their lives for our safety, can have those opportunities.

We provide in our Transportation-HUD bill resources for veterans who are now homeless. It's a great opportunity for us to show to our veterans that the Federal Government they worked so hard to secure is in their corner. Let's not accept any amendments that would reduce that.

The CHAIR. The time of the gentlewoman has expired.

Mr. OLVER. I yield the gentlelady 1 additional minute.

Ms. KILPATRICK of Michigan. Thank you, Mr. Chairman.

Also we have a program that's called reinvesting into our infrastructure, reinvesting TIGER grants. TIGER is acronym that allows us to invest money. There were over $50 billion worth of investments asked for. Our bill has only under $2 billion. So in TIGER I, many communities were not able to partake. These TIGER grants go right from the Federal Government to communities to help rebuild all kinds of programs that are related to transportation and HUD, putting people back to work. They are very competitive. Let's not accept any amendment that would make it more hard, more difficult for communities to

compete with one another for these limited dollars.

TIGER grants, veterans homeless assistance, and other things within this budget, roads, bridges, train dollars, this is a good bill. I commend Ms. Hallahan as well as our chairman. The other side has been working with us pretty good as well. Yes, we have to fix the deficit, but you don't do it on the least of these.

Mr. Chairman, I hope that we will pass this bill and move it onto the Senate, a good bill, beginning to put America back to work.

Mr. Chair, I rise today to support the FY2011 Transportation-Housing and Urban Development Appropriations Bill, H.R. 5850. The FY2011 Transportation-Housing and Urban Development bill before us today addresses a number of housing and transportation challenges.

There is such a broad consensus affirming the great needs for transportation infrastructure investments and for affordable housing throughout the country.

The total budgetary resources include $67.4 billion in discretionary appropriations for the departments and agencies, which is $1.3 billion less than requested by the administration, and $500 million below the FY 2010 appropriations.

This bill seeks to address the need to invest in transportation infrastructure that will create jobs and ensure that our roads, rails, ports and airports are safe. This bill also seeks to address the need for affordable housing through investments in basic program management tools that will improve HUD's ability to operate efficiently as an organization.

Priorities in the bill are focused on investing in the nation's infrastructure to support jobs; supporting vulnerable populations in a difficult economic climate; ensuring safe transportation; building healthy communities with environmentally sustainable solutions; and ensuring responsible management and oversight of government investments.

Overall, the bill balances the housing and transportation needs of the country within current fiscal constraints. Investments are targeted to critical housing and infrastructure needs that will keep this economy moving forward.

The THUD Committee and staff have worked hard to bring a THUD bill that will balance the needs for housing and transportation programs with the call to cut wasteful spending.

Mr. Chair, this is a good bill and I ask all of my colleagues to support the bill.

Mr. LATHAM. I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding.

Well, it's truly remarkable to come to the floor on what may be the second to last day of a long summer session and only be considering the second out of the 12 appropriations bills that Congress historically has spent the entire summer considering. As the distinguished ranking member of the committee said moments ago, this is only the second. We did the first of 12 yesterday.

And as we come to the floor today to speak about the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, Mr. Chairman, I can't even tell you that this bill is over the budget because not only have we spent the entire summer not appropriating the Federal budget, as Congress is obligated to do, but the Democrat majority didn't even pass a budget. Didn't even try to pass a budget. I mean it really is extraordinary. You can't say this bill exceeds the budget because the majority didn't even pass a budget.

Now, I heard the distinguished chairman of the full committee, who has my respect, the gentleman from Wisconsin, refer to this bill as fiscally responsible. I respect the gentleman. I believe, maybe grading on the curve that he is grading on, maybe it is. But the American people deserve to know the truth about this bill. It is a fact this bill does spend less than—1 percent less than last year's bill. But what they're kind of leaving out of the fine print is last year's bill was a 23 percent increase from the previous year. That didn't even include the $62 billion in related funding that was included in the so-called stimulus bill that's only stimulated more deficits and more debt. I mean it really is incredible.

And this bill, as has been mentioned by other colleagues in this debate, this bill is an earmark factory, with 459 earmarks in this bill, less than one-tenth of 1 percent of which are related to Republican Members of Congress. In fact, the House Republicans made a decision to refrain from submitting earmarks altogether because we believe the American people are tired of borrowing and spending as usual in Washington, D.C. They're tired of an earmarking culture and a favor factory here in Washington, D.C.

The truth is, as I look at this extraordinary piece of legislation and I think of a $1.47 trillion deficit this year, this massive spending bill just seems to be emblematic of the fact that this majority just doesn't get it. They don't understand that the American people are bone weary of deficits and debt and spending as usual. And they long for leadership in Washington, D.C., that's willing to play it straight, make the hard choices.

The CHAIR. The time of the gentleman has expired.

Mr. PENCE. And this fall they will have the opportunity to elect a majority that will do just that.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Members are advised to heed the gavel.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ISRAEL), who is a member of the full committee.

□ 1430

Mr. ISRAEL. I thank the distinguished gentleman from Massachusetts for recognizing me.

Mr. Chair, I've listened to the points from the other side, and Mr. Chair, my friend from Indiana said the American people are tired of borrowing and spending. Yeah, they are tired of it. They had 8 years of it on the other side. The other side, when they took control, we had a $5.6 trillion surplus. They squandered that and left us $10 trillion in debt. So I think lectures need to be fact-based and not faith-based.

This bill addresses two of the great challenges we have in the United States. We have an aging, deficient infrastructure, and we have millions of people who still need jobs. And this bill addresses both.

Infrastructure: 153,000 bridges in the United States have been rated functionally obsolete or deficient; 162,000 miles of Federal highway have been rated unacceptable. Traffic delays are costing America's small businesses and the American people $78 billion every year. Just in New York City, aviation delays cost our local economy $1.8 billion.

The American Society of Civil Engineers does an annual report card on infrastructure and routinely gives grades of C, D, and F to transportation systems, broadband, and our ports.

Meanwhile, Mr. Chair, in China, they're going to build 97 new airports over the next 12 years; in Spain, they're going to make a $150 billion investment in high-speed rail; in India, 276 port projects, $12 billion investment to double port capacity.

This bill stops the surrender of infrastructure investments to China and to Spain and to India. This bill makes us more competitive in a global economy. This bill creates jobs. Every billion dollars that we invest in infrastructure creates 47,500 jobs and returns $6 billion to our economy.

Mr. Chair, Americans have always done best when we build America—the Erie Canal, the Transcontinental Railroad, the Federal Interstate Highway System.

The CHAIR. The time of the gentleman has expired.

Mr. OLVER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. ISRAEL. We always do best when we are building with our hands, when we are standing and growing with this economy, putting people to work, manufacturing for a better economy. And this bill turns away 8 years of neglect on infrastructure and starts to rebuild America again and create jobs in the process.

This is a jobs bill. Vote ''no'' on this bill and you are killing jobs and surrendering to China and Spain and other countries. Vote ''yes'' and you are creating jobs, investing in this infrastructure, and strengthening America again.

Mr. LATHAM. I yield myself 1 minute.

I just want to tell the gentleman—and I don't want to get into a partisan fight here, but there was not one person on the other side of the aisle who

voted to double infrastructure spending in the stimulus bill, spend half as much money overall, and by the President's own top economic adviser, would have created twice as many jobs as what did the stimulus bill that was actually passed and signed into law.

Our motion to recommit was to double the funding for infrastructure, if anybody's forgotten that. That was exactly what it was so that we could have actually created jobs here in the United States. The gentleman apparently forgets that he voted against that.

I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, and I commend the subcommittee on its work to refine the administration's proposal, reduce it a billion dollars, but nonetheless deal with the challenges that face the American people.

And Mr. OLVER is right, as is my friend from New York, in talking about how we're losing an infrastructure challenge globally, which is apparent to anybody who travels overseas. This is an important piece of legislation that struggles to help make the Federal Government a better partner in rebuilding and renewing America.

I have great respect for my good friend from Iowa, but I must respectfully disagree. The programs dealing with livability are, in fact, refined and tested. That's why there was such an outpouring of support for things like the TIGER grants. They are popular, and they are already making a difference, as we see, around the country.

As for high-speed rail . . . give me a break. Yes, the administration did move forward with $8 billion for high-speed rail, which takes a little time to work through the process, but China is going to spend more in the next couple of months than we will in the next 3 years, illustrating how we are losing that effort.

Livable communities were actually developed by this subcommittee in the last Congress. The administration took the work that you Mr. Chairman developed, they refined it, they expanded it, and I think it's to your credit for what you have done.

I am saddened by an ill-advised amendment by my friend and colleague, Mr. DEFAZIO from Oregon, targeting transportation livability programs that, in fact, if they were allowed to move forward, would give us a head start on what I think the Transportation and Infrastructure Committee wants to happen with their reauthorization. They know that's important. This would allow a head start on communities large and small, rural and urban, to be able to get ahead of the curve and make those programs work better.

Even more ill-advised, I think, is an amendment from PETERS, ALDER, and HIMES to cut some of the guts this effort from TIGER grants, high-speed rail, Brownfields, HOPE VI, housing for veterans. These are programs that, in community after community, people have acknowledged are important. These have economic vitality. They give communities tools. They leverage far more than the Federal investment.

I would suggest that rather than targeting products of a thoughtful rebalancing that came out of this committee, our goal instead should be to support the committee in its efforts refining the administration's proposal, help rebuild and renew America with infrastructure that is failing and out of date and losing competitiveness. We should reauthorize the Surface Transportation Act.

The CHAIR. The time of the gentleman has expired.

Mr. OLVER. I yield an additional minute to the gentleman.

Mr. BLUMENAUER. This is the home stretch.

We have had examples, for the last 14 years that I've been in Congress, where communities are struggling to figure out how to put the pieces together. I commend the committee for its work to try and give the tools the communities need to stretch Federal dollars, to be able to encourage private sector investments, to build on models of proven success, the cutting edge of architecture, of construction, of energy conservation, water. These are areas that America desperately needs. I think it would be shortsighted to cut back on this fine work.

I will guarantee you over the course of the next decade that Congresses and future administrations are going to build on the foundation that you've established. I hope that this Congress does its part by moving this forward and supporting the subcommittee's important work.

Mr. LATHAM. I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Chair, the American people are asking this Congress and this President what part of ''broke'' don't you understand. Already we have seen, on June 30, the third largest one-day increase in the national debt in our history: $166 billion larger than the entire annual deficit of 2007. Already this year the deficit has crossed the trillion dollar mark for only the second time in American history. Of course, the first time, as we know, was last year.

We are looking at the largest national debt in our Nation's history. As a percentage of our economy, it rivals that of World War II, and it's only due to get worse.

□ 1440

And yet since the Democratic majority has come in, President Obama has been elected, this body has gone on a spending spree, today borrowing 41 cents on the dollar, mainly from the Chinese, to send the bill to our children and our grandchildren. At one time Mr. HOYER of Maryland, now the House majority leader, said to run deficits was akin to ''fiscal child abuse,'' and now all we seemingly hear from the other side is the refrain, ''Que sera sera.''

So today we have an appropriations bill, one, Mr. Chairman, that's coming to this floor without a budget. First time in the history of the House the House hasn't even attempted to pass a budget. Well, Mr. Chairman, I guess the only reason you want a budget is because you want a limit on spending. If you don't want to limit your spending, you don't need a budget. So we have no budget. We're going directly to the appropriations bill, and in this case, the THUD bill is 39 percent larger than it was in fiscal 2008, the year before the Democrats went on their spending spree. You know, Mr. Chairman, again, how much of this spending meets the test of borrowing 41 cents on the dollar, mainly from the Chinese, sending the bill to our children and our grandchildren?

I have the pleasure of serving on the President's Fiscal Responsibility Commission. It is chaired by the gentleman from North Carolina Erskine Bowles, former chief of staff to President Clinton. He likens the national debt, quote, this debt is like a cancer that's truly going to destroy the country from within, and yet, Mr. Chairman, our Democratic majority brings to the floor a bill spending 38 percent more than just a few years ago.

Recently, it was reported in The Hill that our chairman of the Joint Chiefs of Staff said, The Nation's debt is the biggest threat to U.S. national security. Yet the Democratic majority brings a bill to this floor spending 38 percent more on THUD than just 3 years ago.

The CHAIR. The time of the gentleman has expired.

Mr. LATHAM. I yield the gentleman 1 additional minute.

Mr. HENSARLING. The director of the Congressional Budget Office, Doug Elmendorf, Democratic appointee, has said, quote, U.S. fiscal policy is unsustainable, unsustainable to an extent that it can't be solved through minor changes. Yet the Democratic majority brings a bill spending 38 percent more since when they came into office.

Economist Robert Samuelson has said that this spending could, quote, trigger an economic and political death boggle. Yet, the Democratic majority brings a bill spending 38 percent more from when they took over.

You know, Mr. Chairman, Americans have seen what is going on in Greece. They've seen the riots in the street. Greece is having to sell sovereign territory. Their debt in relation to their economy is about 112 percent. Ours is at 90 percent.

We are truly at a tipping point which is why the American people are saying: what part of broke don't you understand? No Nation can borrow, spend or

bail out its way to economic prosperity. This bill needs to be rejected.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Ms. BEAN) for the purposes of a colloquy.

Ms. BEAN. Thank you, Mr. Chairman, for yielding and for your thoughtful leadership and stewardship on our Nation's transportation resources and your commitment to strengthening America's competitiveness.

I strongly support the renewed focus and investment in our Nation's critical rail infrastructure. Yet I continue to have grave concerns about the impacts of freight rail traffic on communities whose road infrastructure was not designed to accommodate increased levels of rail traffic.

In communities in my district in Illinois, those concerns include blocked crossings that cause traffic bottlenecks; safety threats due to decreased mobility of emergency responders; safety issues due to increased car volumes and speeds; noise and air pollution; and interference with proposed commuter rail expansions.

The recent acquisition of the EJ&E by Canadian National promises to significantly increase daily rail traffic. This would necessitate construction of over a dozen grade separations, like underpasses and overpasses, to ensure adequate safety and traffic flow. With each construction project estimated at costs of tens of millions of dollars, the impact of this federally approved rail transaction rises to the level of regional and national significance. Municipalities like Barrington and others along the EJ&E need DOT funding to help their communities continue to function which is why we need a multiyear surface transportation reauthorization moving forward to address such needs nationwide.

While funding for grade separation construction will come from the FHA in this bill, the FRA and STB must continue to work together to align transportation and safety priorities. State and local governments cannot be expected to bear the burden of accommodating regionally and nationally significant freight movement. It's in everyone's interest that Federal agencies partner with communities to ensure the impacts of such freight are mitigated to a reasonable and practicable extent.

I would like to point out that crossing hazard reduction efforts should not be limited to high-speed rail corridors. The vast majority of our rail network continues to be comprised of non-high-speed rail, regardless of maximum potential train speed.

The CHAIR. The time of the gentlewoman has expired.

Mr. OLVER. I yield the gentlewoman an additional 2 minutes.

Ms. BEAN. I yield to the chairman.

Mr. OLVER. Mr. Chairman, I am glad to work with the gentlewoman from Illinois on grade separation issues which impact our transportation networks and communities across the country, all over the country. The problem you describe is exactly the type of project that should be addressed in the TIGER grant program, which works to address transportation issues of regional and national significance and particularly ones which are intermodal in nature.

Ms. BEAN. I agree with the chairman, and I thank you for giving me the opportunity to speak on these important issues. I look forward to working with you further on it.

Mr. LATHAM. I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. MOORE) for the purposes of a colloquy.

Ms. MOORE of Wisconsin. I thank you, distinguished Chairman OLVER.

I rise to bring to your attention a critical infrastructure need in the Fourth Congressional District of Wisconsin. The Hoan Bridge, a vital thoroughfare in my community, connects downtown Milwaukee to the near southside southern suburbs, on to the airport and beyond to the interstate, but it's rapidly deteriorating. Chunks of concrete have been falling off the bridge, and of course, that has created a significant safety hazard.

My constituents really rely on the Hoan Bridge, and it accommodates about 43,000 vehicles per day. I trust, Representative OLVER, that you will agree that ensuring the bridge's structural integrity and the safety of my constituents is of urgent importance.

I yield to the chairman.

Mr. OLVER. I thank the gentlewoman from Wisconsin for raising this issue, and I've come to realize and I appreciate how important this bridge is to you and your constituents.

The committee, which looks at many critical infrastructure issues like this one across the country, stands ready to work with you on this project in the future.

Ms. MOORE of Wisconsin. I thank you, Representative OLVER. I look forward to working with you as well to ensure the viability of this important bridge, the Hoan Bridge.

Ms. ROYBAL-ALLARD. Mr. Chair. I am pleased to rise in support of H.R. 5850, the Fiscal Year 2011 Transportation Housing and Urban Development Appropriations Bill.

As a member of the Subcommittee, I would like to thank Chairman JOHN OLVER and Ranking Member TOM LATHAM for their hard work on this bill. At a time when so many are struggling to keep roofs over their heads and to stay employed, I believe this bill makes wise investments in our nation's housing and transportation infrastructure needs.

For example, the FY11 THUD Appropriations bill will allow HUD to renew all project-based Section 8 rental contracts for a full 12 months. This will help ensure that the nearly 1.3 million low-income families that currently reside in project-based Section 8 housing will not lose their homes.

The Committee has also recognized the unique housing needs of some of our most vulnerable Americans, restoring and increasing funding for the Section 811 and Section 202 programs for the elderly and the disabled. The bill provides $85 million in vouchers to get homeless veterans off the streets and it increases funding for Homeless Assistance Block Grants, which provide permanent and transitional housing for homeless families and individuals.

In addition to these important housing programs, the bill makes important investments necessary to maintain and expand our nation's transportation infrastructure which is critical to our continuing economic recovery efforts. At a time when high unemployment persists, focusing on investments in our transportation infrastructure is an essential job-stimulator.

I want to also specifically highlight two rail issues that I requested the committee to address in the bill: positive train control and environmental and quality of life concerns along proposed high speed rail routes.

First, the bill includes funding for positive train control (PTC) to help prevent railroad collisions. In 2008 the community of Chatsworth in Los Angeles County suffered a tragic head-on train collision between a commuter train and freight train. Tragically eleven lives were lost and dozens more were injured. That awful accident, as well as the deadly 2009 WMATA collision here in our nation's capital, could have been prevented had this train control technology already been operating in both of these rail systems. The funding in the bill will help with the development of technologies to override human error or mechanical failure and automatically prevent collisions such as the Chatsworth crash.

The second rail issue concerns our commitment to protect the residents along new high speed rail routes. In the rush to build a national high speed rail system in our country, I believe it absolutely essential that we ensure careful and thoughtful decisions particularly as they regard impacts on residential communities. Accordingly, the committee report includes important language to ensure that the concerns of poor and minority communities are taken into account in routing these projects.

Building a high speed rail route along existing transportation corridors in communities like Los Angeles may minimize the negative impact to many communities. However, the damage done decades ago to many poor and minority neighborhoods along those corridors by rail and interstate system construction may be exacerbated by construction of the high speed rail system. These communities continue to suffer from the environmental and health impacts long after their neighborhoods were dissected by past construction.

The report directs the Federal Railroad Administration (FRA) to carefully consider the effects of using existing or new transportation corridors in its analysis of proposed routes. The report also directs the FRA to identify appropriate mitigation measures particularly to offset any negative effects identified in regards to minority populations and low-income populations.

Mr. Chair, I am happy to support passage of this important bill. The funding included in this legislation is critical to building and maintaining our transportation infrastructure, creating jobs, and protecting the housing needs of America's most vulnerable populations. I urge my colleagues to support this bill.

Mr. OBERSTAR. Mr. Chair, I rise in strong support of the amendment offered by the gentleman from Oregon, Mr. DEFAZIO, which makes $200 million in livable community grants provided by this Act contingent on an authorization by Congress.

While I support the vast majority of the bill before us today, and I thank the gentleman from Massachusetts, Mr. OLVER, for providing substantial and much-needed investment in our Federal transportation programs, I do have concerns with the impact aspects of this Act will have on surface transportation programs.

Unfortunately, certain aspects of H.R. 5850 would enable the Administration to continue to avoid engaging with Congress to enact comprehensive surface transportation authorization legislation.

H.R. 5850 includes some good initiatives in the areas of livable communities, distracted driving, and funding for transit operating expenses. These initiatives, however, should be considered in the context of a comprehensive surface transportation authorization bill.

For the past three years, the Committee on Transportation and Infrastructure, led by Mr. DEFAZIO, has conducted a thorough review of the needs of the nation's surface transportation network. Throughout this process, it has become clear that there is a broad consensus on the need to fundamentally transform highway, highway safety, and public transportation programs to meet the needs of the 21st century surface transportation network. But changes to these programs must be considered as part of a holistic rewrite of the entire surface transportation program, not piecemeal in an annual appropriations bill.

I understand that the Administration has requested the Livable Communities Initiative be included in the fiscal year 2011 budget for the Department of Transportation. What I do not understand is why Congress should agree to this request, thereby allowing the Administration to obtain the policy changes it desires without ever having to do the hard work that will be required to enact the next surface transportation authorization bill.

In effect, H.R. 5850 would let the Administration ''eat its dessert first'' and then leave the table without ever getting to the meat and potatoes of what needs to be done to fix our nation's transportation systems.

Therefore, this amendment would prohibit the use of FHWA's formula funds under the fiscal year 2011 THUD Act from being used to carry out FHWA's livable communities initiative until legislation is enacted to authorize such a program.

Our objection is not to providing grant funding for livable communities, but rather to the attempt to provide this funding prior to Congressional authorization.

I am hopeful that the Administration will soon engage in a serious effort to enact surface transportation authorization legislation. Enactment of such legislation will be critical to moving forward on new initiatives such as those proposed by H.R. 5850 to develop the surface transportation system to meet the needs of the 21st century.

I urge my colleagues to join me in supporting Mr. DEFAZIO's amendment.

Mr. GENE GREEN of Texas. Mr. Chair, I rise today in support of H.R. 5850—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2011. In particular, I am supportive of the Appropriations Subcommittee on Transportation, Housing and Urban Development's inclusion of federal funding for the Metropolitan Transit Authority of Harris County for four projects in the City of Houston as well as funding much needed improvements to the Lynchburg Ferry Landings in our area.

The Subcommittee's inclusion of $150 million for the North and Southeast corridor light rail projects will be tremendously helpful for the Houston area. These projects involve a combined 11.8 miles of light rail transit, and will benefit the city by increasing citizen mobility, improving the city's air quality, and promoting economic development and job creation. The funding will be used for the final design and construction of these two corridors, which are part of an overall system of interrelated projects that make up the Advanced Transit Program and Metro Solutions Plan. The success of these light rail projects will facilitate Houston's economic recovery and help the city further develop and improve its infrastructure.

Additionally, H.R. 5850 includes $700,000 for the North and South Lynchburg Ferry Landings in Harris County, Precinct Two. These landings haven't been refurbished or updated in years and these funds will provide better connectivity between the historical and recreational sites to increase the number of visitors and provide an economic stimulus for Ship Channel communities.

I would like to thank the Subcommittee on Transportation, Housing and Urban Development for recognizing the importance of this assistance to the Houston area and including them in this bill.

Mr. NADLER of New York. Mr. Chair, I rise in support of the Fiscal Year 2011 Transportation-HUD Appropriations Act. As we all know, this is a very tight budget year, but Chairman OLVER and the other Members of the Committee are to be commended for providing increased funding for critical transportation and housing programs.

Many of my colleagues joined me in requesting increases for Section 8 and the Housing Opportunities for Persons with AIDS program—also known as HOPWA. I am pleased that this bill increases funding for Section 8 programs by approximately $2 billion. The bill includes $9.4 billion for project based rental assistance, and $19.4 billion for tenant-based rental assistance, which should be enough to renew all existing vouchers covering more than 2 million families. The bill also has $350 million for HOPWA, which is $15 million more than last year and $10 million over the President's request. I thank the Chairman for his efforts to secure these badly needed resources.

Many Members also joined me in requesting an increase for federal transit programs so that we can maintain our public transportation systems in a state of good repair and accommodate increased ridership. I would like to thank the Chairman for including $11.3 billion for federal transit programs, which is an increase of over $500 million from last year. The bill includes increased funding for transit capital programs as well as $250 million for operating assistance. While I believe the operating assistance provision could be better, this is a step in the right direction.

I commend Chairman OLVER for his leadership and I thank him for his continued support for these critical transportation and housing resources. I look forward to working with him and the rest of my colleagues to preserve and increase these funding levels as this bill moves through Congress.

Mr. VAN HOLLEN. Mr. Chair, I rise in strong support of the Department of Transportation and Housing and Urban Development Appropriations Act for FY2011. This is a jobs bill and it is an economic development bill. It is about rebuilding our infrastructure and revitalizing our communities.

The transportation construction industry has been hard hit with this recession, as states tighten their belts and delay major projects. While we need a long-term surface transportation reauthorization, today's legislation makes vital investments to put people to work rebuilding communities. It includes $45.2 billion for roads and highways, and $11.3 billion for public transportation to bring our infrastructure back to a state of good repair and give Americans transportation options. It invests in Amtrak and high-speed rail to move people around the country. These programs create jobs in our communities.

Today's bill also invests in programs like the Public Housing Capital Fund and the Community Development Block Grant, which allow communities to make vital improvements to public housing and spur business expansion and job creation. The bill includes funding for foreclosure mitigation and rental assistance to stabilize neighborhoods by keeping people in their homes. And it supports housing for vulnerable populations, including homeless veterans, the elderly, and persons with disabilities.

Finally, this bill contains a vital investment for my constituents and the entire D.C. metropolitan region—$150 million for the Washington Metropolitan Area Transit Authority (WMATA). This funding, authorized by the Passenger Rail Investment and Improvement Act, is part of a 10-year plan to help WMATA make needed safety improvements and address its capital maintenance backlog. I thank Chairman OLVER and the Committee for its continued support of WMATA, which serves so many federal employees and tourists in the District of Columbia.

Mr. Chair, the Transportation and Housing and Urban Development Appropriations Act is a jobs bill. It puts Americans to work to repair aging infrastructure, create new transportation options, and revitalize communities. I urge my colleagues to join me to support these vital investments.

Ms. BORDALLO. Mr. Chair, I rise in strong support of H.R. 5850 the Transportation, Housing and Urban Development, and Related Agencies Appropriation Act for Fiscal Year 2011. The bill provides critical funding to our infrastructure across the United States and in the territories. In particular, the bill funds $400 million in a third round of TIGER grants for investment in significant ''National Infrastructure Investments.'' I appreciate the Committee's continued support of this effort and would continue to urge the U.S. Department of Transportation to obligate these funds towards truly innovative projects. I would also urge the Department of Transportation to more adequately fund port infrastructure projects with TIGER funds.

I also greatly appreciate the Committee's continued commitment to funding the NextGen modernization program at the Federal Aviation Administration. In particular, I appreciate the

Committee's increase of $10.1 million for the Ground-Based Augmentation System (GBAS). GBAS, also known as Local Area Augmentation-System (LAAS), is a critical component of the NextGen framework. GBAS provides very precise terminal arrival, approach and landing operations for aircraft that have available GPS systems. GBAS conforms to requirements identified in the FAA NextGen Implementation Plan, the National Airspace System (NAS) Enterprise Architecture and the Roadmap for Performance Based Navigation. In short, this system can reduce and improve landing approaches by our nation's airlines. This will reduce cost to consumers and reliance on fuel. Of particular importance to Guam is the portability of the GBAS system. In the event of a significant natural disaster, the system can be disassembled and reassembled in a relatively short time. This is important for Guam because during a typhoon the system can restore precision approach to the airport more quickly than a traditional instrument landing system (ILS) and thus allowing restoration of relief services faster than traditionally possible.

I have worked with the FAA to deploy a system to Guam as a measure of prudence and in an effort to improve the system's capabilities. The additional funds provided by the Committee will provide the FAA with the resources needed to begin the process of identifying additional locations for GBAS which I believe must include Guam. Again, I want to thank Chairman OLVER for his leadership and support of this effort. I want to thank Ranking Member LATHAM and Congressman LATOURETTE for their support of this effort as well.

Mr. LATHAM. I yield back the balance of my time.

Mr. OLVER. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill is considered for amendment under the 5-minute rule, and the bill shall be considered as read through page 171, line 17.

The text of that portion of the bill is as follows:

H.R. 5850

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 Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $111,615,000, of which not to exceed $2,667,000 shall be available for the immediate Office of the Secretary; not to exceed $1,000,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $19,711,000 shall be available for the Office of the General Counsel; not to exceed $12,015,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $11,899,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,530,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $25,695,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,240,000 shall be available for the Office of Public Affairs; not to exceed $1,683,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,513,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $10,999,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed $19,663,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

LIVABLE COMMUNITIES

For necessary expenses for livable communities initiatives, including coordinating livability and sustainability work within the Department of Transportation and with the Environmental Protection Agency and the Department of Housing and Urban Development; developing performance standards and metrics; building analytical capacity; and providing grants and direct technical assistance to State, local, and non-profit organizations, $20,000,000, to remain available until September 30, 2013; *Provided*, That any grants and technical assistance made available under this heading shall be for improved performance measurement capabilities, enhanced ability to perform alternatives analysis, and training and workshops for personnel.

NATIONAL INFRASTRUCTURE INVESTMENT

For capital investments in transportation infrastructure, $400,000,000, to remain available through September 30, 2013: *Provided*, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: *Provided further*, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: *Provided further*, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: *Provided further*, That a grant funded under this heading shall be not less than $5,000,000 and not greater than $75,000,000: *Provided further*, That not more than 12.5 percent of the funds made available under this heading may be awarded to projects in a single State: *Provided further*, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: *Provided further*, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: *Provided further*, That not less than $100,000,000 of the funds provided under this heading shall be for projects located in rural areas: *Provided further*, That for projects located in rural areas, the minimum grant size shall be $1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: *Provided further*, That of the amount made available under this heading, the Secretary may use an amount not to exceed $60,000,000 for the purpose of paying the subsidy and administrative costs of projects eligible for federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: *Provided further*, That the Secretary may use up to ten percent of the funds provided under this heading to fund the costs of equipping aircraft with communications, surveillance, navigation and other avionics to conduct a demonstration of NextGen air traffic control capabilities through grants or other authorities available under section 106(l)(6) of title 49, United States Code: *Provided further*, That of the amount made available under this heading, the Secretary may use an amount not to exceed $20,000,000 for the planning, preparation or design of projects eligible for funding under this heading: *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 the Secretary shall publish criteria on which to base the competition for any grants awarded under this heading no sooner than 60 days after enactment of this Act, require applications for funding provided under this heading to be submitted no sooner than 120 days after the publication of such criteria, and announce all projects selected to be funded from funds provided under this heading no sooner than September 15, 2011: *Provided further*, That the Secretary may retain up to $16,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, the Federal Aviation Administration, and the Federal Maritime Administration, to fund the award and oversight of grants made under this heading.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, $18,500,000, to remain available until expended.

CYBER SECURITY INITIATIVES

For necessary one-time expenses for cyber security initiatives, including improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of federal cyber security initiatives and information infrastructure enhancements, implementation of enhanced security controls on network devices, and enhancement of cyber security workforce training tools, $28,188,000, to remain available until expended.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $9,767,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $9,819,000.

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $148,096,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $329,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $584,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,395,000, to remain available until September 30, 2012: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $146,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That, if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

SEC. 103. The Secretary or his designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

SEC. 104. (a) Prior to awarding any grants under the National Infrastructure Investments program, the Secretary of Transportation shall post on the Department of Transportation website any request or application for funding received by the Department for projects from the program. Such post shall include a copy of any such request or application and all project data and supplemental materials provided by the entity seeking such grant.

(b) No later than 5 days after the announcing of grant awards, the Secretary shall post on the Department of Transportation website a complete description and accounting of what criteria, both qualitative and quantitative, was used in the selection of the grants under the program.

(c) The Office of Inspector General of the Department of Transportation shall audit and review 10 percent of grant recipients under the National Infrastructure Investments program to ensure that funds issued under such program are used appropriately and within the scope of the grant awarded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $9,793,000,000, of which $3,900,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $7,630,628,000 shall be available for air traffic organization activities; not to exceed $1,304,486,000 shall be available for aviation safety activities; not to exceed $16,747,000 shall be available for commercial space transportation activities; not to exceed $114,784,000 shall be available for financial services activities; not to exceed $103,297,000 shall be available for human resources program activities; not to exceed $361,354,000 shall be available for region and center operations and regional coordination activities; not to exceed $208,994,000 shall be available for staff offices; and not to exceed $53,360,000 shall be available for information services: *Provided*, That the Secretary utilize not less than $17,000,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: *Provided further*, That none of the funds provided for increases to the staffs of the aviation flight standards and aircraft certification offices shall be used for other purposes: *Provided further*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 for each day after March 31 that such report has not been submitted to the Congress: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 per day for each day after March 31 that such report has not been submitted to Congress: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation as offsetting collections funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, including funds from fees authorized under Chapter 453 of title 49, United States Code, other than those authorized by section 45301(a)(1) of that title, which shall be available for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $9,500,000 shall be for the contract tower cost-sharing program: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for

officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $3,000,000,000, of which $2,508,000,000 shall remain available until September 30, 2013, and of which $492,000,000 shall remain available until September 30, 2011: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of National Airspace Systems: *Provided further*, That upon initial submission to the Congress of the fiscal year 2012 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2012 through 2016, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $198,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2013: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,550,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,515,000,000 in fiscal year 2011, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than $99,622,000 shall be obligated for administration, not less than $15,000,000 shall be available for the airport cooperative research program, not less than $27,217,000 shall be for Airport Technology Research.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2011.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: *Provided*, That during fiscal year 2011, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

SEC. 115. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a non-revenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 116. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 117. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $428,843,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation: *Provided*, That of the funds made available under this heading, not less than $8,000,000 shall be for renovations and upgrades to the fiscal management information system, except that such funds may not be obligated for such purpose until the Secretary of Transportation submits to the House and Senate Committees on Appropriations a plan that identifies the full cost of the upgrades needed and a timeline for completion. In addition, not to exceed $3,300,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $45,217,700,000 for Federal-aid highways and highway safety construction programs for fiscal year 2011: *Provided*, That within the $45,217,700,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2011: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further*, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $45,956,700,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

(INCLUDING RESCISSIONS)

SEC. 120. (a) For fiscal year 2011, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways

that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute $2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to $639,000,000 for each of fiscal years 2005 through 2011; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 122. Not less than 15 days prior to waiving, under his statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided*, That the Secretary shall provide an annual report to the Appropriations Committees of the Congress on any waivers granted under the Buy America requirements.

SEC. 123. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) NUMBER OF TOLL LANES.—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of non-toll lanes as were in existence prior to that date.

(2) HIGH-OCCUPANCY VEHICLE LANES.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a non-toll lane for purposes of determining whether a highway will have fewer non-toll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll

lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

SEC. 124. Notwithstanding any other provision of law, whenever an apportionment is made of the sums authorized to be appropriated for the Surface Transportation Program, the Congestion Mitigation and Air Quality Improvement Program, the National Highway System Program, the Interstate Maintenance Program, and the Highway Bridge Program, the Secretary of Transportation shall deduct a sum in such amount not to exceed a total of $200,000,000 of all sums so authorized: *Provided*, That of the amount so deducted in accordance with this section shall be made available for the Federal Highway Administration Livable Communities Program: *Provided further*, That the Federal share payable on account of any program, project, or activity carried out with funds made available under this section shall be determined in accordance with 23 U.S.C. 120: *Provided further*, That the Administrator of the Federal Highway Administration may retain up to one percent of the funds provided under this section for administrative expenses: *Provided further*, That the sum deducted in accordance with this section shall remain available until expended: *Provided further*, That all funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways programs set forth in this Act or any other Act: *Provided further*, That the obligation limitation made available for the programs, projects, and activities for which funds are made available under this section shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years: *Provided further*, That in apportioning funds for fiscal year 2011 for the equity bonus program under Section 105 of title 23, United States Code, the Secretary shall make any calculations required to be made under that section as if this provision had not been enacted.

SEC. 125. (a) In the explanatory statement referenced in section 186 of title I of division A of Public Law 111–117 (123 Stat. 3070), the item relating to ''Chalk Bluff Road, Clay County, AR'' in the table of projects under the heading ''Delta Region Transportation Development Program'' is deemed to be amended by striking ''Chalk Bluff Road, Clay County, AR'' and inserting ''Cabot North Interchange, AR''.

(b) In the explanatory statement referenced in section 186 of title I of division A of Public Law 111–117 (123 Stat. 3070), the item relating to ''I-480/Tiedeman Road Interchange Modification, OH'' in the table of projects under the heading ''Interstate Maintenance Discretionary'' is deemed to be amended by striking ''I-480/Tiedeman Road Interchange Modification, OH'' and inserting ''Construction and upgrades at four grade crossings in Olmsted Falls, OH''.

(c) Funds made available for ''Construction of the I-278 Environmental Shield, Queens, NY'' under the heading ''Surface transportation priorities'' in title I of division A of Public Law 111–117 (123 Stat. 3044) shall be made available for ''Reconstruction and reconfiguration of the northbound off-ramp from Interstate 95 to Bartow/Baychester Avenue, Bronx, NY''.

(d) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to ''Newton County Rails to Trails By-Pass Tunnel, GA'' in the table of projects under the heading ''Transportation, Community, and System Preservation Program'' is deemed to be amended by striking ''Newton County Rails to Trails By-Pass Tunnel, GA'' and inserting ''Newton County Eastside High School to County Library Trail, GA''.

SEC. 126. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended—

(a) in item number 1366, by striking the project description and inserting ''Road and bridge improvements and storm water mitigation in the Town of Southampton''; and

(b) in item number 2252 by striking the project description and inserting ''Operational safety studies, final design and/or construction of intersection operational and safety improvements for USH 53 between Rice Lake and Superior, Wisconsin''.

SEC. 127. The table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 257) is amended—

(a) in item number 414 by striking the project description and inserting ''Engineering, design and construction of the North Street, Pittsfield, streetscaping project''; and

(b) in item number 815 by striking the project description and inserting '' Highway 10 relocation, City of Wadena''.

SEC. 128. Of the unobligated balances made available under Public Law 101–516, Public Law 102–143, Public Law 103–331, and Public Law 106–346, $33,905,809 are rescinded: *Provided*,That in administering the rescission required under this section, the Secretary of Transportation shall first consider: (1) projects where the designated purpose has been completed and the remaining funds are no longer needed to meet that purpose; and (2) projects with more than 90 percent of the appropriated amount remaining available for obligation.

SEC. 129. Of the amounts made available for ''Highway Related Safety Grants'' by section 402 of title 23, United States Code, and administered by the Federal Highway Administration, $3,651 in unobligated balances are rescinded.

SEC. 130. Of the amounts made available under section 104(a) of title 23, United States Code, $1,863,000 are permanently rescinded.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $259,878,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided*, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $259,878,000, for ''Motor Carrier Safety Operations and Programs'' of which $8,586,000, to remain available for obligation until September 30, 2013, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59: *Provided further*, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, $310,070,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $310,070,000, for ''Motor Carrier Safety Grants''; of which $215,070,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $30,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; and $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59: *Provided further*, That of the funds made available for the motor carrier safety assistance program, $35,000,000 shall be available for audits of new entrant motor carriers.

MOTOR CARRIER SAFETY

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, $7,330,000 in unobligated balances are permanently rescinded.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, $15,076,000 in unobligated balances are permanently rescinded.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 135. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, $148,127,000, of which $10,000,000 shall remain available through September 30, 2012: *Provided*, That none of the funds appropriated by this Act may be

obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, $110,073,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2011, are in excess of $110,073,000 for programs authorized under 23 U.S.C. 403: *Provided further*, That within the $110,073,000 obligation limitation for operations and research, $10,000,000 shall remain available until September 30, 2012 and shall be in addition to the amount of any limitation imposed on obligations for future years.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,170,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2011, are in excess of $4,170,000 for the National Driver Register authorized under such chapter.

NATIONAL DRIVER REGISTER MODERNIZATION

For an additional amount for the ''National Driver Register''as authorized by chapter 303 of title 49, United States Code, $2,530,000, to remain available through September 30, 2012: *Provided*, That the funding made available under this heading shall be used to continue the modernization of the National Driver Register.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $626,328,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2011, are in excess of $626,328,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $235,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402; $25,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405; $124,500,000 shall be for ''Safety Belt Performance Grants'' under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2012 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years, of which up to $50,000,000 may be made available by the Secretary as grants to States that enact and enforce laws to prevent distracted driving; $34,500,000 shall be for ''State Traffic Safety Information System Improvements'' under 23 U.S.C. 408; $139,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Incentive Grant Program'' under 23 U.S.C. 410; $25,328,000 shall be for ''Administrative Expenses'' under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for ''High Visibility Enforcement Program'' under section 2009 of Public Law 109–59; $7,000,000 shall be for ''Motorcyclist Safety'' under section 2010 of Public Law 109–59; and $7,000,000 shall be for ''Child Safety and Child Booster Seat Safety Incentive Grants'' under section 2011 of Public Law 109–59: *Provided further*, That of the funds made available for grants to States that enact and enforce laws to prevent distracted driving, up to $5,000,000 may be available for the development, production, and use of broadcast and print media advertising for distracted driving prevention: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States: *Provided further*, That not to exceed $750,000 of the funds made available for the ''High Visibility Enforcement Program'' shall be available for the evaluation required under section 2009(f) of Public Law 109–59.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

(INCLUDING RESCISSION)

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. Of the amounts made available under the heading ''Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)'' in prior appropriations Acts, $7,907,000 in unobligated balances are permanently rescinded.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $203,348,000, of which $5,492,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $40,000,000, to remain available until expended.

RAILROAD SAFETY TECHNOLOGY PROGRAM

For necessary expenses of carrying out section 20158 of title 49, United States Code, $75,000,000, to remain available until expended: *Provided*, That to be eligible for assistance under this heading, an entity need not have developed plans required under subsection 20156(e)(2) of title 49, United States Code, and section 20157 of such title.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2011.

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE

To enable the Secretary of Transportation to make grants for high-speed rail projects as authorized under section 26106 of title 49, United States Code, capital investment grants to support intercity passenger rail service as authorized under section 24406 of title 49, United States Code, and congestion grants as authorized under section 24105 of title 49, United States Code, and to enter into cooperative agreements for these purposes as authorized, $1,400,000,000, to remain available until expended: *Provided*, That up to $50,000,000 of funds provided under this paragraph are available to the Administrator of the Federal Railroad Administration to fund the award and oversight by the Administrator of grants and cooperative agreements for intercity and high-speed rail: *Provided further*, That up to $30,000,000 of the funds provided under this paragraph are available to the Administrator for the purposes of conducting research and demonstrating technologies supporting the development of high-speed rail in the United States, including the demonstration of next-generation rolling stock fleet technology and the implementation of the Rail Cooperative Research Program authorized by section 24910 of title 49, United States Code: *Provided further*, That up to $50,000,000 of the funds provided under this paragraph may be used for planning activities that lead directly to the development of a passenger rail corridor investment plan consistent with the requirements established by the Administrator or a state rail plan consistent with chapter 227 of title 49, United States Code: *Provided further*, That the Secretary may retain a portion of the funds made available for planning activities under the previous proviso to facilitate the preparation of a service development plan and related environmental impact statement for high-speed corridors located in multiple States: *Provided further*, That the Secretary shall issue interim guidance to applicants covering application procedures and administer the grants provided under this heading pursuant to that guidance until final regulations are issued: *Provided further*, That not less than 85 percent of the funds provided under this heading shall be for cooperative agreements that lead to the development of entire segments or phases of intercity or high-speed rail corridors: *Provided further*, That at least 30 days prior to issuing a letter of intent or cooperative agreement pursuant to Section 24402(f) of title 49, United States Code, for a major corridor development program, the Secretary shall provide to the House and Senate Committees on Appropriations written notification consisting of a business and public investment

case for the proposed corridor program which shall include: a comprehensive analysis of the monetary and non-monetary costs and benefits of the corridor development program; an assessment of ridership, passenger travel time reductions, congestion relief benefits, environmental benefits, economic benefits, and other public benefits; operating financial forecasts for the program; a full capital cost estimation for the entire project, including the amount, source and security of non-Federal funds to complete the project; a summary of the grants management plan and an evaluation of the grantee's ability to sustain the project: *Provided further*, That the Federal share payable of the costs for which a grant or cooperative agreements is made under this heading shall not exceed 80 percent: *Provided further*, That in addition to the provisions of title 49, United States Code, that apply to each of the individual programs funded under this heading, subsections 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this heading: *Provided further*, That a project need not be in a State rail plan developed under Chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: *Provided further*, That recipients of grants under this paragraph shall conduct all procurement transactions using such grant funds in a manner that provides full and open competition, as determined by the Secretary, in compliance with existing labor agreements.

OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $563,000,000, to remain available until expended: *Provided*, That each grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That concurrent with the President's budget request for fiscal year 2012, the Corporation shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2012 in similar format and substance to those submitted by executive agencies of the Federal Government.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c) and 219(b) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $1,203,500,000 to remain available until expended, of which not to exceed $305,000,000 shall be for debt service obligations as authorized by section 102 of such Act: *Provided*, That after an initial distribution of up to $200,000,000 which shall be used by the Corporation as a working capital account, all remaining funds shall be provided to the Corporation only on a reimbursable basis: *Provided further*, That the Secretary may retain up to one-half of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110–432: *Provided further*, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital project justifying the Federal support to the Secretary's satisfaction: *Provided further*, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2010 business plan: *Provided further*, That in addition to the project management oversight funds authorized under section 101(d) of division B of Public Law 110–432, the Secretary may retain up to an additional one-half of one percent of the funds provided under this heading to fund expenses associated with implementing section 212 of division B of Public Law 110–432, including the amendments made by section 212 to section 24905 of title 49, United States Code, and other mandates of Division B of Public Law 110–432.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word ''services'' shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 151. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $106,559,000: *Provided*,That for an additional amount to carry out public transportation fixed guideway safety oversight activities, $24,139,000, if legislation authorizing such activities is enacted into law prior to September 30, 2011: *Provided further*, That of the funds available under this heading, not to exceed $2,200,000 shall be available for travel: *Provided further*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That upon submission to the Congress of the fiscal year 2012 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2012.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, $9,200,000,000 to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, shall not exceed total obligations of $8,961,348,000 in fiscal year 2011: *Provided further*, That of the amounts made available under this heading, $250,000,000 shall be available for the Secretary of Transportation to make grants for the operating costs of equipment and facilities for use in public transportation, if legislation authorizing such activities is enacted into law prior to September 30, 2011: *Provided further*, That eligible recipients under the previous proviso shall include States and designated recipients that receive funding under sections 5307 and 5311 of title 49, United States Code.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, $65,376,000, to remain available until expended: *Provided*, That $10,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and $7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: *Provided further*, That $44,076,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out section 5309 of title 49, United States Code, $2,000,000,000, to remain available until expended.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110–432, $150,000,000, to remain available until expended: *Provided*, That the Secretary shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: *Provided further*, That prior to approving such grants, the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under ''Federal Transit Administration, Capital Investment Grants'' and for bus and bus facilities under ''Federal Transit Administration, Formula and Bus Grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2013, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2010, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the

most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading ''Federal Transit Administration, Capital investment grants'' in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. Notwithstanding any other provision of law, unobligated funds or recoveries under section 5309 of title 49, United States Code, that are available to the Secretary of Transportation for reallocation shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the Saint Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, $33,868,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $174,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $169,353,000, of which $11,240,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which $30,900,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and of which $63,120,000 shall be available for operations at the United States Merchant Marine Academy, and of which $6,000,000 shall be available until expended for the Secretary's reimbursement of overcharged midshipmen fees: *Provided*, That the Secretary, through such structure and administration as the Secretary establishes, shall reimburse current and former midshipmen of United States Merchant Marine Academy in such amounts as the Secretary determines, in his sole discretion, to be appropriate to address claims regarding the overcharging of midshipman fees, pertaining first to academic years 2003/2004 through 2008/2009, and then pertaining to earlier academic years to the extent that the Secretary determines to be appropriate and subject to the amounts specifically appropriated herein for such reimbursements: *Provided further*, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation or the Assistant Secretary for Budget and Programs: *Provided further*, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United States Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of Maritime Administration shall hold all allotments made by the Secretary of Transportation or the Assistant Secretary for Budget and Programs under the previous proviso: *Provided further*, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Superintendent and the Maritime Administration, completes a plan detailing by program or activity and by object class how such funding will be expended at the Academy, and this plan is submitted to the House and Senate Committees on Appropriations.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $10,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative expenses of the maritime guaranteed loan program, $3,688,000 shall be paid to the appropriation for ''Operations and Training'', Maritime Administration.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

(PIPELINE SAFETY FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, $22,383,000, of which $639,000 shall be derived from the Pipeline Safety Fund: *Provided*, That $1,000,000 shall be transferred to ''Pipeline Safety'' in order to fund ''Pipeline Safety Information Grants to Communities'' as authorized under section 60130 of title 49, United States Code.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $40,434,000, of which $1,707,000 shall remain available until September 30, 2013: *Provided*, That up to $800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $111,111,000, of which $18,905,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2013; and of which $92,206,000 shall be derived from the Pipeline Safety Fund, of which $51,206,000 shall remain available until September 30, 2013: *Provided*, That not less than $1,053,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), $188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2012: *Provided*, That not more than $28,318,000 shall be made available for obligation in fiscal year 2011 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)–(c): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $18,900,000, of which $11,765,000 shall remain available until September 30, 2013: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $86,406,000, of which $285,000 shall be derived from the Highway Trust Fund (other than the Mass Transit Account) for costs associated with the annual audits of the Highway Trust Fund financial statements in accordance with section 104(i) of title 23, United States Code, and section 3521 of title 31, United States Code: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading may be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $31,249,000: *Provided*, That notwithstanding any other provision of

law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2011, to result in a final appropriation from the general fund estimated at no more than $29,999,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Research and University Research Centers'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Funds provided or limited in this Act under the appropriate accounts within the Federal Highway Administration, the Federal Railroad Administration and the Federal Transit Administration shall be for the eligible programs, projects and activities in the corresponding amounts identified in the committee report accompanying this Act for ''Ferry Boats and Ferry Terminal Facilities'', ''Federal Lands'', ''Interstate Maintenance Discretionary'', ''Transportation, Community and System Preservation Program'', ''Delta Region Transportation Development Program'', ''Rail Line Relocation and Improvement Program'', ''Rail-highway crossing hazard eliminations'', ''Capital Investment Grants'', ''Alternatives analysis'', and ''Bus and bus facilities''.

SEC. 187. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 188. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any grant from the Federal Railroad Administration; or (4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any ''quick release'' of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation.

SEC. 189. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 190. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify to the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term ''improper payments'', has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 191. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: *Provided*, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 192. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 193. Notwithstanding section 3324 of Title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109–59: *Provided*, that the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high quality performance under the contract.

SEC. 194. For an additional amount for the ''Salaries and Expenses''account, $7,622,655, to increase the Department's acquisition workforce capacity and capabilities: *Provided*, That such funds may be transferred by the Secretary to any other account in the Department to carry out the purposes provided herein: *Provided further*, That such transfer authority is in addition to any other transfer authority provided in this Act: *Provided further*, That such funds shall be available only to supplement and not to supplant existing acquisition workforce activities: *Provided further*, That such funds shall be available for training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.): *Provided further*, That such funds shall be available for information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management.

This title may be cited as the ''Department of Transportation Appropriations Act, 2011''.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

EXECUTIVE DIRECTION

For necessary salaries and expenses for Executive Direction, $30,265,000, of which not to exceed $7,674,000 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed $1,706,000 shall be available for the Office of Hearings and Appeals; not to exceed $719,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $999,000 shall be available for the immediate Office of the Chief Financial Officer; not to exceed $1,503,000 shall be available for the immediate Office of the General Counsel; not to exceed $2,709,000 shall be available to the Office of the Assistant Secretary for Congressional and Intergovernmental Relations; not to exceed $4,861,000 shall be available for the Office of the Assistant Secretary for Public Affairs; not to exceed $2,163,000 shall be available to the Office of the Assistant Secretary for Public and Indian Housing; not to exceed $1,755,000 shall be available to the Office of the Assistant Secretary for Community Planning and Development; not to exceed $3,565,000 shall be available to the Office of the Assistant Secretary for Housing, Federal Housing Commissioner; not to exceed $1,117,000 shall be available to the Office of

the Assistant Secretary for Policy Development and Research; not to exceed $945,000 shall be available to the Office of the Assistant Secretary for Fair Housing and Equal Opportunity; and not to exceed $549,000 shall be available to the Office of the Chief Operating Officer: *Provided*, That the Secretary of the Department of Housing and Urban Development is authorized to transfer funds appropriated for any office funded under this heading to any other office funded under this heading following the written notification to the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for prior approval to the House and Senate Committees on Appropriations: *Provided further*, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide all signed reports required by Congress electronically: *Provided further*, That not to exceed $25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine: *Provided Further*, That the Secretary shall notify the Committees on Appropriations one month before any of the funds made available under this heading may be used for international travel.

ADMINISTRATION, OPERATIONS AND MANAGEMENT

For necessary salaries and expenses for administration, operations and management for the Department of Housing and Urban Development, $538,552,000, of which not to exceed $65,049,000 shall be available for the personnel compensation and benefits of the Office of the Chief Human Capital Officer; not to exceed $9,122,000 shall be available for the personnel compensation and benefits of the Office of Departmental Operations and Coordination; not to exceed $49,090,000 shall be available for the personnel compensation and benefits of the Office of Field Policy and Management; not to exceed $13,861,000 shall be available for the personnel compensation and benefits of the Office of the Chief Procurement Officer; not to exceed $33,831,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the Chief Financial Officer; not to exceed $86,482,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the General Counsel; not to exceed $3,115,000 shall be available for the personnel compensation and benefits of the Office of Departmental Equal Employment Opportunity; not to exceed $1,316,000 shall be available for the personnel compensation and benefits for the Center for Faith-Based and Community Initiatives; not to exceed $2,887,000 shall be available for the personnel compensation and benefits for the Office of Sustainability; not to exceed $4,445,000 shall be available for the personnel compensation and benefits for the Office of Strategic Planning and Management; not to exceed $4,875,000 shall be available for the personnel compensation and benefits for the Office of the Chief Disaster and Emergency Management Officer; and not to exceed $264,479,000 shall be available for nonpersonnel expenses of the Department of Housing and Urban Development: *Provided*, That, funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: *Provided further*, That the Secretary of Housing and Urban Development is authorized to transfer funds appropriated for any office included in Administration, Operations and Management to any other office included in Administration, Operations and Management only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 10 percent by all such transfers. *Provided Further*,That the Secretary shall notify the Committees on Appropriations one month before any of the funds made available under this heading may be used for international travel.

PERSONNEL COMPENSATION AND BENEFITS

PUBLIC AND INDIAN HOUSING

For necessary personnel compensation and benefits expenses of the Office of Public and Indian Housing, $197,282,000.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary personnel compensation and benefits expenses of the Office of Community Planning and Development mission area, $105,768,000.

HOUSING

For necessary personnel compensation and benefits expenses of the Office of Housing, $395,917,000.

OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

For necessary personnel compensation and benefits expenses of the Office of the Government National Mortgage Association, $10,902,000, to be derived from the GNMA guarantees of mortgage backed securities guaranteed loan receipt account.

POLICY DEVELOPMENT AND RESEARCH

For necessary personnel compensation and benefits expenses of the Office of Policy Development and Research, $23,588,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary personnel compensation and benefits expenses of the Office of Fair Housing and Equal Opportunity, $67,964,000.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

For necessary personnel compensation and benefits expenses of the Office of Healthy Homes and Lead Hazard Control, $6,762,000.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (''the Act'' herein), not otherwise provided for, $15,395,663,000, to remain available until expended, shall be available on October 1, 2010 (in addition to the $4,000,000,000 previously appropriated under this heading that will become available on October 1, 2010), and $4,000,000,000, to remain available until expended, shall be available on October 1, 2011: *Provided*, That of the amounts made available under this heading are provided as follows:

(1) $17,080,000,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose vouchers initially funded in fiscal years 2009 and 2010 (such as Family Unification, Veterans Affairs Supportive Housing Vouchers and Nonelderly Disabled Vouchers): *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2011 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for calendar year 2010 and by applying the most recent 12 months of the Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection, and HOPE VI vouchers: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the Moving to Work demonstration, which are instead governed by the terms and conditions of their MTW agreements: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph, pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the following provisos, the entire amount specified under this paragraph shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: *Provided further*, That the Secretary may extend the 60-day notification period with prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further*, That up to $150,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act; (3) for any increase in the costs associated with deposits to family self-sufficiency program escrow accounts; (4) for onetime adjustments of renewal funding for Public Housing Agencies in receivership with approved fungibility plans for calendar year 2009 as authorized in Section 11003 of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329); or (5) to adjust allocations for public housing agencies to prevent termination of assistance to families receiving assistance under the disaster voucher program, as authorized by Public Law 109–148 under the heading ''Tenant-Based Rental Assistance'': *Provided further*, That the Secretary shall allocate amounts under the previous proviso based on need as determined by the Secretary: *Provided further*, That of the amounts made available under this paragraph, up to $100,000,000 may be transferred to and merged

with the appropriation for ''Transformation Initiative'';

(2) $125,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended, or under the authority as provided under this Act: *Provided*, That the Secretary shall provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds;

(3) $1,851,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: *Provided*, That no less than $1,741,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2011 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, for fiscal year 2010 and prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities: *Provided further*, That $60,000,000 shall be available for family self-sufficiency coordinators under section 23 of the Act: *Provided further*, That amounts provided for family self-sufficiency coordinators shall be obligated to the public housing agencies not later than 60 days after enactment of this Act;

(4) $113,663,183 for renewal of tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) entered into prior to fiscal year 2007;

(5) $75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over;

(6) Up to $66,000,000 for incremental tenant-based assistance for eligible families assisted under the Disaster Housing Assistance Program for Hurricanes Ike and Gustav: *Provided*, That these vouchers will not be reissued when families leave the program;

(7) $85,000,000 for incremental voucher assistance under section 8(o) of the United States Housing Act of 1937, including related administrative expenses, for two competitive demonstration programs to address the needs of families and individuals who are homeless or at risk of homelessness, as defined by the Secretary of Housing and Urban Development, to be administered by the Department of Housing and Urban Development in conjunction with the Department of Health and Human Services and the Department of Education: *Provided*, That one demonstration program shall make funding available to public housing agencies that: (1) partner with eligible state or local entities responsible for distributing Temporary Assistance for Needy Families (TANF) and other health and human services as designated by the Secretary of the Department of Health and Human Services, and (2) partner with school homelessness liaisons funded through the Department of Education's Education for Homeless Children and Youths program: *Provided further*, That the other demonstration program shall make funding available to public housing agencies that partner with eligible state Medicaid agencies and state behavioral health entities as designated by the Secretary of the Department of Health and Human Services to provide housing in conjunction with Medicaid case management, substance abuse treatment, and mental health services: *Provided further*, That the Secretary of Housing and Urban Development shall make the funding specified in this subsection available through such allocation procedures as the Secretary determines to be appropriate, notwithstanding section 213 of the Housing and Community Development Act of 1974 (42 U.S.C. 1439) and section 204 (competition provision) of this title, to entities with demonstrated experience and that meet such other requirements as determined by the Secretary: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to this subsection no later than 10 days before the effective date of such waiver: *Provided further*, That assistance made available under this subsection shall continue to remain available for these purposes upon turn-over.

HOUSING CERTIFICATE FUND

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading ''Annual Contributions for Assisted Housing'' and the heading ''Project-Based Rental Assistance'', for fiscal year 2011 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: *Provided*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled: *Provided further*, That amounts heretofore recaptured, or recaptured during the current fiscal year, from project-based Section 8 contracts from source years fiscal year 1975 through fiscal year 1987 are hereby rescinded, and an amount of additional new budget authority, equivalent to the amount rescinded is hereby appropriated, to remain available until expended, for the purposes set forth under this heading, in addition to amounts otherwise available.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the ''Act'') $2,500,000,000, to remain available until September 30, 2014: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2011 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term ''obligate'' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That up to $15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): *Provided further*, That of the total amount provided under this heading, not to exceed $20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding

Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2011: *Provided further*, That of the total amount provided under this heading, $50,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That a Notice of Funding Availability for the funds provided in the previous proviso shall be issued not later than 60 days after enactment of this Act: *Provided further*, That of the total amount provided under this heading up to $8,820,000 is to support the costs of administrative and judicial receiverships: *Provided further*, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2011 to public housing agencies that are designated high performers.

PUBLIC HOUSING OPERATING FUND

For 2011 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $4,829,000,000.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), $200,000,000, to remain available until September 30, 2012, of which the Secretary of Housing and Urban Development may use up to $5,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein: *Provided further*, That a Notice of Funding Availability for the funds provided under this heading shall be issued not later than 60 days after enactment of this Act.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $700,000,000, to remain available until expended: *Provided*, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act: *Provided further*, That of the amounts made available under this heading, $3,500,000 shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and $4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to $300,000 for related travel: *Provided further*, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $20,000,000.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $10,000,000, to remain available until expended: *Provided*, That of this amount, $300,000 shall be for training and technical assistance activities, including up to $100,000 for related travel by Hawaii-based HUD employees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), $9,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $994,000,000: *Provided further*, That up to $750,000 shall be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), $1,044,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $41,504,255.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $350,000,000, to remain available until September 30, 2012, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2013: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,352,100,000, to remain available until September 30, 2013, unless otherwise specified: *Provided*, That of the total amount provided, $3,997,755,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act: *Provided further*, That $65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to $3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, $77,145,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the explanatory statement accompanying this Act: *Provided*, That none of the funds provided under this paragraph may be used for program operations: *Provided further*, That, for fiscal years 2008, 2009 and 2010, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, $12,200,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: *Provided*, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

The referenced statement of managers under the heading ''Community Planning and Development'' in title II in division I of Public Law 111–8 is deemed to be amended by striking ''City of Wilson, NC, for demolition of dilapidated structures from downtown Wilson to further downtown redevelopment'' and inserting ''City of Wilson, NC, for the renovation of blighted structures to enhance downtown development''.

The referenced statement of managers under the heading ''Community Planning and Development'' in title II in division I of Public Law 111–8 is deemed to be amended by striking ''Catskill Visitor Interpretative Center, Shandaken, NY, for construction of a visitor's center'' and inserting ''New York State Department of Environmental Conservation, NY, for planning and design of the Catskill Visitor Interpretative Center''.

The referenced statement of managers under the heading ''Community Planning and Development'' in title II in division I of Public Law 111–8 is deemed to be amended by striking ''Charles County Department of Human Services, Maryland, Port Tobacco, MD, for acquisition and rehabilitation of the former Changing Point South facility as a homeless shelter and transitional housing'' and inserting ''Charles County Department

of Human Services, Port Tobacco, MD, for acquisition and rehabilitation of a facility''.

Of the amounts made available under this heading, $150,000,000 shall be made available for a Sustainable Communities Initiative to improve regional planning efforts that integrate housing and transportation decisions, and increase the capacity to improve land use and zoning: *Provided*, That grants under such Initiative may only be made to metropolitan planning organizations (MPOs), rural planning organizations, States or other units of general local government, and housing- and transportation-related nonprofit organizations: *Provided further*, That $100,000,000 shall be for Regional Integrated Planning Grants to support the linking of transportation and land use planning: *Provided further*, That not less than $25,000,000 of the funding made available for Regional Integrated Planning Grants shall be awarded to metropolitan areas of less than 500,000: *Provided further*, That $40,000,000 shall be for Community Challenge Planning Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities: *Provided further*, That before funding is made available for Regional Integrated Planning Grants or Community Challenge Planning Grants, the Secretary, in coordination with the Secretary of Transportation, shall submit a plan to the House and Senate Committees on Appropriations, the Senate Committee on Banking and Urban Affairs, and the House Committee on Financial Services establishing grant criteria as well as performance measures by which the success of grantees will be measured: *Provided further*, That the Secretary will consult with the Secretary of Transportation in evaluating grant proposals: *Provided further*, That up to $10,000,000 shall be for a joint Department of Housing and Urban Development and Department of Transportation research effort that shall include a rigorous evaluation of the Regional Integrated Planning Grants and Community Challenge Planning Grants programs, as well as to provide funding for a clearinghouse and capacity building efforts: *Provided further*, That of the amounts made available under this heading, $25,000,000 shall be made available for the Rural Innovation Fund for grants to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to address the problems of concentrated rural housing distress and community poverty: *Provided further*, That of the funding made available under the previous proviso, at least $5,000,000 shall be made available to promote economic development and entrepreneurship for federally recognized Indian Tribes, through activities including the capitalization of revolving loan programs and business planning and development, funding is also made available for technical assistance to increase capacity through training and outreach activities: *Provided further*, That of the amounts made available under this heading, $25,000,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307).

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

For the cost of guaranteed loans, $10,000,000, to remain available until September 30, 2012, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $427,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $17,500,000, to remain available until September 30, 2012: *Provided*, That no funds made available under this heading may be used to establish loan loss reserves for the section 108 Community Development Loan Guarantee program: *Provided further*, That a Notice of Funding Availability shall be issued not later than 90 days after enactment of this Act.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,825,000,000, to remain available until September 30, 2013: *Provided*, That, funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of thi Act.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, $82,000,000, to remain available until September 30, 2012: *Provided*, That of the total amount provided under this heading, $27,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*, That $50,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $5,000,000 may be made available for rural capacity building activities: *Provided further*, That $5,000,000 shall be made available for capacity building activities as authorized in sections 6301 through 6305 of Public Law 110–246: *Provided further*, That a Notice of Funding Availability shall be issued not later than 60 days after enactment of this Act.

HOMELESS ASSISTANCE GRANTS

For the emergency solutions grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the continuum of care program as authorized under subtitle C of title IV of such Act; and the rural housing stability assistance program as authorized under subtitle D of title IV of such Act, $2,200,000,000, of which $2,195,000,000 shall remain available until September 30, 2013, and of which $5,000,000 shall remain available until expended for project-based rental assistance rehabilitation with 10-year grant terms and any rental assistance amounts that are recaptured under such continuum of care program shall remain available until expended: *Provided*, That up to $200,000,000 of the funds appropriated under this heading shall be available for such emergency solutions grants program: *Provided further*, That no less than $1,989,000,000 of the funds appropriated under this heading shall be available for such continuum of care and rural housing stability assistance programs: *Provided further*, That up to $6,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: *Provided further*, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the continuum of care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for continuum of care renewals in fiscal year 2011.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (''the Act''), not otherwise provided for, $8,982,328,000, to remain available until expended, shall be available on October 1, 2010 (in addition to the $393,672,000 previously appropriated under this heading that will become available October 1, 2010), and $400,000,000, to remain available until expended, shall be available on October 1, 2011: *Provided*, That the amounts made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph: *Provided further*, That of the total amounts provided under this heading, not to exceed $315,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: *Provided further*, That the Secretary of Housing and Urban Development may also use such amounts in the previous proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section

236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667): *Provided further*, That amounts recaptured under this heading, the heading ''Annual Contributions for Assisted Housing'', or the heading ''Housing Certificate Fund'' may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $825,000,000, to remain available until September 30, 2014, of which up to $491,300,000 shall be for capital advance and project-based rental assistance awards: *Provided*, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: *Provided further*, That of the amount provided under this heading, up to $90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to $40,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for substantial and emergency capital repairs as determined by the Secretary: *Provided further*, That of the amount made available under this heading, $20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, $300,000,000, of which up to $209,900,000 shall be for capital advances and project-based rental assistance contracts, to remain available until September 30, 2014: *Provided*, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: *Provided further*, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, $88,000,000, including up to $2,500,000 for administrative contract services, to remain available until September 30, 2012: *Provided*, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, $40,600,000, to remain available until expended.

RENT SUPPLEMENT

(RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715z–1) $40,600,000 are rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $14,000,000, to remain available until expended, of which $7,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2011 so as to result in a final fiscal year 2011 appropriation from the general fund estimated at not more than $7,000,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2011 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed $400,000,000,000, to remain available until September 30, 2012: *Provided*, That for the cost of new guaranteed loans, as authorized by section 255 of the National Housing Act (12 U.S.C. 17152-20), $150,000,000: *Provided further*, That during fiscal year 2011, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: *Provided further*, That the foregoing amount in the previous proviso shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses of the Federal Housing Administration, $207,000,000, to remain available until September 30, 2012, of which up to $71,500,000 may be transferred to the Working Capital Fund: *Provided further*, That to the extent guaranteed loan commitments exceed $200,000,000,000 on or before April 1, 2011, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

During fiscal year 2011, commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed $20,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $20,000,000,which shall be for loans to nonprofit and governmental entities in connection with the sale of single family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $500,000,000,000, to remain available until September 30, 2012.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $50,000,000, to remain available until September 30, 2012.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $72,000,000, to remain available until September 30, 2012, of which $42,500,000 shall be to carry out activities pursuant to such section 561: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $140,000,000, to remain available until September 30, 2012, of which not less than $40,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed: *Provided further*, That a Notice of Funding Availability shall be issued not later than 60 days after enactment of this Act.

MANAGEMENT AND ADMINISTRATION

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the maintenance of infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, $243,500,000, to remain available until September 30, 2012: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated: *Provided further*, That up to $15,000,000 may be transferred to this account from all other accounts in this title (except for the Office of the Inspector General account) that make funds available for salaries and expenses.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $122,000,000: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

TRANSFORMATION INITIATIVE

For necessary expenses for combating mortgage fraud, $20,000,000, to remain available until expended.

In addition, of the amounts made available in this Act under each of the following headings under this title, the Secretary may transfer to, and merge with, this account up to 1 percent from each such account, and such transferred amounts shall be available until September 30, 2014, for (1) research, evaluation, and program metrics; (2) program demonstrations; (3) technical assistance and capacity building; and (4) information technology: ''Tenant-Based Rental Assistance'', ''Public Housing Operating Fund'', ''Indian Housing Loan Guarantee Fund Program Account'', ''Native Hawaiian Housing Block Grants'', ''Housing Opportunities for Persons With AIDS'', ''Community Development Fund'', ''Housing Counseling Assistance'', ''Payment to Manufactured Housing Fees Trust Fund'', ''Mutual Mortgage Insurance Program Account'', ''Lead Hazard Reduction'', and ''Rental Housing Assistance'': *Provided*, That of the amounts made available under this paragraph, not less than $130,000,000 shall be available for information technology modernization, including development and deployment of a Next Generation of Voucher Management System and development and deployment of modernized Federal Housing Administration systems: *Provided further*, That not more than 25 percent of the funds made available for information technology modernization may be obligated until the Secretary submits to the Committees on Appropriations a plan for expenditure that (1) identifies for each modernization project (a) the functional and performance capabilities to be delivered and the mission benefits to be realized, (b) the estimated lifecycle cost, and (c) key milestones to be met; (2) demonstrates that each modernization project is (a) compliant with the department's enterprise architecture, (b) being managed in accordance with applicable lifecycle management policies and guidance, (c) subject to the department's capital planning and investment control requirements, and (d) supported by an adequately staffed project office; and (3) has been reviewed by the Government Accountability Office: *Provided further*, That of the amounts made available under this paragraph, not less than $40,000,000 shall be available for technical assistance and capacity building: *Provided further*, That technical assistance activities shall include, technical assistance for HUD programs, including HOME, Community Development Block Grant, homeless programs, HOPWA, HOPE VI, Public Housing, the Housing Choice Voucher Program, Fair Housing Initiative Program, Housing Counseling, Healthy Homes, Sustainable Communities, Energy Innovation Fund and other technical assistance as determined by the Secretary: *Provided further*, That of the amounts made available for research, evaluation and program metrics and program demonstrations, the Secretary shall include an assessment of the effectiveness of HUD funded service coordinators: *Provided further*, That the Secretary shall submit a plan to the House and Senate Committees on Appropriations for approval detailing how the funding provided under this heading will be allocated to each of the categories identified under this heading and for what projects or activities funding will be used: *Provided further*, That following the initial approval of this plan, the Secretary may amend the plan with the approval of the House and Senate Committees on Appropriations.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2011 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2011 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2011 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2011 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2011, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2011

under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter ''metropolitan division'') of the New York-Newark-Edison, NY–NJ–PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2011 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a 3-year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2011 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 209. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2011 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter ''metropolitan division''), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2011 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2011 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 210. The President's formal budget request for fiscal year 2012, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 211. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of Public Housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 212. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2011 and 2012, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) The number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary.

(8) If the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) Any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section.

(10) The Secretary determines that Federal liability with regard to this project will not be increased.

(c) For purposes of this section—

(1) the terms ''low-income'' and ''very low-income'' shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term ''multifamily housing project'' means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term ''project-based assistance'' means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act; and

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term ''receiving project or projects'' means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term ''transferring project'' means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term ''Secretary'' means the Secretary of Housing and Urban Development.

SEC. 213. The funds made available for Native Alaskans under the heading ''Native American Housing Block Grants'' in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 214. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 215. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 216. (a) Section 255(g) of the National Housing Act (12 U.S.C. 1715z–20) is amended by striking the first sentence.

SEC. 217. Notwithstanding any other provision of law, in fiscal year 2010, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (''MAHRAA'') and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 218. During fiscal year 2011, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

SEC. 219. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD's use of all sole source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole source contract.

SEC. 220. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 221. (a) The amounts provided under the subheading ''Program Account'' under the heading ''Community Development Loan Guarantees'' may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974 in fiscal year 2011 and subsequent years: *Provided*, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SEC. 222. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking ''fiscal year'' and all that follows through the period at the end and inserting ''fiscal year 2011.''; and

(2) in subsection (o), by striking ''September'' and all that follows through the period at the end and inserting ''September 30, 2011.''.

SEC. 223. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: *Provided*, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 224. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Provided*, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 225. No official or employee of the Department of Housing and Urban Development

shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, there is a trained allotment holder shall be designated for each HUD subaccount under the headings ''Executive Direction'' and heading ''Administration, Operations, and Management'' as well as each account receiving appropriations for ''personnel compensation and benefits'' within the Department of Housing and Urban Development.

SEC. 226. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 227. (a) APPROVAL OF PREPAYMENT OF DEBT.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), for which the Secretary's consent to prepayment is required, the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any project-based rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other project-based rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) or any successor project-based rental assistance program, except as provided by subsection (a)(2)(B); and

(2) the prepayment may involve refinancing of the loan if such refinancing results—

(A) in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan; or

(B) in the case of a project that is assisted with a loan under such section 202 carrying an interest rate of 6 percent or lower, a transaction under which—

(i) the project owner shall address the physical needs of the project;

(ii) the prepayment plan for the transaction, including the refinancing, shall meet a cost benefit analysis, as established by the Secretary, that the benefit of the transaction outweighs the cost of the transaction including any increases in rent charged to unassisted tenants;

(iii) the overall cost for providing rental assistance under section 8 for the project (if any) is not increased, except, upon approval by the Secretary to—

(I) mark-up-to-market contracts pursuant to section 524(a)(3) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by nonprofit organizations; or

(II) mark-up-to-budget contracts pursuant to section 524(a)(4) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by eligible owners (as such term is defined in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k));

(iv) the project owner may charge tenants rent sufficient to meet debt service payments and operating cost requirements, as approved by the Secretary, if project-based rental assistance is not available or is insufficient for the debt service and operating cost of the project after refinancing. Such approval by the Secretary—

(I) shall be the basis for the owner to agree to terminate the project-based rental assistance contract that is insufficient for the debt service and operating cost of the project after refinancing; and

(II) shall be an eligibility event for the project for purposes of section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t));

(v) units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) shall, upon termination of the occupancy of such tenants, become eligible for project-based assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) without regard to the percentage limitations provided in such section; and

(vi) there shall be a use agreement of 20 years from the date of the maturity date of the original 202 loan for all units, including units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

SEC. 228. No property identified by the Secretary of Housing and Urban Development as surplus Federal property for use to assist the homeless shall be made available to any homeless group unless the group is a member in good standing under any of HUD's homeless assistance programs or is in good standing with any other program which receives funds from any other Federal or State agency or entity: *Provided*, That an exception may be made for an entity not involved with Federal homeless programs to use surplus Federal property for the homeless only after the Secretary or another responsible Federal agency has fully and comprehensively reviewed all relevant finances of the entity, the track record of the entity in assisting the homeless, the ability of the entity to manage the property, including all costs, the ability of the entity to administer homeless programs in a manner that is effective to meet the needs of the homeless population that is expected to use the property and any other related issues that demonstrate a commitment to assist the homeless: *Provided further*, That the Secretary shall not require the entity to have cash in hand in order to demonstrate financial ability but may rely on the entity's prior demonstrated fundraising ability or commitments for in-kind donations of goods and services: *Provided further*, That the Secretary shall make all such information and its decision regarding the award of the surplus property available to the committees of jurisdiction, including a full justification of the appropriateness of the use of the property to assist the homeless as well as the appropriateness of the group seeking to obtain the property to use such property to assist the homeless: *Provided further*, That, this section shall apply to properties in fiscal years 2010 and 2011 made available as surplus Federal property for use to assist the homeless.

SEC. 229. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent of funds appropriated for any account under this title under the heading ''Personnel Compensation and Benefits'' to any other account under this title under the heading ''Personnel Compensation and Benefits'' only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: *Provided*, That, no appropriation for any such account shall be increased or decreased by more than 10 percent by all such transfers.

SEC. 230. Notwithstanding any other provision of law, in determining the market value of any multifamily real property or multifamily loan for any noncompetitive sale to a State or local government, the Secretary shall in fiscal year 2011 consider, but not be limited to, industry standard appraisal practices, including the cost of repairs needed to bring the property into such condition as to satisfy minimum State and local code standards and the cost of maintaining the affordability restrictions imposed by the Secretary on the multifamily real property or multifamily loan.

SEC. 231. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a ''program of the Department of Housing and Urban Development'' under section 904 of the McKinney Act for the purpose of income verifications and matching.

SEC. 232. Section 203(c)(2)(B) of the National Housing Act (12 U.S.C. 1709(c)(2)(B)) is amended to read as follows: ''(B) In addition to the premium under subparagraph (A), the Secretary may establish and collect annual premium payments in an amount not exceeding 1.50 percent of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments). The Secretary, by publication of a notice in the Federal Register, may establish or change the amount of the premium under subparagraph (A) or the annual premium, and the period of the mortgage term for which an annual premium amount shall apply.''.

SEC. 233. For an additional amount for the ''Administration, Operations and Management'' account, $2,070,635, to increase the Department's acquisition workforce capacity and capabilities: *Provided*, That such funds may be transferred by the Secretary to any other account in the Department to carry out the purposes provided herein: *Provided further*, That such transfer authority is in addition to any other transfer authority provided in this Act: *Provided further*, That such funds shall be available only to supplement and not to supplant existing acquisition workforce activities: *Provided further*, That such funds shall be available for training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.): *Provided further*, That such funds shall be available for information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management.

SEC. 234. The paragraphs under the heading ''Flexible Subsidy Fund'' in Public Law 108–447 and in Public Law 109–115 are repealed.

SEC. 235. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2011, if the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) for any size residence for any area is less than such dollar amount limitation that was in effect for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 620), notwithstanding any other provision of law or of this joint resolution, the maximum dollar amount limitation on the principal obligation of a mortgage for such size residence for such area for purposes of such section

203(b)(2) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C.1715z-20(g))) to be such dollar amount limitation in effect for such size residence for such area for 2008.

(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law or of this joint resolution, if the Secretary of Housing and Urban Development determines, for any geographic area that is smaller than an area for which dollar amount limitations on the principal obligation of a mortgage are determined under section 203(b)(2) of the National Housing Act, that a higher such maximum dollar amount limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Secretary may, for mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2010, increase the maximum dollar amount limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section), but in no case to an amount that exceeds the amount specified in section 202(a)(2) of the Economic Stimulus Act of 2008.

SEC. 236. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages originated during fiscal year 2011, if the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation determined under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C.1754(a)(2)) respectively, for any size residence for any area is less than such maximum original principal obligation limitation that was in effect for such size residence for such area for 2008 pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 619), notwithstanding any other provision of law or of this joint resolution, the limitation on the maximum original principal obligation of a mortgage for such Association and Corporation for such size residence for such area shall be such maximum limitation in effect for such size residence for such area for 2008.

(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law or of this joint resolution, if the Director of the Federal Housing Finance Agency determines, for any geographic area that is smaller than an area for which limitations on the maximum original principal obligation of a mortgage are determined for the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, that a higher such maximum original principal obligation limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Director may, for mortgages originated during calendar year 2010, increase the maximum original principal obligation limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section) for such Association and Corporation, but in no case to an amount that exceeds the amount specified in the matter following the comma in section 201(a)(1)(B) of the Economic Stimulus Act of 2008.

SEC. 237. Notwithstanding any other provision of this joint resolution, for mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2011, the second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)) shall be considered to require that in no case may the benefits of insurance under such section 255 exceed 150 percent of the maximum dollar amount in effect under the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

SEC. 238. None of the funds in this Act shall be available for salaries and expenses of more than 75 political and Presidential appointees in the Department of Housing and Urban Development: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Housing and Urban Development.

This title may be cited as the ''Department of Housing and Urban Development Appropriations Act, 2011''.

TITLE III—RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $7,300,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, $25,300,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

NATIONAL RAILROAD PASSENGER CORPORATION

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, $22,000,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within Amtrak: *Provided further*, That concurrent with the President's budget request for fiscal year 2012, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2012 in similar format and substance to those submitted by executive agencies of the Federal Government.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $104,232,000, of which not to exceed $2,000 may be used for official reception and representation expenses: *Provided*, That the amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $137,000,000, of which $5,000,000 shall be for a multi-family rental housing program: *Provided*, That in addition, $35,000,000 shall be made available until expended for capital grants to rehabilitate or finance the rehabilitation of affordable housing units, including necessary administrative expenses: *Provided further*, That in addition, $113,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation (''NRC''), shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an

evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to $3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 5 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall continue to report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $2,680,000.

Section 209 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11319) is amended by striking the date specified in such section and inserting ''October 1, 2012''.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. Such sums as may be necessary for fiscal year 2010 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2011 from appropriations made available for salaries and expenses for fiscal year 2011 in this Act, shall remain available through September 30, 2012, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 30, 2010. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownsfield as defined in the Small Business Liability Relief and Brownsfield Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended in contravention of sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 414. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301–10.122 and 301–10.123 of title 41, Code of Federal Regulations.

SEC. 415. None of the funds made available in this Act may be used to purchase a light bulb for an office building unless the light bulb has, to the extent practicable, an Energy Star or Federal Energy Management Program designation.

SEC. 416. None of the funds made available under this Act or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

SEC. 417. None of the funds provided in this Act for any program, project, or activity that is considered to be a congressional earmark for purposes of clause 9 of rule XXI of the Rules of the House of Representatives of the 111th Congress may be awarded to a for-profit entity.

SEC. 418. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 419. (a) None of the funds appropriated or otherwise made available by this Act may be obligated by any covered executive agency in contravention of the certification requirement of section 6(b) of the Iran Sanctions Act of 1996, as included in the revisions to the Federal Acquisition Regulation pursuant to such section.

The CHAIR. No amendment shall be in order except the amendments printed in part A of House Report 111–578, and not to exceed four of the amendments printed in part B of that report if offered by the gentleman from Arizona (Mr. FLAKE) or his designee. Each such amendment may be offered only in the order printed in the report, may be offered by a Member designated in the report, shall be considered read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question.

After disposition of the amendments specified in the first section of House Resolution 1569, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

□ 1450

AMENDMENT NO. 1 OFFERED BY MR. BOEHNER

The CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 111–578.

Mr. BOEHNER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) LIMITATION ON USE OF FUNDS.—None of the funds provided in this Act may be used for doctoral dissertation research grants on housing and urban development issues.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for ''Department of Housing and Urban Development—Policy Development and Research—Research and Technology'' is hereby reduced by $300,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Ohio (Mr. BOEHNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I would say to my colleagues that it is no surprise to anyone in this Chamber or to the American people that spending in Washington is out of control. Last year we had a budget deficit of some $1.5 trillion. This year we have a budget deficit estimated to be at $1.4 trillion.

The American people are screaming at the top of their lungs ''stop.'' Yet here we are moving the appropriation bills that I don't think have been thoroughly scrubbed.

I have made it pretty clear to my colleagues that one of the things that we have to do, if we are going to get spending under control, is go through every line item in the Federal budget and ask this question: Is this spending so important that we're willing to ask our kids and grandkids to pay for it? Because this year 43 cents of every dollar the Federal Government spends we have to borrow, and it is going to be our kids and grandkids that are going to get to pay the bill.

Mr. Chairman, under this amendment it addresses a program that doles out approximately $300,000 to fund 12 doctoral dissertations on housing policy. Now, this isn't funding their tuition; it's funding the dissertation itself.

I don't know why our kids and grandkids should be asked to pay some $300,000 to help fund research on housing policy when the Department has 10,000 employees who are charged with developing housing policies.

This may be well intended, some may have a great purpose for it. But as I go through this bill——

Mr. OLVER. Will the gentleman yield?

Mr. BOEHNER. I'm happy to yield to the gentleman.

Mr. OLVER. I understand that the distinguished minority leader has this amendment which will terminate the doctoral dissertation research program at HUD. Even though I believe strongly in the value of good research and what such good research can play in improving the effectiveness of government programs over time, I'm willing to accept the gentleman's amendment in the spirit of comity.

Mr. BOEHNER. I would be happy to accept.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. BOEHNER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BOEHNER

The CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 111–578.

MR. BOEHNER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. The aggregate amount otherwise made available by title II, and the amount required to be made available under the third proviso under the heading ''Management and Administration—Transformation Initiative'', are each hereby reduced in the amount of $40,000,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Ohio (Mr. BOEHNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I won't go through the spending problems that we have and the debt problems we have, but in going through this bill and asking the question—every line item in the budget—is this spending so important that we are willing to ask our kids and grandkids to pay for it?

I bring my colleagues' attention to a program called the Transformation Initiative that is designed to train communities that receive HUD funds on how to use the money.

Now, let me get this straight. We're going to spend $40 million, money that we don't have, to train communities on how they can spend our money.

I would think that if we are going to send money to a community that we would know what the money is for, that the community would know what it's for, and that spending $40 million to train them on how to spend our money is a giant waste of time.

I urge my colleagues to support the elimination of the Transformation Initiative and save our kids and grandkids $40 million.

I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment offered by the distinguished minority leader.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. The bill before us includes $40 million for HUD to provide technical assistance to nonprofit organizations, cities, States on how to use HUD funding efficiently and effectively.

The amendment removes every penny, every penny, of this technical

assistance funding from HUD. It is a meat axe amendment.

Cutting funding for technical assistance does nothing but make the programs less effective, which I doubt is the gentleman's intent. In fact, technical assistance is the only way that communities can increase their capacity and improve program delivery to their vulnerable populations who need assistance.

Technical assistance funding allows HUD to train communities' own staff on the issues that most affect their particular population. For example, technical assistance funds are used to enhance and inform responses to the foreclosure crisis when HUD provides funding for foreclosure counseling and renovating vacant homes.

These funds are responsive to need. They address broader social and economic imperatives, such as the recent increase in the homeless population, which has been brought on by the longest and deepest recession since the Second World War.

To deny communities technical assistance is to render the HUD programs less effective than they can and should be, and that, very simply, slows down the recovery.

I urge a ''no'' vote on the gentleman's amendment.

Mr. BOEHNER. I yield myself the balance of my time.

I think the gentleman from Massachusetts makes my point for me. Why would we be sending money to communities that don't have a plan to use it, that may not use it effectively?

I would think before the decision is made to grant the funds to the community that they would have demonstrated a need, they would have demonstrated a capacity to use it effectively before the grant was made. To provide $40 million for metrics, research, demonstrations, innovation, technical assistance, and capacity building, why wouldn't all of these things be in place before the grant was made?

In consideration for the future of my kids and maybe someday my grandkids, I think this is spending that can be eliminated from this bill.

I urge my colleagues to support the amendment.

I yield back the balance of my time.

Mr. OLVER. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. BOEHNER).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. BOEHNER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

The point of no quorum is considered withdrawn.

The Chair understands that amendment No. 3 will not be offered.

AMENDMENT NO. 4 OFFERED BY MR. BOEHNER

The CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 111–578.

MR. BOEHNER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 13, after the first dollar amount, insert ''(reduced by $1,600,000)''.

Page 2, line 20, after the dollar amount, insert ''(reduced by $1,600,000)''.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Ohio (Mr. BOEHNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, we all know that we have a spending problem. We all know that it has to start somewhere. Some may suggest that these amendments I am bringing up are not going to solve the problem.

But I will suggest that we have got to start this process somewhere. We have got to find ways to eliminate wasteful spending that we all know exists.

□ 1500

This amendment addresses the creation of 11 bureaucratic positions and six full-time equivalents for a budget office at the Department of Transportation. Now I want to make sure I understand this; $1.6 million to hire a bunch of bureaucrats to monitor the spending of agencies that already have their own budget offices. This is the kind of redundant spending that we just don't need to have.

Mr. OLVER. Will the gentleman yield?

Mr. BOEHNER. I would be happy to yield.

Mr. OLVER. The amendment by the distinguished minority leader would cut the DOT budget office to below last year's funding level. Even though I believe that these funds are needed at the department and that we have added much new work to the load in the Department of Transportation through the recovery legislation, with some misgiving, I will, again, in an effort at comity and bipartisanship, accept the amendment.

Mr. BOEHNER. I gratefully accept.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. BOEHNER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. KAPTUR

The CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 111–578.

Ms. KAPTUR. Mr. Chairman, I have an amendment at the desk, please.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 77, line 4, after the dollar amount, insert ''(reduced by $21,000,000)''.

Page 78, line 8, after the dollar amount, insert ''(reduced by $21,000,000)''.

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act under the heading ''Department of Housing and Urban Development—Management and Administration—Executive Direction'' may be used by the Secretary of Housing and Urban Development for travel expenses.

The CHAIR. Pursuant to House Resolution 1569, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I offer this amendment on behalf of myself and other Members, including Mr. DENNIS CARDOZA of California and Mr. JIM COSTA of California, as a way to awaken HUD from its cavalier slumber. Essentially what we do is we take away HUD's travel budget. The idea is that we want HUD to be aggressive in doing mortgage workouts, not traveling all around the world at taxpayer expense.

Our Nation must aggressively confront the continuing hemorrhage of mortgage foreclosures and dead real estate markets across this country. We have not hit bottom in that market yet as the crisis spreads from toxic subprime mortgages to solid mortgages held by the middle class. But where is HUD? Housing workouts are impossible without them.

We know that Wall Street committed the perfect crime, executing the largest transfer of wealth from Main Street to Wall Street by washing out our middle class—over 7.5 million families are scheduled to lose their homes—and then putting their bills, any losses that the Big Six had up there on Wall Street, right back on our taxpayers, and then being reimbursed by our taxpayers 100 cents on the dollar. Wall Street's six megabanks, and we all know the names—Bank of America, JPMorgan Chase, Wells Fargo, Citigroup, Goldman Sachs, HSBC—control two-thirds of the wealth in our country now, including mortgages twisted up in the moral hazard of securitization. Wall Street continues to be rewarded as we stand here today and our citizens are disgorged from their homes .

Rather than let HUD staff use our public dollars to travel to places like Rio de Janeiro, when people in our country are working so hard to try to work out these mortgages and the banks aren't answering the telephones, let HUD use all of its power and authority to bring the worst offenders and their buddies to focus their staff on doing mortgage workouts in places like Toledo, Ohio, Cleveland, Boise, Idaho, Las Vegas, Sacramento. We ought to be doing mortgage workouts, not taking what look like vacations to Rio de Janeiro.

So I think our amendment is very straightforward. It basically sends a

strong volley over to HUD. It asks them to do their job, to be aggressive, and to really help us, as the American people, to resolve this tremendous housing foreclosure crisis that is eating away at communities from coast to coast and spreading as we stand here today.

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

Mr. OLVER. Mr. Chairman, I claim time in opposition to this amendment, but I don't plan to oppose it.

The CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. OLVER. Because I recognize that while this amendment has been signed by eight or 10 Members, that there are a good many other Members who could have signed the amendment who have districts where anywhere from 20 to 30, and sometimes even higher, percentages of all the housing in those districts have either gone through foreclosure and actually foreclosed, or are in foreclosure processes, or in a third case—maybe it's a fourth case—are under water in the sense that the value of their home is less, by sometimes substantial amounts, than the remaining mortgage principle.

I understand that this amendment is designed to draw attention to the national foreclosure crisis, which is still raging in too many communities, and which began more than 3 years ago—actually, probably the seeds were sown for the foreclosure crisis earlier in the decade, and some would say all the way back into the 1980s, much more than a decade ago.

I agree that more needs to be done to help families who are struggling with foreclosure. I would hope that the Department of Treasury, which has been spearheading the administration's efforts thus far, would increase collaboration with the Department of Housing and Urban Development and the FDIC and the newly-created Foreclosure Task Force, which the gentlewoman and the other Members who are signers are members of.

I believe the Secretary of HUD is the right person to be helping us through this crisis. So I will be happy to work with the gentlewoman and the other members of the task force in order to ensure that the hardest hit areas of the country receiving funding through what are the remaining sources of potential funding: Number one, the third round of the Neighborhood Stabilization Program that was funded within the financial services reform law signed just last week, and also the remainder of funds that are to be brought back from the Neighborhood Stabilization Program, which was first passed in 2008 in the HERA bill, which clearly gave out more money than they were able to effectively expend when that was given out later in 2008.

□ 1510

In the end, this amendment cuts all travel, which would eliminate critical oversight and the monitoring of housing programs for low-income Americans. I know that is not the intent of the gentlewoman or of the other signers of the amendment. I am willing to accept the gentlewoman's amendment as offered at this time. Going forward, I will work with the gentlewoman and with the signers of the amendment to ensure that housing for low-income individuals is not jeopardized down the road.

I reserve the balance of my time.

Ms. KAPTUR. I thank the chairman very much for his very helpful offer.

I would inquire of the Chair how much time I have remaining.

The CHAIR. The gentlewoman from Ohio has 2½ minutes remaining.

Ms. KAPTUR. Mr. Chairman, I want to state for the RECORD that Congressman DENNIS CARDOZA, the main author of this amendment, will be speaking as well as Congressman JERRY MCNERNEY of California and Congressman JIM COSTA of California.

I yield the remaining 2½ minutes to the gentleman from California (Mr. CARDOZA) to use and then to share with our other two colleagues.

The CHAIR. The gentlewoman from Ohio must control the time.

Ms. KAPTUR. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. I would like to thank Ms. KAPTUR for calling up my amendment. It beat us a little bit in our anticipation of its coming forward.

Mr. Chairman, I will tell you simply that the HUD programs have not worked for the central valley of California. The foreclosure programs by HUD have not worked for the United States people. Many of us in Congress warned the administration that they wouldn't work, and they continued to pursue them in any case, and they have simply failed the job.

Thirty percent of the housing units in my district have been foreclosed on. It is unconscionable that we could not have done more to step in and assist the people of my district, of the people of California, of Ohio, of Florida, and of Nevada. I think that the Secretary should give his full attention to this problem. Last March, he took a trip to Rio de Janeiro, Brazil. He took a whole delegation on an international housing study conference. I think he should have stayed right here in the United States and focused on the problems of the millions of Americans who are losing their homes.

So, Mr. Chairman, I think it is time for HUD to stay at home and to do their jobs. If it requires us to eliminate their travel funds in order to get their attention to focus on the housing crisis, so be it.

The CHAIR. The time of the gentleman has expired.

Ms. KAPTUR. Mr. Chairman, Congressman COSTA has offered his 30 additional seconds to Congressman CARDOZA.

The CHAIR. The gentlewoman from Ohio must control the time.

Ms. KAPTUR. Mr. Chairman, I yield an additional 30 seconds to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. I won't take all of that time, Mr. Chairman.

I will just ask my colleagues on both sides of the aisle to join me in sending a strong message to the Department of Housing and Urban Development that the foreclosure programs they have put in place have not worked for America. They need to get the message sooner rather than later because people are losing their homes every single day while they dawdle.

Mr. OLVER. Mr. Chairman, may I inquire of the time I have remaining?

The CHAIR. The gentleman from Massachusetts has 1 minute remaining.

Mr. OLVER. I yield my remaining 1 minute to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. I rise today in strong support of the amendment under consideration, and I would like to recognize Mr. CARDOZA for his work on this issue.

Mr. Chairman, we both represent parts of the San Joaquin Valley, with Mr. COSTA, which unfortunately has experienced some of the highest foreclosure rates in the Nation. It is long past time for this administration to develop effective measures to alleviate this crisis. Their efforts to date have fallen far short, and I hear from too many people who are in desperate need of help and who continue to suffer from unfair banking practices.

This amendment is meant to deliver a clear message to Secretary Donovan and to senior HUD officials: Get to work and find real solutions.

The administration knows that families are on the verge of losing their homes and that businesses' and workers' economic futures depend on the recovery of the housing market.

The CHAIR. The gentleman from Massachusetts has 15 seconds remaining.

Mr. OLVER. Mr. Chairman, I yield 15 seconds to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I rise today to support the amendment by Mr. CARDOZA.

The administration needs to reset its housing policy. It is not working. Foreclosure rates are above and beyond the call in the San Joaquin Valley. We need to do a better job.

I rise today to support the amendment offered by my friend Representative CARDOZA, to strip travel funding from the Department of Housing and Urban Development.

This amendment is in response to the ongoing nationwide foreclosure crisis, which has been extremely devastating to my district in California. This administration's efforts have not worked in the San Joaquin Valley, where many families continue to lose their homes.

This amendment forces HUD to cease their travel, while they properly address this nationwide crisis.

The CHAIR. The gentlewoman from Ohio has 45 seconds remaining.

Ms. KAPTUR. I thank the gentleman for yielding me the remaining time.

Mr. Chairman, I just want to thank Congressman CARDOZA, who really has lived this mortgage foreclosure hell with the people of his region. I also thank Congressman MCNERNEY, Congressman COSTA, and all of these Members from California who have stood up here today to try to put the brake on over there at HUD and say, ''Hey, wait a minute. Pay attention to what is happening across California,'' and I must say across Ohio, Pennsylvania, Nevada, Idaho—all of these States where the middle class is being washed out and where our money and our equity from our homes is being transferred to Wall Street, which now controls two-thirds—six banks—of the wealth of this country.

Something is fundamentally wrong. HUD has to stand up and do its job. We offer our amendment in all good faith, and we just say to Secretary Geithner over at Treasury: Wait until the Treasury bill comes on the floor. There is more to come.

I want to thank the chairman of the Transportation, Housing and Urban Development Subcommittee for his graciousness and willingness to work with us as we stand up for Americans who are facing foreclosure.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

PARLIAMENTARY INQUIRIES

Mr. LATOURETTE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIR. The gentleman may state his parliamentary inquiry.

Mr. LATOURETTE. Mr. Chairman, on page 56 of the bill currently under consideration, at the bottom, beginning with the last partial word on line 19 and then proceeding through lines 1 through 4 on page 57, it constitutes legislation and authorizing on an appropriations bill in that it creates a new program, basically a grants program to the Secretary of Transportation. It sets a dollar amount of $250 million, and it further has a limitation clause in terms of the time when that would become effective.

I am aware that the rule waives all points of order against this legislation for violations of rule XXI, paragraph 2(a). I would assert in my parliamentary inquiry that this, in fact, is a violation of the House rules that the Rules Committee has waived. I am aware of that.

Yet it is my understanding that the precedents of the House indicate that, when a legislative provision is inserted into an appropriations bill and that piece of authorizing language is permitted to go—offending the House rules either by the fact that nobody from the authorizing committee gets up and makes a point of order against the provision that violates the rules or if the Rules Committee, as they have done in this case, issues a blanket waiver, waiving all violation of that particular section of the House rules—that it then ripens, and only at that moment in time does it ripen, which is when the rule is adopted or when the provision is read and a member of the authorizing committee doesn't stand up and exercise his or her committee's jurisdiction. It then ripens for there to be a perfecting amendment.

I am further aware that the rule by which this bill came to the floor also only makes in order 24 amendments, not the historic open rule under an appropriations bill.

So my question to the Chair is: At what moment in time would it be appropriate to offer a perfecting amendment to the language that I have just indicated, which is on pages 56 and 57, in light of the fact that this matter only ripened when the rule was passed?

Just by way of making an observation before the Chair gives its answer, if you think about the operation of this rule, there are no perfecting amendments available to authorizing language in a bill until such time as the House has permitted the offense.

□ 1520

The House didn't permit the offense, that is, the waiver of its rules, until the Rules Committee was successful in achieving the passage of this rule.

So my parliamentary inquiry is, when would a Member who might be interested in modifying or perfecting this offending language, in violation of the House rules, have the opportunity to do that?

The CHAIR. Any amendment not specified in the report of the Committee on Rules would be precluded.

Mr. LATOURETTE. If I may ask a further parliamentary inquiry.

The CHAIR. The gentleman is recognized for further inquiry.

Mr. LATOURETTE. Just so I am clear on the Chair's ruling, and that is that when the Rules Committee passes a rule waiving the rules of the House and protecting language that is clearly in violation of House rule XXI (2)(a), if the Rules Committee further compounds that by announcing a rule that only a certain subset of amendments are going to be made in order, that no Member, not just majority Members, or the chairman, no Member of this House has the opportunity to do anything about that offending language. Am I correct in that?

The CHAIR. House Resolution 1569 waives points of order against provisions of the bill for failure to comply with clause 2 of rule XXI and specifies the amendments that may be offered.

Mr. LATOURETTE. Further parliamentary inquiry. That was a long sentence. I think the answer to my question was yes.

The CHAIR. The gentleman is correct that neither a point of order nor an amendment is available for that purpose.

AMENDMENT NO. 6 OFFERED BY MR. ARCURI

The CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 111–578.

Mr. ARCURI. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 80, line 6, after the dollar amount, insert ''(reduced by $2,978,450)''.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from New York (Mr. ARCURI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ARCURI. Mr. Chairman, I rise in support of my amendment to H.R. 5850, the Transportation, Housing and Urban Development Appropriations Act, which would reduce funding for HUD's Office of Policy Development and Research by nearly $3 million, which is 2.5 percent below the amount currently appropriated in fiscal year 2010.

The Office of Policy Development and Research performs policy analysis, research, surveys, studies and evaluations on housing——

Mr. OLVER. Will the gentleman yield?

Mr. ARCURI. I yield to the gentleman.

Mr. OLVER. I understand that this amendment will reduce funding for policy development and research staff at HUD by $2,978,450. Even though, as I've said earlier in comments to the distinguished minority leader, that I believe strongly in the role of research, I will, with some misgiving, accept the gentleman's amendment.

Mr. ARCURI. I reserve the balance of my time.

Mr. LATHAM. Mr. Chairman, I would like to claim the time in opposition.

The CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. While I am not in opposition to the gentleman's amendment, I would like to yield such time as he may consume to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. On this particular amendment, Mr. ARCURI, I congratulate you as a thoughtful member of the Transportation and Infrastructure Committee for coming up with a beautiful amendment that's apparently going to be adopted by both sides.

Now that I've talked about the amendment, I want to talk about the parliamentary inquiry that I asked a few minutes ago, and discuss what's at stake here, and ask the distinguished chairman of the subcommittee to reconsider what I consider to be a sad decision.

We spend a lot of time talking about jobs in this place. Some people say they're creating jobs; others say they're not. A lot of people are wandering around saying, where are the jobs.

But at the end of the day, what is immutable, or what is irrefutable, and I believe it's included in the Committee's report on this bill, is that all across the country, in 84 percent of the transit authorities in this Nation, because of the way that the current formula is structured, transit companies

around the country have plenty of money to buy buses. They don't have any money to hire or retain people to drive them.

And the last total that I saw since this situation began is that 10,000 people, 10,000 Americans who work for transit companies and drive buses in this country, and rail cars and everything else, are currently out of work.

Now, the transit authorities of this country have come to our attention, and I assume they've visited all Members on the Hill that have transit authorities and they have said, you know what? Just for this year, if we could take some of that capital improvement money that we have sitting around, it's stupid for us to buy a new bus because we don't have enough people to drive the buses that we currently have. And so, if we could just take the cost of fuel and move it from the operations side over to the capital side, we could bring back the people that we have laid off.

So it boggles the mind. And when I offered this in the subcommittee, the chairman shot it down. When I offered it in the full committee, the chairman had a substitute amendment that causes the offending language to rule XXI(2)(a) that's contained on pages 56 and 57.

And let me just tell you why anybody that cares about a transit worker in this country should be upset by this substitute language.

First of all, it's $250 million. It doesn't help every transit authority in the country. It makes it a grant program. So Secretary Ray LaHood can choose, pick and choose, which transit authorities across the country he would choose to participate in this grant program.

But worse than that is the restrictive language that indicates that it only goes into effect if the highway bill comes into play on or before September 30 of 2011.

Now, Mr. Chairman, I spent 12 years on the Transportation and Infrastructure Committee, and I know how the highway bill works. I participated in writing two of those highway bills.

The President of the United States, through his Secretary, has indicated they don't even want to talk about the reauthorization until March of 2011. Now, even if JIM OBERSTAR, who is a skilled chairman and has the able assistance of people like Mr. ARCURI, is able to work a miracle and put on this floor the reauthorization, and the Senate ever gets their act together enough to pass such a thing and have it signed by the President of the United States, you are looking now at October, November, December, January, February, and March.

Why don't we care enough to put down the partisan nonsense and simply say we care about the 10,000 transit workers in this country who are out of work.

It doesn't spend any more money. It has all the incentives of the green fuel initiatives that, actually, the champion of this thing is Mr. CARNAHAN of Missouri, has a bill with a lot of cosponsors on it. Why we wouldn't do that and, instead, hide behind rule XXI (2)(a), hide behind the rule that's been produced by the Rules Committee. Why don't you let these people come back to the work?

The majority and the President of the United States, with the signing of this bill, could claim credit for creating or saving 10,000 jobs with the stroke of a pen. I don't know why we do it.

Mr. LATHAM. I yield back the balance of my time.

Mr. ARCURI. Mr. Chairman, I would just like to point out that the language that the gentleman from Ohio is referring to was not the language of our amendment, the amendment that I have offered.

I would like to thank the chairman for accepting my amendment. And the only point that I would like to make is that, clearly, the Office of Policy and Development does a very good job, and we want to continue to work. But we felt that our cut was something that would be helpful.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ARCURI).

The amendment was agreed to.

□ 1530

AMENDMENT NO. 7 OFFERED BY MR. PERLMUTTER

The CHAIR. It is now in order to consider amendment No. 7 printed in part A of House Report 111–578.

Mr. PERLMUTTER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 44, line 21, after the dollar amount, insert ''(reduced by $50,000,000)''.

Page 44, line 25, after the dollar amount, insert ''(reduced by $50,000,000)''.

Page 45, line 6, after the dollar amount, insert ''(reduced by $50,000,000)''.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Colorado (Mr. PERLMUTTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. PERLMUTTER. Mr. Chair, I first want to commend Chairman OLVER and Ranking Member LATHAM and the other members of the subcommittee for putting forth a good bill which makes wise investments in our Nation's transportation systems, our housing industry, and our urban development, investments which will go a long way toward helping America return to a prosperous future.

But today I offer an amendment which saves the American people $50 million by cutting a Federal grant program which few States, if any, will participate in this year. It's a small step toward deficit reduction, but it is a wise step. I want to say at the onset I support every man, woman, and child using seatbelts. They save lives and reduce health care costs.

Most States have done the right thing and passed laws which make it a traffic violation to not wear a seatbelt. This means if a law enforcement officer sees someone in a car not wearing a seatbelt, they can pull that person over just for that offense. The Safety Belt Performance Grant program this year will spend up to $124.5 million as incentives for States to pass such laws. Thirty-seven States and territories already have those laws. They've already received their one-time payments under the program. But for the remaining States, the incentive program generally does not seem to be attractive or workable.

Rightly or wrongly, most States which don't have these primary seatbelt laws don't seem to want to pass these new laws. So why, after 5 years, do we continue to fully fund a program under which only a couple of States might get money? My amendment cuts this program by $50 million, leaving about $75 million. So if a few States do pass new enhanced seatbelt laws, NHTSA will provide them the grants as intended. But my amendment cuts the excess, which almost certainly won't be spent this year.

I appreciate the hard work of the subcommittee, and urge my colleagues to adopt this amendment.

I reserve the balance of my time.

Mr. OLVER. I claim time in opposition, though I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. OLVER. I appreciate the work the gentleman has done, and I accept the amendment.

I yield back the balance of my time.

Mr. PERLMUTTER. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. PERLMUTTER).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. LATHAM

The CHAIR. It is now in order to consider amendment No. 8 printed in part A of House Report 111–578.

Mr. LATHAM. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. The amounts otherwise provided in this Act for the following accounts and activities are hereby reduced by the following amounts:

(1) ''Department of Transportation—Office of the Secretary—National Infrastructure Investment'', $400,000,000.

(2) ''Department of Transportation—Federal Railroad Administration—Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service'', $400,000,000.

(3) ''Department of Transportation—Federal Transit Administration—Administrative Expenses'', the amount specified in the first proviso for safety oversight activities, $24,139,000.

(4) ''Department of Transportation—Federal Transit Administration—Capital Investment Grants'', $177,888,000.

(5) ''Department of Housing and Urban Development—Public and Indian Housing—Public Housing Capital Fund'', the aggregate amount, $455,800,000.

(6) ''Department of Housing and Urban Development—Public and Indian Housing—Native American Housing Block Grants'', the aggregate amount, $120,000,000.

(7) ''Department of Housing and Urban Development—Community Planning and Development—Brownfields Redevelopment'', $17,500,000.

(8) ''Department of Housing and Urban Development—Community Planning and Development—HOME Investment Partnerships Program'', $175,000,000.

(9) ''Related Agencies—Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation'', the amount specified in the first proviso for capital grants to rehabilitate or finance the rehabilitation of affordable housing units, $35,000,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Iowa (Mr. LATHAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, I would hope that since we've done very well in accepting these amendments this would be one that the chairman would accept also. I know how supportive he is of this. But I really would hope that we could find some consensus and common ground on cutting spending in this House.

My amendment would reduce or eliminate funding for programs—President Obama, again, this is what President Obama has said and has signaled—that have adequate funding, or there is funding in this bill that's duplicative of other Federal programs. And again, we are just going to what the President asked for, or cutting programs that were not requested, and certainly are not even authorized.

This amendment would save the taxpayer $1.8 billion, without going under the President's budget on any of the accounts targeted for the reduction. The reduction of $1.8 billion would make this bill simply just 3.4 percent lower than the fiscal year 2010 level. And you remember that bill was 23 percent higher than the year before that. And it would send an important message, I think, to the American people that Congress can take care of the Nation's housing and transportation needs without further jeopardizing our Nation's fiscal health.

I would hope that my colleagues would join me in cutting this mere three cents on the dollar out of this bill, with an attempt to put this bill back on the path towards fiscal responsibility.

I reserve the balance of my time.

Mr. OLVER. I rise in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. This amendment would cut $1.8 billion in areas that include important increases above the President's budget. And let me simply remind people that our budget, as brought forward, is $1.3 billion below the President's request. This amendment proposes to remove another $1.8 billion. It is the legislative branch's clearly stated constitutional responsibility to appropriate the proper allocation of resources. And that responsibility must not be ceded to the executive branch.

This amendment would result in cuts to a number of programs that are critical to creating jobs, increasing transportation safety, and restoring support to programs serving vulnerable Americans across the country. It removes $400 million from the TIGER grant program, where for the $1.5 billion Recovery Act TIGER grant program, the requests coming from all of the 50 States were almost $57 billion, showing how much this kind of infrastructure was needed. This funding would have a positive impact on the economy, create thousands of jobs, and occur over a several-year period, thereby serving as a slow release remedy to keep the recovery going as it ought to do.

The amendment also cuts $400 million from the high-speed rail program, which is designed to continue building a high-speed passenger rail network. This again would create jobs and help reinvigorate our manufacturing base. That again, for moneys for appropriations in the Recovery Act, received 259 applications totaling $56 billion for the $8 billion it was provided in the Recovery Act. And the additional moneys are needed to keep investments, not that we put investments in in these places and don't actually produce something, that those continue so that you can complete jobs that will allow more high-speed rail programs in this country, as others have already spoken of.

The amendment would cut $178 million from the FTA's capital investment funds, the New Starts and Small Starts program, cut that back to the 2010 level. It would cut $24 million from FTA's safety activities, if those are authorized. And I need to point out that while the funds are only available to the FTA if the authorizing legislation is enacted, the need for additional transit safety oversight is immense. We have had several accidents on several of our major transit systems. And DOT needs the ability to hire safety personnel to provide oversight.

The amendment would cut $456 million from the Public Housing Capital Fund. Again, that supports renovation and construction of public housing units, where there is a backlog of $25 billion in needs that have been identified in that program.

It would cut $175 million from the HOME Investment Partnerships Program to restore funding to the 2010 level. The HOME is the largest Federal block grant to State and local governments designed exclusively to create affordable for low-income households.

□ 1540

It is a homeownership program for low-income households. We can't afford to cut these programs, and I urge my colleagues to vote ''no'' on this amendment. All of these are job-creating investments in our infrastructure and provide critical construction jobs in an industry that has been decimated.

While they are not all fast release, they are long-term remedies, as I suggested, for the longest recession since World War II.

Mr. LATHAM. I yield myself such time as I may consume.

I appreciate the gentleman's concern for spending. I just wanted to see if we could just step back for a second.

We're going to have a $1.47 trillion deficit this year. Forty-three cents on every dollar that we're spending is borrowed money, and our kids, our grandchildren are going to have to pay for it—or our great-great-grandchildren, the way we're going—and it simply is not sustainable.

This is an extraordinarily modest amendment, and the gentleman says this is critical funding, absolutely necessary, that we have to fund these things. Maybe you should tell your President, the President of your own party, that he should have asked for these things. These are not my reductions. This is what the President says is needed for these programs, the high-speed rail. There's a billion dollars in this bill—would be after the cut. He's got $1.4.

We're taking $400 million out of it. The President asked for a billion dollars. He's had $12 billion, in total, with $8 billion in the stimulus package, $2.5 billion last year, another billion dollars this year. And the money hasn't been spent yet, hasn't even been allotted or a contract signed. There is no need for this spending here to have current contracts go on. It just goes beyond rationale, as far as I'm concerned.

When we are digging ourselves in a financial hole like we are and we continue to keep digging, why don't we say, Stop, let's cut some spending.

This is a very modest cut that the President didn't request, and several of these programs are not even authorized or requested by the President. I mean, I guess it's great if we just go ahead as the Appropriations Committee, say, the heck, we don't need to have authorization for anything. Actually, this whole bill, there's very little that actually is authorized in this bill.

Does anybody go home and listen anymore? Listen to your constituents and hear what they're saying. Can we afford this kind of spending? No, we cannot. If we'll listen and do what the people are telling us to, and that's to modestly reduce spending, cut spending. And if we can't do it here on this very small amendment on this huge

bill, we're never going to save our fiscal future for our kids and our grandchildren.

Mr. OBERSTAR. Mr. Chair, I rise in strong opposition to the amendment offered by the gentleman from Iowa (Mr. LATHAM) which lowers or eliminates funding for many important transportation grants provided by this Act.

The amendment would lower the amount provided for transit Capital Investment Grants, known as New Starts, which fund much needed rail and bus rapid transit systems.

New Start grants create public transportation systems that transform our communities by improving the mobility of a region, reducing congestion on the roadways, decreasing our dependence on oil, and increasing accessibility to work, schools, hospitals, and home.

If Americans rode public transit at the rate of 10 percent of daily travel, the U.S. would reduce its dependence on imported oil by more than 40 percent—equivalent to all the oil we import from the Persian Gulf. This funding for new transit systems should be increased, rather than decreased, and I oppose this amendment.

Moreover the amendment would eliminate $400 million from the high-speed and intercity passenger rail investment program.

The Passenger Rail Investment and Improvement Act of 2008 (PRIIA) (Public Law 110–432, Division B) created two new Federal-State matching grant programs to provide capital assistance to States and Amtrak for development of high-speed and intercity passenger rail. PRIIA also created a congestion grant program, which authorized $325 million over four years for grants to States for eliminating chokepoints on the freight rail network to help reduce congestion and facilitate ridership growth on intercity passenger rail.

The American Recovery and Reinvestment Act of 2009 (Recovery Act) (Public Law 111–1) built upon the three programs created by Congress in the 2008 law, and provided $9.3 billion in capital grants for investment in high-speed and intercity passenger rail. The Department of Transportation is now in its second round of soliciting grant proposals. For the first round of grants, the Federal Railroad Administration (FRA) received 259 grant applications from 37 States and the District of Columbia requesting nearly $57 billion in funding—far exceeding the initial $8 billion available under the Recovery Act.

In total, 79 applications from 31 States were selected for funding. In fact, the gentleman's (Mr. LATHAM) home State of Iowa received funding from FRA to conduct Alternatives Analysis and an Environmental Assessment, and to finalize a service development plan for passenger rail service from Chicago, Illinois to Omaha, Nebraska.

In addition, Amtrak is using its Recovery Act grants to invest in much needed Americans with Disabilities Act improvements to make stations in Preston, Ft. Madison, Mt. Pleasant, Osceola, Burlington, and Ottumwa, Iowa, accessible to persons with disabilities.

I urge Members to oppose this amendment.

Mr. LATHAM. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. LATHAM).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. LATHAM. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. DEFAZIO

The CHAIR. It is now in order to consider amendment No. 9 printed in part A of House Report 111–578.

Mr. DEFAZIO. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Insert at the end of the bill (before the short title) the following:

SEC. 420. None of the funds appropriated or otherwise made available under this Act may be used to implement section 124 except as authorized by law after the date of enactment of this Act.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. I yield myself such time as I may consume.

We need a 21st century transportation policy for America. We need to move beyond the constipated transportation policies of the Bush era that are allowed and have allowed our system to deteriorate: 150,000 bridges on the Federal system in need of substantial replacement or repair; transit systems with an $80 billion backlog for equipment. They're running obsolete railcars right here in the Nation's Capital that are killing people. They should have been retired years ago. They need to be replaced. We have frustrated commuters wasting hundreds of thousands of hours and billions of gallons of fuel caught in congestion; businesses and industries crying out they need help for just-in-time delivery and their trucks are delayed and detoured.

On October 1, we were supposed to do a 6-year bill to direct the investment in the system and enhance the investment. And that bill would have included a major new program for metropolitan mobility and access and had an office of livability. But the Obama administration stopped the bill, and they've refused to come to the table and discuss how we can move forward and make these needed investments.

But now the Secretary would like a little cherry, which would be like an office of livability, not defined, and he'd like $200 million, at his discretion, whatever he defines livability as, to give grants to whomever he wishes under whatever criteria he might, in the future, propose.

Now, this would be, given the state of disrepair of our system and the deterioration of our system, a lot like buying a brand new tire and rim to put on a junk car that's up on blocks. It's not going to get anybody anywhere. It's not going to meaningfully address the problems of the system. We need a comprehensive approach.

I reserve the balance of my time.

Mr. OLVER. I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I yield 1 minute to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentleman very much and for claiming time in opposition while I'm supporting the amendment.

I rise in support of the DeFazio amendment for two reasons:

First, with the stresses on the Highway Trust Fund and the dependence of our States on the moneys from that fund, we're violating our fiduciary responsibilities by granting authority to take $200 million, much-needed dollars, out of the trust fund for a program that has yet to be defined legislatively or otherwise.

Second, as noted in the minority views of the report accompanying this bill, the concept of livable communities is just that. It's a concept. I've never seen the definition of a livable community. There's nothing defined of what a ''livable community'' is.

The initiatives that would be funded under this concept with the $200 million involve activities that are rightly part of the jurisdictions of State and local governments and metropolitan planning commissions.

And again, I would rise in strong support of this amendment.

Mr. WU. Mr. Chair, I rise in strong support of my friend and colleague, PETER DEFAZIO's amendment.

In answer to the ranking member's inquiry, I just want to say that the definition of a livable community is Portland, Oregon.

I support livability, and from the beautiful and livable State of Oregon, I know what it means for communities to adopt livability standards into their transportation planning. It means more stable economies, integrated transportation systems, and walkable streets. It means jobs.

We are now 10 months past the expiration of the past highway bill, and the administration has yet to provide Congress with an authorization proposal or even to submit its long-promised authorization principles.

All they offer are extension after extension.

By doing this they are ignoring high-wage, middle-class, private-sector jobs generated by transportation and livability projects and engaging in legislative ''end arounds'' to spend scarce taxpayer dollars with no congressional or other needed oversight.

Mr. OLVER. Mr. Chairman, I yield back the balance of my time.

Mr. DEFAZIO. Mr. Chairman, it's my understanding that the chairman is going to accept the amendment.

Mr. OLVER. That is correct.

Mr. DEFAZIO. Given that, Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. CULBERSON

The CHAIR. It is now in order to consider amendment No. 10 printed in part A of House Report 111–578.

Mr. CULBERSON. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. Appropriations made in this Act are hereby reduced in the amount of $12,400,000,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Texas (Mr. CULBERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CULBERSON. The Congressional Budget Office just released a report this week which shows we are on the brink of an unprecedented debt crisis in this Nation which could, in and of itself, trigger a new financial crisis because, if the credit markets become concerned that we, as a Nation, may be overstretched and unable to repay in full the unprecedented national debt that's out there owned by the public, owned by sovereign wealth funds, the credit markets will turn on us very quickly as they did in Greece, as they did in Argentina and in others nations.

Moody's has even warned because of the excessive spending by this President and by this Congress, Moody's has estimated we might, as a Nation, lose our AAA bond rating by 2018, perhaps as early as 2013. Constitutional conservatives such as myself have been working hard to find ways to save money, to bring the spending levels under control to avoid crushing our children under the load of debt, the deficits. The burden that these levels of debt and deficit will impose on our kids will undoubtedly result in massive tax increases, dramatic cuts in social programs. And every chance we get, Mr. Chairman, on every bill, we want to try to do what we can to save money.

□ 1550

And so my amendment today would cut the total spending level in this bill by 18 percent. Remember that this legislation, the transportation appropriations bill, received a 23 percent increase in fiscal year 2010; that the stimulus bill—which I voted against as all borrowed money—the stimulus bill puts $62 billion into transportation. Of that $62 billion, there's still $10 billion unspent. I understand, Mr. Chairman, that the gentleman from Texas (Mr. NEUGEBAUER) has got an amendment later to take that $10 billion of unspent transportation money from the stimulus bill and return that to the taxpayers to reduce the deficit.

My amendment is offered today to cut $12 billion out of this transportation bill. I would prefer to send it back to subcommittee, Mr. Chairman, and let Chairman OLVER and my distinguished ranking member have a chance to decide where to cut it; but this is an 18 percent across-the-board cut, an important step moving back towards a balanced budget.

A constitutional conservative majority if elected to this Congress in November will, beginning in January, get this Nation back on track to a balanced budget by imposing strict spending discipline everywhere we can. This amendment is designed to begin that process. The current level of debt out there today owned by the public, by sovereign wealth funds, exceeds $13 trillion. It's unprecedented, it's dangerous, and it's unacceptable to burden our children with this level of debt. And since our transportation programs just got a $62 billion increase in the stimulus, since our transportation programs just got a 23 percent increase in fiscal year 2010, surely we can cut $12 billion out of this bill and save our kids and prevent our children and grandchildren from paying that off. Because every dollar we spend here today is borrowed money. One hundred percent of the money brought into the Treasury in revenue goes right out the door for Social Security, Medicare, Medicaid and interest on the national debt. This is borrowed money, Mr. Chairman. I would move passage of the amendment.

I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Thank you, Mr. Chairman.

I rise in strong opposition to the amendment. Actually this is about the worst kind of amendment that you can have, because it provides no indication of priorities whatsoever. It just cuts everything in the whole government an equal percentage amount and gives no priority indication whatsoever.

Let me tell you what this amendment ends up doing. In the Department of Housing and Urban Development, this amendment would mean a reduction of more than $3 billion for section 8 tenant based vouchers. Simply, that means that about 450,000 of this country's lowest income citizens would no longer be able to afford their monthly rent.

In addition, the project based section 8 program would see about a $1.7 billion reduction in it, resulting in hundreds of thousands of Americans there unable to afford a roof over their head. Homelessness would be increased dramatically and more Americans would require assistance through HUD's homeless program. Unfortunately, the homeless program would itself be receiving a massive cut of nearly $400 million, making service at the current levels quite impossible, at the same time that we would be creating more homeless people.

In the Department of Transportation, this amendment would eliminate more than $3 billion worth of funding from the Federal Aviation Administration. That would just about assure a part-time air traffic control system which would put us in severe safety jeopardy. Add to that the more than $2 billion which would be cut from the Federal Transit Administration, eliminating some of the best transportation options that are available to millions of Americans, and everyone here can begin to truly see the repercussions of this amendment.

Fiscal prudence simply cannot mean turning hundreds and hundreds of thousands of people out of their homes, eliminating almost a quarter of a million jobs, and creating real transportation safety concerns.

This bill is wisely balanced to meet the needs of citizens within current fiscal constraints. In fact, Mr. Chairman, I am asking you a question if I may: Is this amendment—since I am supposed to address all comments through the Chair—is this amendment deliberately designed to prolong the great recession and send America back into a double dip recession or a great depression? Because that's what happened. In the Great Depression, we went into a double dip recession, or a depression, and ended up with that depression lasting at least twice as long as it otherwise would have.

I reserve the balance of my time.

Mr. CULBERSON. Mr. Chairman, listening to the way the Democrats approach this issue and every issue on spending, I am reminded of Winston Churchill's comment that trying to tax and spend yourself into prosperity is like a man trying to raise himself up while standing in a bucket. It is illogical, it is disproven by history, that you can raise taxes and expect the economy to improve. It is illogical. It defies historical fact to say you're going to take money away from one group of people and spend it somewhere else and increase prosperity.

This amendment is a modest 18 percent cut in a bill that has seen a 23 percent increase in fiscal year '10 in programs that got $62 billion additional funding through the stimulus, of which $10 billion is still sitting there unspent. How much is enough? I am still waiting to meet the first Democrat that says, ''That's enough money. Don't spend any more.'' I'm still waiting. I've not met him yet. There is never enough money. There is always some need out there that needs to be filled, but no better way to meet that need than to increase prosperity by letting average Americans keep more of their own hard-earned money to invest and spend and save as they wish, to let business owners hire people by giving them the certainty that their taxes aren't going to go up and they're not going to be torn apart by trial lawyers and they're not going to be buried by the cost of unions.

We need as a Nation to lift up the whole economy by spending less money in Washington. We need to cut taxes and cut spending. And if we can't cut 18 percent here in a bill that's got a 23 percent increase and got a 90 percent increase last year, where can we cut?

The CHAIR. The time of the gentleman has expired.

Mr. OLVER. Mr. Chairman, the gentleman has made some comments. He is entitled to his opinions, but he cannot create his own history.

He has said that history shows that you cannot raise taxes and have a growing economy. That is completely belied by President Clinton's economic program in the early nineties when taxes were raised, with Republicans—the gentleman's party—claiming that that would destroy the economy. And yet the economy grew the fastest that it has done. We created 20 million jobs during the rest of the Clinton administration. That compares with the puny number of jobs, about one-quarter of that number, that were created during the time that Mr. Bush was in the White House the same number of years. With that, I just must point out that the gentleman is trying to re-create and create his own history.

We should defeat this amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CULBERSON).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. CULBERSON. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

□ 1600

AMENDMENT NO. 11 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The CHAIR. It is now in order to consider amendment No. 11 printed in part A of House Report 111–578.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 98, line 21, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 103, line 20, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 116, line 11, after the dollar amount, insert ''(reduced by $10,000,000)''.

The CHAIR. Pursuant to House Resolution 1569, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today to support additional funding for activities under section 107 of the Community Development Grant program at HUD. Specifically, I would like to ask for these funds to be diverted for community development grants for minority-serving institutions and Historically Black Colleges and Universities. This program assists minority-serving institutions to expand their role and effectiveness in addressing community development needs in their localities.

An increase of $10 million for this program would double the budget now and allow for an additional 12 to 20 minority-serving institutions to meet urgent community needs. I know these funds are particularly needed at many of our Nation's Historically Black Colleges and Universities. This is an important investment for these schools. It builds a strong relationship between school and community to promote social economic development initiatives. It will create jobs and help revitalize struggling neighborhoods.

Many of our urban HBCUs and other minority-serving institutions are located in areas that are blighted and struggling economically. This program creates a partnership between school and community, raising standards and expectations of the next generation. We want to create neighborhoods that are places people want to reside and feel a connection.

You often hear the phrase ''university town'' associated with other institutions. We want ''university town'' for these colleges as well, areas where the university is the center of economic and social life and people are proud to be part of it. We want neighborhoods where a college education is valued and seen as a common practice.

The program has made an immense impact at Benedict College in Columbia, South Carolina. Located less than 10 minutes from the University of South Carolina, Benedict College is an economically depressed neighborhood. With funding from this grant, Benedict College has created a partnership and has been able to build and renovate homes, construct a community recreational park, and build a business development center.

Similar success has been seen at Winston Salem State University in North Carolina where funds have been used for affordable housing development, small business development, and neighborhood cleanup.

This grant creates partnerships that enable students, faculty, and neighborhood organizations to work together to revitalize the economy, generate jobs, and rebuild healthy communities. Funding this program at an additional $10 million would make an immense difference for these schools and communities.

I have used the reverse mortgage fund to offset this funding. This program is not without controversy. Many do not understand that proceeds received under a reverse mortgage may impact Medicaid eligibility. At a time when property values remain low, a reverse mortgage may not be the best route for many individuals. The value that one gets from a reverse mortgage is based on the current appraised value of the property. I have chosen this offset due to the current slump in the real estate market.

I thank the leadership for allowing this amendment to be considered, and I would ask humbly for your support.

I yield back the balance of my time.

Mr. OLVER. I rise to claim time in opposition, though I do not oppose the amendment.

The CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. OLVER. I yield 1 minute to the gentleman from Iowa (Mr. LATHAM) for comments.

Mr. LATHAM. I thank the chairman for yielding.

Actually, I do oppose this. I agree with the idea of putting more money into where you would like to have the money go. My concern is that this is taking money out of reverse mortgages for seniors, and while the President requested $250 million in his budget, it is funded at $150 million. This would take another 10 out of that. The problem is that if there is increased demand, if more seniors want to have reverse mortgages, then it simply cannot happen without the funding that's there.

So I would just oppose it, not because of the purpose where you would like to have the money go, but we're taking money away from seniors here who may, in fact, want to have a reverse mortgage on their home.

Mr. OLVER. Mr. Chairman, I would just say to my ranking member that I had exactly the same reaction to this and was all prepared to get very excited and oppose this one adamantly, but we were assured that a re-look at the HECM situation and the needs there indicated that it could yield this $10 million offset.

Mr. LATHAM. Will the gentleman yield?

Mr. OLVER. I yield to the gentleman.

Mr. LATHAM. Well, when we start getting phone calls, I'll refer them to your office. I appreciate the gentleman's concern, and again, I think the purpose has merit, where the money is going, but I'm just concerned about the limitation here. Thank you.

Mr. OLVER. I thank the gentleman.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON of Texas).

The amendment was agreed to.

Mr. OLVER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SALAZAR) having assumed the chair, Mr. SNYDER, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5850) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. PRICE of Georgia. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

RESOLUTION

Pledging not to assemble on or between the dates of November 2, 2010 and January 3, 2011, except in the case of an unforeseen, sudden emergency requiring immediate action from Congress.

Whereas the 111th Congress has failed in its promise to be the most open Congress in history, but has instead lost the public's trust by engaging in unprecedented political procedures to advance a partisan agenda;

Whereas on January 18, 2006, House Minority Leader Nancy Pelosi stated in prepared remarks, ''Democrats are leading the effort to turn the most closed, corrupt Congress in history into the most open and honest Congress in history.'';

Whereas on November 7, 2006, House Minority Leader Nancy Pelosi stated, ''The American people voted to restore integrity and honesty in Washington, D.C., and the Democrats intend to lead the most honest, most open, and most ethical Congress in history.'';

Whereas on November 16, 2006, incoming House Speaker Nancy Pelosi stated, ''This leadership team will create the most honest, most open, and most ethical Congress in history.'';

Whereas on December 6, 2006, incoming House Speaker Nancy Pelosi stated, ''We promised the American people that we would have the most honest and open Government and we will.'';

Whereas incoming Majority Whip Clyburn stated on December 8, 2006 that, ''Democrats will exercise better leadership in the new Congress and work to raise the standard of ethics in this body'';

Whereas Speaker Pelosi spoke of individual Member's ethics on January 31, 2007 when she stated, ''These strong [ethics] rules are significant steps toward honest leadership; enforcing these rules is critical to ensuring every Member of Congress lives up to the highest ethical standard'';

Whereas on January 5, 2010, while at a press conference during the health care debate, Speaker Pelosi stated, ''There has never been a more open process for any legislation'';

Whereas this statement was reiterated by the Speaker while at a press conference on February 26, 2010, when a reporter prefaced a question about Rangel by noting that Speaker Pelosi had promised to run the ''most ethical and honest Congress in history'' she interrupted him to say: ''And we are.'';

Whereas more bills were considered under closed rules, 64 total, in the 110th Congress under Democrat control, than in the previous Congress, 49, under Republican control;

Whereas fewer bills were considered under open rules, 10 total, in the 110th Congress under Democrat control, than in the previous Congress, 22, under Republican control;

Whereas zero bills have been considered so far in the 111th Congress under an open rule;

Whereas 26 bills have been considered so far in the 111th Congress under a closed rule, under Democrat control;

Whereas this Congress is the highest spending Congress in United States history;

Whereas this Congress has presided over the two highest budget deficits in United States history at a time when the public debt is higher than at any other time in history;

Whereas this Congress began its mortgage of the Nation's future with a ''stimulus'' package costing $1.1 trillion that failed to lower unemployment, spur economic growth, or actually address the needs of struggling American business and families;

Whereas this Congress continued its free-flowing spending with an increase of $72.4 billion in nonemergency discretionary spending in fiscal year 2009 to reach a total spending level of $1.01 trillion for the first time in United States history;

Whereas this Congress approved a budget resolution in 2009 that proposed the six largest nominal deficits in American history and included tax increases of $423 billion during a period of sustained high unemployment;

Whereas this Congress disregarded the needs and opinions of everyday Americans by passing a national energy tax bill that would increase costs on nearly every aspect of American lives by up to $3,000 per year, eliminate millions of jobs, reduce workers' income, and devastate economic growth;

Whereas this Congress disregarded the needs and opinions of everyday Americans by passing a massive Government takeover of health care that will force millions of Americans from their health insurance plans, increase premiums and costs for individuals and employers, raise taxes by $569.2 billion, and fund abortions—at a cost of $2.64 trillion over the first ten years of full implementation;

Whereas this Congress nationalized the student loan industry with a potential cost of 30,000 private sector jobs and $50.1 billion over ten years;

Whereas this Congress passed the DISCLOSE Act in violation of the first amendment, hindering citizens associations' and corporations' free speech while leaving all unions exempt from many of the new requirements, in order to try and influence the outcome of 2010 elections;

Whereas in spite of House Budget Committee Chairman's 2006 statement that ''if you can't budget, you can't govern'', the Democrat leadership has failed to introduce a budget resolution in 2010 as mandated by law, but instead self-executed a ''deeming resolution'' that increases nonemergency discretionary spending in fiscal year 2011 by $30 billion to $1.121 trillion, setting another new record for the highest level in United States history;

Whereas this Congress has failed Main Street through passage of a financial system takeover that fails to end the moral hazard of too-big-to-fail, does not address the Fannie Mae and Freddie Mac behemoths, and creates numerous new boards, councils, and positions with unconstitutionally broad authorities that will interfere with the creation of wealth and jobs;

Whereas this Congress has wasted taxpayer funds on an unnecessary and unconstitutional auto industry bailout, a ''cash for clunkers'' program, a home remodification program (''cash for caulkers''), and countless other pork barrel projects while allowing the public debt to reach its highest level in United States history;

Whereas Democrats have recently insinuated that significant legislative matters would deliberately not be addressed during the 111th Congress until after the midterm elections in November 2010;

Whereas the New York Times reported on June 19, 2010 that, ''For all the focus on the historic federal rescue of the banking industry, it is the government's decision to seize Fannie Mae and Freddie Mac in September 2008 that is likely to cost taxpayers the most money. . . . Republicans want to sever ties with Fannie and Freddie once the crisis abates. The Obama administration and Congressional Democrats have insisted on postponing the argument until after the midterm elections.'';

Whereas the Washington Times reported on June 22, 2010 that House Majority Leader Steny Hoyer stated, ''a budget, which sets out binding one-year targets and a multiyear plan, is useless this year because Congress has shunted key questions about deficits to the independent debt commission created by President Obama, which is due to report back at the end of this year.'';

Whereas the Hill reported on June 24, 2010 that Senator Tom Harkin, a Democrat from Iowa, suggested that Democrats ''might attempt to move 'card-check' legislation this year, perhaps during a lame-duck session. . . . 'A lot of things can happen in a lame-duck session, too,' he said in reference to EFCA.'';

Whereas the New York Times published an article on June 28, 2010 titled ''Lame-Duck Session Emerges as Possibility for Climate Bill Conference'' that declares ''many expect the final energy or climate bill to be worked out during the lame-duck session between the November election and the start of the new Congress in January.'';

Whereas the Hill reported on July 1, 2010 that ''Democratic leaders are likely to punt the task of renewing Bush-era tax cuts until after the election. Voters in November's midterms will thus be left without a clear idea of their future tax rates when they go to the polls.'';

Whereas the Wall Street Journal reported on July 13, 2010 that, ''there have been signs in recent weeks that party leaders are planning an ambitious, lame-duck session to muscle through bills in December they don't want to defend before November. Retiring or defeated members of Congress would then be able to vote for sweeping legislation without any fear of voter retaliation.'';

Whereas the Hill reported on July 27, 2010 that Senate Majority Leader Harry Reid said, at the recent Netroots Nation conference of liberal bloggers, in reference to Democrats' unfinished priorities, ''We're going to have to have a lame duck session, so we're not giving up.'';

Whereas the Hill reported in the same piece on July 27, 2010 that the lame duck session will include priorities such as ''comprehensive immigration reform, climate change legislation and a whole host of other issues'';

Whereas the Declaration of Independence notes that governments ''[derive] their just powers from the consent of the governed'';

Whereas the American people have expressed their loss of confidence through self-organized and self-funded taxpayer marches on Washington, at countless ''tea party'' events, at town halls and speeches, and with numerous letters, emails, and phone calls to their elected representatives;

Whereas a reconvening of Congress between the regularly scheduled Federal election in November and the start of the next session of Congress is known as a ''lame-duck session of Congress'';

Whereas the Democrat majority has all-but-announced plans to use any ''lame-duck Congress'' to advance currently unattainable, partisan policies that are widely unpopular with the American people or that further increase the national debt against the will of most Americans;

Whereas any such action would be a repudiation of the American people's expressed

will and would not comport with the Democrats' public statements promising transparency and accountability; and

Whereas under the leadership of Speaker Pelosi and the Democrat majority, and largely due to the current trends of Government expansion and freedom retrenchment, the American people have lost confidence with their elected officials, and that faith must be restored: Now, therefore be it

Resolved, That the House of Representatives—

(1) reaffirms the principle expressed in the Declaration of Independence that governments ''[derive] their just powers from the consent of the governed'';

(2) recognizes the fundamental importance of trust existing between the American people and their elected officials;

(3) confirms that adhering to the will of the people is imperative to upholding public trust;

(4) states that the American people deserve to know where their current elected officials stand on key legislative issues before Election Day;

(5) states that delaying controversial, unpopular votes until after the election gives false impressions to voters and deliberately hides the true intentions of the majority, while denying voters the ability to make fully informed choices on Election Day; and

(6) pledges not to assemble on or between the dates of November 2, 2010 and January 3, 2011, except in the case of an unforeseen, sudden emergency requiring immediate action from Congress.

□ 1620

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader, as a question of the privileges of the House, has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Georgia will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO ACTIONS OF CERTAIN PERSONS TO UNDERMINE SOVEREIGNTY OF LEBANON OR ITS DEMOCRATIC PROCESSES AND INSTITUTIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–136)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency declared with respect to the actions of certain persons to undermine the sovereignty of Lebanon or its democratic processes and institutions is to continue in effect beyond August 1, 2010.

While there have been some recent positive developments in the Syrian-Lebanese relationship, continuing arms transfers to Hizballah that include increasingly sophisticated weapons systems serve to undermine Lebanese sovereignty, contribute to political and economic instability in the region, and continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared on August 1, 2007, to deal with that threat and the related measures adopted on that date to respond to the emergency.

BARACK OBAMA.

THE WHITE HOUSE, JULY 29, 2010.

INVESTING IN AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

Mr. LEVIN. Mr. Speaker, pursuant to House Resolution 1568, I call up the bill (H.R. 5893) to amend the Internal Revenue Code of 1986 to create jobs through increased investment in infrastructure, to eliminate loopholes which encourage companies to move operations offshore, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5893

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Investing in American Jobs and Closing Tax Loopholes Act of 2010''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—INFRASTRUCTURE INCENTIVES

Sec. 101. Extension of Build America Bonds.
Sec. 102. Exempt-facility bonds for sewage and water supply facilities.
Sec. 103. Extension of exemption from alternative minimum tax treatment for certain tax-exempt bonds.
Sec. 104. Extension and additional allocations of recovery zone bond authority.
Sec. 105. Allowance of new markets tax credit against alternative minimum tax.
Sec. 106. Extension of tax-exempt eligibility for loans guaranteed by Federal home loan banks.
Sec. 107. Extension of temporary small issuer rules for allocation of tax-exempt interest expense by financial institutions.

TITLE II—EMERGENCY FUND FOR JOB CREATION AND ASSISTANCE

Sec. 201. Extension of the Emergency Fund for Job Creation and Assistance.

TITLE III—FOREIGN PROVISIONS

Sec. 301. Rules to prevent splitting foreign tax credits from the income to which they relate.
Sec. 302. Denial of foreign tax credit with respect to foreign income not subject to United States taxation by reason of covered asset acquisitions.
Sec. 303. Separate application of foreign tax credit limitation, etc., to items resourced under treaties.
Sec. 304. Limitation on the amount of foreign taxes deemed paid with respect to section 956 inclusions.
Sec. 305. Special rule with respect to certain redemptions by foreign subsidiaries.
Sec. 306. Modification of affiliation rules for purposes of rules allocating interest expense.
Sec. 307. Termination of special rules for interest and dividends received from persons meeting the 80-percent foreign business requirements.
Sec. 308. Source rules for income on guarantees.
Sec. 309. Limitation on extension of statute of limitations for failure to notify Secretary of certain foreign transfers.

TITLE IV—BUDGETARY PROVISIONS

Sec. 401. Paygo compliance.
Sec. 402. Time for payment of corporate estimated taxes.

TITLE I—INFRASTRUCTURE INCENTIVES

SEC. 101. EXTENSION OF BUILD AMERICA BONDS.

(a) IN GENERAL.—Subparagraph (B) of section 54AA(d)(1) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

(b) EXTENSION OF PAYMENTS TO ISSUERS.—

(1) IN GENERAL.—Section 6431 is amended—

(A) by striking ''January 1, 2011'' in subsection (a) and inserting ''January 1, 2013''; and

(B) by striking ''January 1, 2011'' in subsection (f)(1)(B) and inserting ''a particular date''.

(2) CONFORMING AMENDMENTS.—Subsection (g) of section 54AA is amended—

(A) by striking ''January 1, 2011'' and inserting ''January 1, 2013''; and

(B) by striking ''QUALIFIED BONDS ISSUED BEFORE 2011'' in the heading and inserting ''CERTAIN QUALIFIED BONDS''.

(c) REDUCTION IN PERCENTAGE OF PAYMENTS TO ISSUERS.—Subsection (b) of section 6431 is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(2) by striking ''35 percent'' and inserting ''the applicable percentage''; and

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

''(2) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term 'applicable percentage' means the percentage determined in accordance with the following table:

''In the case of a qualified bond issued during calendar year:	The applicable percentage is:
2009 or 2010	35 percent
2011	32 percent
2012	30 percent.''.

(d) CURRENT REFUNDINGS PERMITTED.—Subsection (g) of section 54AA is amended by adding at the end the following new paragraph:

''(3) TREATMENT OF CURRENT REFUNDING BONDS.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'qualified bond' includes any bond (or series of bonds) issued to refund a qualified bond if—

''(i) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

''(ii) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

''(iii) the refunded bond is redeemed not later than 90 days after the date of the issuance of the refunding bond.

''(B) APPLICABLE PERCENTAGE.—In the case of a refunding bond referred to in subparagraph (A), the applicable percentage with respect to such bond under section 6431(b) shall be the lowest percentage specified in paragraph (2) of such section.

''(C) DETERMINATION OF AVERAGE MATURITY.—For purposes of subparagraph (A)(i), average maturity shall be determined in accordance with section 147(b)(2)(A).''.

(e) CLARIFICATION RELATED TO LEVEES AND FLOOD CONTROL PROJECTS.—Subparagraph (A) of section 54AA(g)(2) is amended by inserting ''(including capital expenditures for levees and other flood control projects)'' after ''capital expenditures''.

SEC. 102. EXEMPT-FACILITY BONDS FOR SEWAGE AND WATER SUPPLY FACILITIES.

(a) BONDS FOR WATER AND SEWAGE FACILITIES EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY BONDS.—

(1) IN GENERAL.—Paragraph (3) of section 146(g) is amended by inserting ''(4), (5),'' after ''(2),''.

(2) CONFORMING AMENDMENT.—Paragraphs (2) and (3)(B) of section 146(k) are both amended by striking ''(4), (5), (6),'' and inserting ''(6)''.

(b) TAX-EXEMPT ISSUANCE BY INDIAN TRIBAL GOVERNMENTS.—

(1) IN GENERAL.—Subsection (c) of section 7871 is amended by adding at the end the following new paragraph:

''(4) EXCEPTION FOR BONDS FOR WATER AND SEWAGE FACILITIES.—Paragraph (2) shall not apply to an exempt facility bond 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of which are to be used to provide facilities described in paragraph (4) or (5) of section 142(a).''.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 7871(c) is amended by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)''.

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

SEC. 103. EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS.

(a) IN GENERAL.—Clause (vi) of section 57(a)(5)(C) is amended—

(1) by striking ''January 1, 2011'' in subclause (I) and inserting ''January 1, 2012''; and

(2) by striking ''AND 2010'' in the heading and inserting '', 2010, AND 2011''.

(b) ADJUSTED CURRENT EARNINGS.—Clause (iv) of section 56(g)(4)(B) is amended—

(1) by striking ''January 1, 2011'' in subclause (I) and inserting ''January 1, 2012''; and

(2) by striking ''AND 2010'' in the heading and inserting '', 2010, AND 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

SEC. 104. EXTENSION AND ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY.

(a) EXTENSION OF RECOVERY ZONE BOND AUTHORITY.—Section 1400U–2(b)(1) and section 1400U–3(b)(1)(B) are each amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY BASED ON UNEMPLOYMENT.—Section 1400U–1 is amended by adding at the end the following new subsection:

''(c) ALLOCATION OF 2010 RECOVERY ZONE BOND LIMITATIONS BASED ON UNEMPLOYMENT.—

''(1) IN GENERAL.—The Secretary shall allocate the 2010 national recovery zone economic development bond limitation and the 2010 national recovery zone facility bond limitation among the States in the proportion that each such State's 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

''(2) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under paragraph (1) for each State to the extent necessary to ensure that no State (prior to any reduction under paragraph (3)) receives less than 0.9 percent of the 2010 national recovery zone economic development bond limitation and 0.9 percent of the 2010 national recovery zone facility bond limitation.

''(3) ALLOCATIONS BY STATES.—

''(A) IN GENERAL.—Each State with respect to which an allocation is made under paragraph (1) shall reallocate such allocation among the counties and large municipalities (as defined in subsection (a)(3)(B)) in such State in the proportion that each such county's or municipality's 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all the counties and large municipalities (as so defined) in such State.

''(B) 2010 ALLOCATION REDUCED BY AMOUNT OF PREVIOUS ALLOCATION.—Each State shall reduce (but not below zero)—

''(i) the amount of the 2010 national recovery zone economic development bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone economic development bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof), and

''(ii) the amount of the 2010 national recovery zone facility bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone facility bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof).

''(C) WAIVER OF SUBALLOCATIONS.—A county or municipality may waive any portion of an allocation made under this paragraph. A county or municipality shall be treated as having waived any portion of an allocation made under this paragraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.

''(D) SPECIAL RULE FOR A MUNICIPALITY IN A COUNTY.—In the case of any large municipality any portion of which is in a county, such portion shall be treated as part of such municipality and not part of such county.

''(4) 2009 UNEMPLOYMENT NUMBER.—For purposes of this subsection, the term '2009 unemployment number' means, with respect to any State, county or municipality, the number of individuals in such State, county, or municipality who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

''(5) 2010 NATIONAL LIMITATIONS.—

''(A) RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.—The 2010 national recovery zone economic development bond limitation is $10,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U–2 in the same manner as an allocation of national recovery zone economic development bond limitation.

''(B) RECOVERY ZONE FACILITY BONDS.—The 2010 national recovery zone facility bond limitation is $15,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U–3 in the same manner as an allocation of national recovery zone facility bond limitation.''.

(c) AUTHORITY OF STATE TO WAIVE CERTAIN 2009 ALLOCATIONS.—Subparagraph (A) of section 1400U–1(a)(3) is amended by adding at the end the following: ''A county or municipality shall be treated as having waived any portion of an allocation made under this subparagraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.''.

SEC. 105. ALLOWANCE OF NEW MARKETS TAX CREDIT AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4) is amended by redesignating clauses (v) through (ix) as clauses (vi) through (x), respectively, and by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 45D, but only with respect to credits determined with respect to qualified equity investments (as defined in section 45D(b)) initially made before January 1, 2012,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined with respect to qualified equity investments (as defined in section 45D(b) of the Internal Revenue Code of 1986) initially made after March 15, 2010.

SEC. 106. EXTENSION OF TAX-EXEMPT ELIGIBILITY FOR LOANS GUARANTEED BY FEDERAL HOME LOAN BANKS.

Clause (iv) of section 149(b)(3)(A) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

SEC. 107. EXTENSION OF TEMPORARY SMALL ISSUER RULES FOR ALLOCATION OF TAX-EXEMPT INTEREST EXPENSE BY FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Clauses (i), (ii), and (iii) of section 265(b)(3)(G) are each amended by striking ''or 2010'' and inserting '', 2010, or 2011''.

(b) CONFORMING AMENDMENT.—Subparagraph (G) of section 265(b)(3) is amended by striking ''AND 2010'' in the heading and inserting '', 2010, AND 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

TITLE II—EMERGENCY FUND FOR JOB CREATION AND ASSISTANCE

SEC. 201. EXTENSION OF THE EMERGENCY FUND FOR JOB CREATION AND ASSISTANCE.

(a) IN GENERAL.—Section 403(c) of the Social Security Act (42 U.S.C. 603(c)) is amended—

(1) in paragraph (1), by striking ''Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs'' and inserting ''Emergency Fund for Job Creation and Assistance'';

(2) in paragraph (2)(A), by inserting '', and for fiscal year 2011, such sums as may be necessary to carry out this subsection'' before ''for payment'';

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

''(B) AVAILABILITY AND USE OF FUNDS.—

''(i) FISCAL YEARS 2009 AND 2010.—The amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2009 shall remain available through fiscal year 2010 and shall be used to make grants to States in each of fiscal years 2009 and 2010 in accordance with paragraph (3), except that the amounts shall remain available through fiscal year 2011 to make grants and payments to States in accordance with paragraph (3)(C) to cover expenditures to subsidize employment positions held by individuals placed in the positions before fiscal year 2011.

''(ii) FISCAL YEAR 2011.—Subject to clause (iii), the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011 shall remain available through fiscal year 2012 and shall be used to make grants to States based on expenditures in fiscal year 2011 for benefits and services provided in fiscal year 2011 in accordance with the requirements of paragraph (3).

''(iii) RESERVATION OF FUNDS.—Of the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011, $500,000 shall be placed in reserve for use in fiscal year 2012, and shall be used to award grants for any expenditures described in this subsection incurred by States after September 30, 2011.'';

(4) in paragraph (2)(C), by striking ''2010'' and inserting ''2012'';

(5) in paragraph (3)—

(A) in clause (i) of each of subparagraphs (A), (B), and (C), by striking ''year 2009 or 2010'' and inserting ''years 2009 through 2011''; and

(B) in subparagraph (C), by adding at the end the following:

''(iv) LIMITATION ON EXPENDITURES FOR SUBSIDIZED EMPLOYMENT.—An expenditure for subsidized employment shall be taken into account under clause (ii) only if the expenditure is used to subsidize employment for—

''(I) a member of a needy family (without regard to whether the family is receiving assistance under the State program funded under this part); or

''(II) an individual who has exhausted (or, within 60 days, will exhaust) all rights to receive unemployment compensation under Federal and State law, and who is a member of a needy family.'';

(6) by striking paragraph (5) and inserting the following:

''(5) LIMITATIONS ON PAYMENTS.—

''(A) FISCAL YEARS 2009 AND 2010.—The total amount payable to a single State under subsection (b) and this subsection for fiscal years 2009 and 2010 combined shall not exceed 50 percent of the annual State family assistance grant.

''(B) FISCAL YEAR 2011.—The total amount payable to a single State under subsection (b) and this subsection for fiscal year 2011 shall not exceed 30 percent of the annual State family assistance grant.''; and

(7) in paragraph (6), by inserting ''or for expenditures described in paragraph (3)(C)(iv)'' before the period.

(b) CONFORMING AMENDMENTS.—Section 2101 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) in subsection (a)(2)—

(A) by striking ''2010'' and inserting ''2011''; and

(B) by striking all that follows ''repealed'' and inserting a period; and

(2) in subsection (d)(1), by striking ''2010'' and inserting ''2011''.

(c) PROGRAM GUIDANCE.—The Secretary of Health and Human Services shall issue program guidance, without regard to the requirements of section 553 of title 5, United States Code, which ensures that the funds provided under the amendments made by this section to a jurisdiction for subsidized employment do not support any subsidized employment position the annual salary of which is greater than, at State option—

(1) 200 percent of the poverty line (within the meaning of section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section 673(2)) for a family of 4; or

(2) the median wage in the jurisdiction.

TITLE III—FOREIGN PROVISIONS

SEC. 301. RULES TO PREVENT SPLITTING FOREIGN TAX CREDITS FROM THE INCOME TO WHICH THEY RELATE.

(a) IN GENERAL.—Subpart A of part III of subchapter N of chapter 1 is amended by adding at the end the following new section:

''SEC. 909. SUSPENSION OF TAXES AND CREDITS UNTIL RELATED INCOME TAKEN INTO ACCOUNT.

''(a) IN GENERAL.—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by the taxpayer, such tax shall not be taken into account for purposes of this title before the taxable year in which the related income is taken into account under this chapter by the taxpayer.

''(b) SPECIAL RULES WITH RESPECT TO SECTION 902 CORPORATIONS.—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by a section 902 corporation, such tax shall not be taken into account—

''(1) for purposes of section 902 or 960, or

''(2) for purposes of determining earnings and profits under section 964(a),

before the taxable year in which the related income is taken into account under this chapter by such section 902 corporation or a domestic corporation which meets the ownership requirements of subsection (a) or (b) of section 902 with respect to such section 902 corporation.

''(c) SPECIAL RULES.—For purposes of this section—

''(1) APPLICATION TO PARTNERSHIPS, ETC.—In the case of a partnership, subsections (a) and (b) shall be applied at the partner level. Except as otherwise provided by the Secretary, a rule similar to the rule of the preceding sentence shall apply in the case of any S corporation or trust.

''(2) TREATMENT OF FOREIGN TAXES AFTER SUSPENSION.—In the case of any foreign income tax not taken into account by reason of subsection (a) or (b), except as otherwise provided by the Secretary, such tax shall be so taken into account in the taxable year referred to in such subsection (other than for purposes of section 986(a)) as a foreign income tax paid or accrued in such taxable year.

''(d) DEFINITIONS.—For purposes of this section—

''(1) FOREIGN TAX CREDIT SPLITTING EVENT.—There is a foreign tax credit splitting event with respect to a foreign income tax if the related income is (or will be) taken into account under this chapter by a covered person.

''(2) FOREIGN INCOME TAX.—The term 'foreign income tax' means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

''(3) RELATED INCOME.—The term 'related income' means, with respect to any portion of any foreign income tax, the income (or, as appropriate, earnings and profits) to which such portion of foreign income tax relates.

''(4) COVERED PERSON.—The term 'covered person' means, with respect to any person who pays or accrues a foreign income tax (hereafter in this paragraph referred to as the 'payor')—

''(A) any entity in which the payor holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value),

''(B) any person which holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value) in the payor,

''(C) any person which bears a relationship to the payor described in section 267(b) or 707(b), and

''(D) any other person specified by the Secretary for purposes of this paragraph.

''(5) SECTION 902 CORPORATION.—The term 'section 902 corporation' means any foreign corporation with respect to which one or more domestic corporations meets the ownership requirements of subsection (a) or (b) of section 902.

''(e) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provides—

''(1) appropriate exceptions from the provisions of this section, and

''(2) for the proper application of this section with respect to hybrid instruments.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter N of chapter 1 is amended by adding at the end the following new item:

''Sec. 909. Suspension of taxes and credits until related income taken into account.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) foreign income taxes (as defined in section 909(d) of the Internal Revenue Code of 1986, as added by this section) paid or accrued after December 31, 2010; and

(2) foreign income taxes (as so defined) paid or accrued by a section 902 corporation (as so defined) on or before such date (and not deemed paid under section 902(a) or 960 of such Code on or before such date), but only for purposes of applying sections 902 and 960 with respect to periods after such date.

Section 909(b)(2) of the Internal Revenue Code of 1986, as added by this section, shall not apply to foreign income taxes described in paragraph (2).

SEC. 302. DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.

(a) IN GENERAL.—Section 901 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.—

''(1) IN GENERAL.—In the case of a covered asset acquisition, the disqualified portion of any foreign income tax determined with respect to the income or gain attributable to the relevant foreign assets—

''(A) shall not be taken into account in determining the credit allowed under subsection (a), and

''(B) in the case of a foreign income tax paid by a section 902 corporation (as defined in section 909(d)(5)), shall not be taken into account for purposes of section 902 or 960.

''(2) COVERED ASSET ACQUISITION.—For purposes of this section, the term 'covered asset acquisition' means—

''(A) a qualified stock purchase (as defined in section 338(d)(3)) to which section 338(a) applies,

''(B) any transaction which—

''(i) is treated as an acquisition of assets for purposes of this chapter, and

''(ii) is treated as the acquisition of stock of a corporation (or is disregarded) for purposes of the foreign income taxes of the relevant jurisdiction,

''(C) any acquisition of an interest in a partnership which has an election in effect under section 754, and

''(D) to the extent provided by the Secretary, any other similar transaction.

''(3) DISQUALIFIED PORTION.—For purposes of this section—

''(A) IN GENERAL.—The term 'disqualified portion' means, with respect to any covered asset acquisition, for any taxable year, the ratio (expressed as a percentage) of—

''(i) the aggregate basis differences (but not below zero) allocable to such taxable year under subparagraph (B) with respect to all relevant foreign assets, divided by

''(ii) the income on which the foreign income tax referred to in paragraph (1) is determined (or, if the taxpayer fails to substantiate such income to the satisfaction of the Secretary, such income shall be determined by dividing the amount of such foreign income tax by the highest marginal tax rate applicable to such income in the relevant jurisdiction).

''(B) ALLOCATION OF BASIS DIFFERENCE.—For purposes of subparagraph (A)(i)—

''(i) IN GENERAL.—The basis difference with respect to any relevant foreign asset shall be allocated to taxable years using the applicable cost recovery method under this chapter.

''(ii) SPECIAL RULE FOR DISPOSITION OF ASSETS.—Except as otherwise provided by the Secretary, in the case of the disposition of any relevant foreign asset—

''(I) the basis difference allocated to the taxable year which includes the date of such disposition shall be the excess of the basis difference with respect to such asset over the aggregate basis difference with respect to such asset which has been allocated under clause (i) to all prior taxable years, and

''(II) no basis difference with respect to such asset shall be allocated under clause (i) to any taxable year thereafter.

''(C) BASIS DIFFERENCE.—

''(i) IN GENERAL.—The term 'basis difference' means, with respect to any relevant foreign asset, the excess of—

''(I) the adjusted basis of such asset immediately after the covered asset acquisition, over

''(II) the adjusted basis of such asset immediately before the covered asset acquisition.

''(ii) BUILT-IN LOSS ASSETS.—In the case of a relevant foreign asset with respect to which the amount described in clause (i)(II) exceeds the amount described in clause (i)(I), such excess shall be taken into account under this subsection as a basis difference of a negative amount.

''(iii) SPECIAL RULE FOR SECTION 338 ELECTIONS.—In the case of a covered asset acquisition described in paragraph (2)(A), the covered asset acquisition shall be treated for purposes of this subparagraph as occurring at the close of the acquisition date (as defined in section 338(h)(2)).

''(4) RELEVANT FOREIGN ASSETS.—For purposes of this section, the term 'relevant foreign asset' means, with respect to any covered asset acquisition, any asset (including any goodwill, going concern value, or other intangible) with respect to such acquisition if income, deduction, gain, or loss attributable to such asset is taken into account in determining the foreign income tax referred to in paragraph (1).

''(5) FOREIGN INCOME TAX.—For purposes of this section, the term 'foreign income tax' means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

''(6) TAXES ALLOWED AS A DEDUCTION, ETC.—Sections 275 and 78 shall not apply to any tax which is not allowable as a credit under subsection (a) by reason of this subsection.

''(7) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including to exempt from the application of this subsection certain covered asset acquisitions, and relevant foreign assets with respect to which the basis difference is de minimis.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to covered asset acquisitions (as defined in section 901(m)(2) of the Internal Revenue Code of 1986, as added by this section) after December 31, 2010.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any covered asset acquisition (as so defined) with respect to which the transferor and the transferee are not related if such acquisition is—

(A) made pursuant to a written agreement which was binding on May 20, 2010, and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(3) RELATED PERSONS.—For purposes of this subsection, a person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b) of the Internal Revenue Code of 1986.

SEC. 303. SEPARATE APPLICATION OF FOREIGN TAX CREDIT LIMITATION, ETC., TO ITEMS RESOURCED UNDER TREATIES.

(a) IN GENERAL.—Subsection (d) of section 904 is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

''(6) SEPARATE APPLICATION TO ITEMS RESOURCED UNDER TREATIES.—

''(A) IN GENERAL.—If—

''(i) without regard to any treaty obligation of the United States, any item of income would be treated as derived from sources within the United States,

''(ii) under a treaty obligation of the United States, such item would be treated as arising from sources outside the United States, and

''(iii) the taxpayer chooses the benefits of such treaty obligation,

subsections (a), (b), and (c) of this section and sections 902, 907, and 960 shall be applied separately with respect to each such item.

''(B) COORDINATION WITH OTHER PROVISIONS.—This paragraph shall not apply to any item of income to which subsection (h)(10) or section 865(h) applies.

''(C) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance which provides that related items of income may be aggregated for purposes of this paragraph.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 304. LIMITATION ON THE AMOUNT OF FOREIGN TAXES DEEMED PAID WITH RESPECT TO SECTION 956 INCLUSIONS.

(a) IN GENERAL.—Section 960 is amended by adding at the end the following new subsection:

''(c) LIMITATION WITH RESPECT TO SECTION 956 INCLUSIONS.—

''(1) IN GENERAL.—If there is included under section 951(a)(1)(B) in the gross income of a domestic corporation any amount attributable to the earnings and profits of a foreign corporation which is a member of a qualified group (as defined in section 902(b)) with respect to the domestic corporation, the amount of any foreign income taxes deemed to have been paid during the taxable year by such domestic corporation under section 902 by reason of subsection (a) with respect to such inclusion in gross income shall not exceed the amount of the foreign income taxes which would have been deemed to have been paid during the taxable year by such domestic corporation if cash in an amount equal to the amount of such inclusion in gross income were distributed as a series of distributions (determined without regard to any foreign taxes which would be imposed on an actual distribution) through the chain of ownership which begins with such foreign corporation and ends with such domestic corporation.

''(2) AUTHORITY TO PREVENT ABUSE.—The Secretary shall issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which prevent the inappropriate use of the foreign corporation's foreign income taxes not deemed paid by reason of paragraph (1).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to acquisitions of United States property (as defined in section 956(c) of the Internal Revenue Code of 1986) after December 31, 2010.

SEC. 305. SPECIAL RULE WITH RESPECT TO CERTAIN REDEMPTIONS BY FOREIGN SUBSIDIARIES.

(a) IN GENERAL.—Paragraph (5) of section 304(b) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) SPECIAL RULE IN CASE OF FOREIGN ACQUIRING CORPORATION.—In the case of any acquisition to which subsection (a) applies in which the acquiring corporation is a foreign corporation, no earnings and profits shall be taken into account under paragraph (2)(A) (and subparagraph (A) shall not apply) if more than 50 percent of the dividends arising from such acquisition (determined without regard to this subparagraph) would neither—

''(i) be subject to tax under this chapter for the taxable year in which the dividends arise, nor

''(ii) be includible in the earnings and profits of a controlled foreign corporation (as defined in section 957 and without regard to section 953(c)).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to acquisitions after December 31, 2010.

SEC. 306. MODIFICATION OF AFFILIATION RULES FOR PURPOSES OF RULES ALLOCATING INTEREST EXPENSE.

(a) IN GENERAL.—Subparagraph (A) of section 864(e)(5) is amended by adding at the end the following: ''Notwithstanding the preceding sentence, a foreign corporation shall be treated as a member of the affiliated group if—

''(i) more than 50 percent of the gross income of such foreign corporation for the taxable year is effectively connected with the conduct of a trade or business within the United States, and

''(ii) at least 80 percent of either the vote or value of all outstanding stock of such foreign corporation is owned directly or indirectly by members of the affiliated group (determined with regard to this sentence).''.

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

SEC. 307. TERMINATION OF SPECIAL RULES FOR INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.

(a) IN GENERAL.—Paragraph (1) of section 861(a) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) GRANDFATHER RULE WITH RESPECT TO WITHHOLDING ON INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.—

(1) IN GENERAL.—Subparagraph (B) of section 871(i)(2) is amended to read as follows:

''(B) The active foreign business percentage of—

''(i) any dividend paid by an existing 80/20 company, and

''(ii) any interest paid by an existing 80/20 company.''.

(2) DEFINITIONS AND SPECIAL RULES.—Section 871 is amended by redesignating subsections (l) and (m) as subsections (m) and (n), respectively, and by inserting after subsection (k) the following new subsection:

''(l) RULES RELATING TO EXISTING 80/20 COMPANIES.—For purposes of this subsection and subsection (i)(2)(B)—

''(1) EXISTING 80/20 COMPANY.—

''(A) IN GENERAL.—The term 'existing 80/20 company' means any corporation if—

''(i) such corporation met the 80-percent foreign business requirements of section 861(c)(1) (as in effect before the date of the enactment of this subsection) for such corporation's last taxable year beginning before January 1, 2011,

''(ii) such corporation meets the 80-percent foreign business requirements of subparagraph (B) with respect to each taxable year after the taxable year referred to in clause (i), and

''(iii) there has not been an addition of a substantial line of business with respect to such corporation after the date of the enactment of this subsection.

''(B) FOREIGN BUSINESS REQUIREMENTS.—

''(i) IN GENERAL.—Except as provided in clause (iv), a corporation meets the 80-percent foreign business requirements of this subparagraph if it is shown to the satisfaction of the Secretary that at least 80 percent of the gross income from all sources of such corporation for the testing period is active foreign business income.

''(ii) ACTIVE FOREIGN BUSINESS INCOME.—For purposes of clause (i), the term 'active foreign business income' means gross income which—

''(I) is derived from sources outside the United States (as determined under this subchapter), and

''(II) is attributable to the active conduct of a trade or business in a foreign country or possession of the United States.

''(iii) TESTING PERIOD.—For purposes of this subsection, the term 'testing period' means the 3-year period ending with the close of the taxable year of the corporation preceding the payment (or such part of such period as may be applicable). If the corporation has no gross income for such 3-year period (or part thereof), the testing period shall be the taxable year in which the payment is made.

''(iv) TRANSITION RULE.—In the case of a taxable year for which the testing period includes 1 or more taxable years beginning before January 1, 2011—

''(I) a corporation meets the 80-percent foreign business requirements of this subparagraph if and only if the weighted average of—

''(aa) the percentage of the corporation's gross income from all sources that is active foreign business income (as defined in subparagraph (B) of section 861(c)(1) (as in effect before the date of the enactment of this subsection)) for the portion of the testing period that includes taxable years beginning before January 1, 2011, and

''(bb) the percentage of the corporation's gross income from all sources that is active foreign business income (as defined in clause (ii) of this subparagraph) for the portion of the testing period, if any, that includes taxable years beginning on or after January 1, 2011,

is at least 80 percent, and

''(II) the active foreign business percentage for such taxable year shall equal the weighted average percentage determined under subclause (I).

''(2) ACTIVE FOREIGN BUSINESS PERCENTAGE.—Except as provided in paragraph (1)(B)(iv), the term 'active foreign business percentage' means, with respect to any existing 80/20 company, the percentage which—

''(A) the active foreign business income of such company for the testing period, is of

''(B) the gross income of such company for the testing period from all sources.

''(3) AGGREGATION RULES.—For purposes of applying paragraph (1) (other than subparagraphs (A)(i) and (B)(iv) thereof) and paragraph (2)—

''(A) IN GENERAL.—The corporation referred to in paragraph (1)(A) and all of such corporation's subsidiaries shall be treated as one corporation.

''(B) SUBSIDIARIES.—For purposes of subparagraph (A), the term 'subsidiary' means any corporation in which the corporation referred to in subparagraph (A) owns (directly or indirectly) stock meeting the requirements of section 1504(a)(2) (determined by substituting '50 percent' for '80 percent' each place it appears and without regard to section 1504(b)(3)).

''(4) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provide for the proper application of the aggregation rules described in paragraph (3).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 861 is amended by striking subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) Paragraph (9) of section 904(h) is amended to read as follows:

''(9) TREATMENT OF CERTAIN DOMESTIC CORPORATIONS.—In the case of any dividend treated as not from sources within the United States under section 861(a)(2)(A), the corporation paying such dividend shall be treated for purposes of this subsection as a United States-owned foreign corporation.''.

(3) Subsection (c) of section 2104 is amended in the last sentence by striking ''or to a debt obligation of a domestic corporation'' and all that follows and inserting a period.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) GRANDFATHER RULE FOR OUTSTANDING DEBT OBLIGATIONS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to payments of interest on obligations issued before the date of the enactment of this Act.

(B) EXCEPTION FOR RELATED PARTY DEBT.—Subparagraph (A) shall not apply to any interest which is payable to a related person (determined under rules similar to the rules of section 954(d)(3)).

(C) SIGNIFICANT MODIFICATIONS TREATED AS NEW ISSUES.—For purposes of subparagraph (A), a significant modification of the terms of any obligation (including any extension of the term of such obligation) shall be treated as a new issue.

SEC. 308. SOURCE RULES FOR INCOME ON GUARANTEES.

(a) AMOUNTS SOURCED WITHIN THE UNITED STATES.—Subsection (a) of section 861 is amended by adding at the end the following new paragraph:

''(9) GUARANTEES.—Amounts received, directly or indirectly, from—

''(A) a noncorporate resident or domestic corporation for the provision of a guarantee of any indebtedness of such resident or corporation, or

''(B) any foreign person for the provision of a guarantee of any indebtedness of such person, if such amount is connected with income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States.''.

(b) AMOUNTS SOURCED WITHOUT THE UNITED STATES.—Subsection (a) of section 862 is amended by striking ''and'' at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ''; and'', and by adding at the end the following new paragraph:

''(9) amounts received, directly or indirectly, from a foreign person for the provision of a guarantee of indebtedness of such person other than amounts which are derived from sources within the United States as provided in section 861(a)(9).''.

(c) CONFORMING AMENDMENT.—Clause (ii) of section 864(c)(4)(B) is amended by striking ''dividends or interest'' and inserting ''dividends, interest, or amounts received for the provision of guarantees of indebtedness''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees issued after the date of the enactment of this Act.

SEC. 309. LIMITATION ON EXTENSION OF STATUTE OF LIMITATIONS FOR FAILURE TO NOTIFY SECRETARY OF CERTAIN FOREIGN TRANSFERS.

(a) IN GENERAL.—Paragraph (8) of section 6501(c) is amended—

(1) by striking ''In the case of any information'' and inserting the following:

''(A) IN GENERAL.—In the case of any information''; and

(2) by adding at the end the following:

''(B) APPLICATION TO FAILURES DUE TO REASONABLE CAUSE.—If the failure to furnish the information referred to in subparagraph (A) is due to reasonable cause and not willful neglect, subparagraph (A) shall apply only to the item or items related to such failure.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 513 of the Hiring Incentives to Restore Employment Act.

TITLE IV—BUDGETARY PROVISIONS

SEC. 401. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 402. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 3 percentage points.

The SPEAKER pro tempore. Pursuant to House Resolution 1568, the bill is considered as read.

The gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask that all Members have 5 legislative days to revise and extend their remarks and insert extraneous material into the RECORD.

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

There was no objection.

Mr. LEVIN. Mr. Speaker, I yield myself 3 minutes.

This is a bill to stimulate jobs here, not over there, to create American jobs and close tax loopholes that encourage companies to ship overseas. There is no excuse to vote ''no.''

It is noteworthy that we are on pace to gain more private-sector jobs in the first 8 months of 2010 than were added in the full 8 years of the Bush Presidency. There has been private-sector job growth every month of 2010, but there is still a lot of work to do. There are five unemployed workers for every new job opening.

This bill highlights infrastructure development and private-sector jobs. The Build America Bonds (BABs) are the cornerstone of this bill's infrastructure investments.

When the recession hit, local governments could not get credit. BABs helped fill this demand by accessing corporate tax bonds and doing so very successfully. As of March 1, BABs have financed more than $115 billion in local infrastructure programs, private-sector jobs.

Also, we provide for an emergency fund for job creation. By extending this program that soon expires for 1 year at a cost of $3.5 billion, it will help States sustain low-income families and expand subsidized job programs that create jobs for the unemployed.

I want to emphasize, this program has led to the creation of 247,000 jobs, and that is why it has broad support. There is a letter from the National Governors Association, from the National Conference of State Legislatures, and the National Association of Counties. Kevin Hassett of the American Enterprise Institute has said, ''It is hard to imagine how any sensible person could oppose it.''

And we pay for it; we pay for it through closing a loophole. We have a Foreign Tax Credit, the FTC, to help businesses avoid double taxation of foreign-sourced income. Some corporations have found ways to use that credit to offset other income while leaving their foreign-sourced profits overseas sometimes permanently. As a result—and I emphasize this—American taxpayers are effectively subsidizing these companies' overseas operations.

These provisions have been before us before—no excuse that you haven't seen them before—and you knew this was coming. This is coming because of the urgency of job creation.

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

Mr. LEVIN. Mr. Speaker, I yield myself an additional 15 seconds.

It's urgent. So this Invest in American Jobs Act of 2010 will create the jobs we need to keep moving America forward. To vote ''no'' is to vote America moving backwards.

Mr. Speaker, I and Ways and Means Committee Ranking Member CAMP have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of H.R. 5893, the ''Investing in American Jobs and Closing Tax Loopholes Act of 2010''. This technical explanation provides information on the Committee's understanding and legislative intent behind the legislation. It is available on the Joint Committee's website at www.jct.gov and is listed under document number JCX–39–10.

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

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

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

Mr. CAMP. It has been nearly 1½ years since the President signed the $1 trillion stimulus bill into law, and now the majority has come up with a new ''Make It in America'' agenda, which begs the question, if the stimulus was such a success, why don't we already make it in America?

The facts are that, after stimulus, the unemployment rate continues to hover near 10 percent, well above the 8 percent we were promised. Instead of creating or saving 3.7 million jobs, over 2.6 million private-sector jobs have been lost, including over 707,000 manufacturing jobs, and nearly 100,000 in my home State of Michigan. Overall, 47 out of 50 States have lost jobs.

Now we used to make it in America. And if Democrats would stop passing bills that spend more money on State and local governments and instead focus on small businesses, we might actually see the real sustained private-sector job creation Americans need.

□ 1630

In fact, I submit for the RECORD a letter here from the United States Chamber of Commerce, the world's largest business federation, representing more than 3 million businesses. They oppose this bill. Let me just read you what that letter says, what real job creators think about this bill.

The Chamber says this bill ''would impose draconian tax increases on American worldwide companies that would hinder job creation, decrease the competitiveness of American businesses, and deter economic growth.''

I want to repeat that.

This bill ''would impose draconian tax increases on American worldwide companies that would hinder job creation, decrease the competitiveness of American businesses, and deter economic growth.''

That's right. This bill raises taxes on employers during a recession, making it tougher for Americans to find needed work. You cannot expect to increase jobs in this country when you are increasing taxes. It just doesn't work. That is exactly what the majority is proposing to do in this bill.

Now, this bill does closely resemble a bill the majority has already pushed through the House once before, H.R. 4849, the so-called Small Business and Infrastructure Jobs Tax Act of 2010. At the time, I said the bill was more about small governments than it was about small businesses since most of the bill was about getting aid to State and local governments instead of helping small businesses.

Like H.R. 4849, the vast majority of spending in the bill today—a whopping $25.6 billion over 11 years—goes to State and local governments through various infrastructure incentives. These include a substantial increase in spending on the Build America Bonds program, a heavily subsidized spending program providing direct payments to State and local governments that issue these bonds.

Small governments are not small businesses, and they do not create the kind of private sector jobs we need. Unlike H.R. 4849, however, the Democrats didn't even bother to provide token tax relief for small business in this bill.

In case you need more evidence that this bill isn't about helping U.S. employers or about helping Americans find jobs, just look at the extra $5 billion in welfare spending in this bill. It is so much money that the CBO, the nonpartisan Congressional Budget Office, says the States won't even be able to spend all of it. Democrats claim this spending is for jobs, but 75 percent of these welfare emergency funds that were already given to States have been spent on more welfare checks, not on jobs.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, July 28, 2010.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, opposes H.R. 5893, the ''Investing in American Jobs and Closing Tax Loopholes Act of 2010,'' which would impose draconian tax increases on American worldwide companies that would hinder job creation, decrease the competitiveness of American businesses, and deter economic growth.

This legislation contains numerous changes to longstanding U.S. international tax law which are severely detrimental to American worldwide companies. For example:

Denial of foreign tax credit with respect to foreign income not subject to U.S. taxation by reason of covered asset acquisitions—This provision relates primarily to §338, which allows taxpayers the ability to characterize stock acquisitions as asset acquisitions for U.S. tax purposes. An acquisition can be concluded as either a share acquisition or an asset acquisition. Acquisitions by American worldwide companies are good for the U.S.

economy—they provide additional jobs and broaden the U.S. tax base. Section 338 recognizes the inherent challenges and obstacles to asset acquisitions and, in effect, levels the playing field, allowing taxpayers the ability to choose the tax implications of an acquisition, regardless of the willingness of a seller to agree to one form or the other of a particular deal. Moreover, §338 unquestionably serves to encourage acquisitions by American worldwide companies by minimizing the competitive advantage that certain foreign competitors enjoy due to the participation exemption systems in which most are headquartered. This legislation would significantly strip away the benefits of §338 and would likely serve to further impede any competitive advantages of American worldwide companies in their bids for foreign targets.

Limitation on the use of §956 for foreign tax credit planning (i.e., the ''hopscotch'' rule)—Section 956, a longstanding provision of the Code, allows companies to repatriate cash to the United States in a tax-efficient manner. Foreign business acquisitions generally result in a series of intermediate foreign holding companies which block the repatriation of earnings for a variety of reasons such as local statutory earnings deficits or other local restrictions on actual dividends. American worldwide companies have had the ability to overcome such obstacles through the use of §956. This provision was particularly beneficial during the recent economic downturn and ensuing credit crunch when it was necessary for American worldwide companies to repatriate significant funds in order to meet the financial needs of their U.S. businesses. The revenue raising estimate for this provision seems to assume that taxpayers would simply bear the additional cost of the provision. However, the Chamber believes that most taxpayers, given the choice, would choose simply to not repatriate the earnings. Therefore, the legislation's proposed change to §956 would significantly reduce the repatriation of foreign earnings that otherwise might have been repatriated to the United States. That is a poor option if Congress seeks to enact provisions which stimulate economic growth and drive job creation.

The Chamber strongly opposes H.R. 5893 because this legislation would make significant changes to U.S. international tax law which would stifle job creation and stunt economic growth. The Chamber may consider votes on, or in relation to, this issue in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President, Government Affairs.

I urge my colleagues to vote ''no'' on increasing taxes on American employers and on increasing taxes on American jobs and to vote ''no'' on this legislation.

I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I submit for the RECORD a letter of March 3, 2010, from the National Governors Association, signed by a Republican Governor and by a Democratic Governor on behalf of the entire association.

NATIONAL GOVERNORS ASSOCIATION,
March 3, 2010.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader, House of Representatives, Washington, DC.
Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.

DEAR MADAM SPEAKER, MR. BOEHNER, SENATOR REID AND SENATOR MCCONNELL: on behalf of the nation's governors, we are writing to urge your support in extending the Temporary Assistance for Needy Families Emergency Contingency Fund (TANF ECF).

Enacted as part of the American Recovery and Reinvestment Act, the TANF ECF is a $5 billion fund to help states provide greater support to children and families during the economic downturn. The fund reimburses states for 80% of their increased expenditures, and is set to expire on September 30th of this year.

As soon as the Department of Health and Human Services finalized its rules for drawing down the fund and ensuring transparency and accountability, states began utilizing the fund to help speed economic recovery through subsidized employment and training programs, and vital financial and supportive service offerings for needy families facing increased hardship. Currently, 23 states are drawing down the fund for subsidized jobs, with several more state applications pending approval. Many of these programs take time to develop and implement, and by allowing states more time to access these funds, Congress can help maximize the impact of the TANF ECF in providing crucial skill development and training to our workers.

We urge you to support extending the TANF ECF. This extension will allow us to capitalize on the resources made available in ARRA to best serve children and families, and help rebuild our nation's economy.

Sincerely,

GOVERNOR M. MICHAEL ROUNDS,
Chair, Health and Human Services Committee.
GOVERNOR CHESTER J. CULVER,
Vice Chair, Health and Human Services Committee.

I yield 3 minutes to a Member who has been so invaluable in developing this legislation, the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, I rise today in support of the Investing in American Jobs and Closing Tax Loopholes Act of 2010 because it does just that. It creates jobs and pays for them by creating a fairer playing field by closing down tax loopholes used by multinational corporations. We have taken aggressive action to do what is required of government—that is to work with the private sector and with State and local governments to repair an economy left in tatters by the previous administration.

The goal of this jobs bill is simple. It is to bring much needed support to American families who desperately need it.

Today's bill will extend job creation measures that we know will work, along with extending a number of highly successful bond programs, like Build America Bonds or Recovery Zone Bonds. This bill also extends the Emergency Fund for Job Creation and Assistance program that has successfully created 240,000 jobs. Under this program, employers receive subsidies to pay all or a portion of a new worker's wages if they have an unemployed worker, a welfare recipient, or a low-income youth. Without an extension, this fund will end on September 30.

The Emergency Fund has been praised by Republican Governors, including Haley Barbour of Mississippi, the unlikely soul he is, who says it should be extended. The same praise and request for an extension has come from Republican legislators in States and local governments and from county leaders around the country. So you have to ask yourself why Republicans in the House are not supporting this job creation that Republicans outside of Washington are pleading for us to extend.

Are congressional Republicans hopelessly out of touch with the needs of ordinary Americans?

Well, maybe, but I fear the answer is that congressional Republicans want President Obama to fail at any cost, even if it means that struggling Americans have to suffer as a result.

We saw this same strategy play out over the last 2 months in the other body where Senate Republicans blocked an extension of unemployment benefits to workers who had lost their jobs through no fault of their own. Today, Republicans in this House are, once again, opposing an effort to provide jobs to those same unemployed workers.

Let's not forget that every job creation provision in this bill is fully, fully paid for by eliminating tax breaks for shipping jobs overseas. So the bogus talk we will hear about deficits and deficit creation is simply that. It is bogus.

No help. No jobs. No hope. That is what Republicans are offering the American people.

Mr. CAMP. I yield myself such time as I may consume.

Mr. Speaker, the liberal Center on Budget and Policy Priorities said that these welfare emergency fund jobs only last as long as the funding does. Frankly, nearly half of the ''jobs'' Democrats claim have been created are summer jobs, which are either over or are about to be. Let me just say that it is pretty well-known here that Governors of every political stripe are obviously looking to the Federal Government for cash, but the fact is we are broke.

At this time I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I rise in strong opposition to this bill. It has now been almost a year and a half since the stimulus became law, and the American people continue to ask: Where are the jobs?

The American people have made it very clear that they want Congress to move in a new direction and focus on

creating stable, private sector jobs. Yet this majority continues to offer up more of the same.

The bill before us does nothing to help small businesses. It actually raises taxes on the worldwide American companies that have created millions of American jobs. Instead, virtually all of the money—some $30 billion in total—is directed to State and local governments.

There are a few provisions in this bill that have merit and that might be worth considering in a different context, but the basic premise of this bill is that we are going to take another $30 billion out of the private sector and use it to finance more government spending. That is not the path to economic recovery. It is the path to Greece.

The American people are tired of this same old tax-and-spend agenda. It is time for Members of this House to stand alongside the people we represent and say, ''No more.''

Let's vote down this bill and get to work on real private sector job creation.

Mr. LEVIN. I yield myself 15 seconds.

Mr. Speaker, the infrastructure goes to States and to local governments for private sector jobs—like the highway bill. Small business: You voted against the small business bill. Summer jobs: You voted against summer jobs. Now you say this created summer jobs. It is so hypocritical.

I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members to please direct their remarks to the Chair.

Mr. PASCRELL. I will make my comments directly to the Chair, Mr. Speaker.

We have short memories here. Ten years is a long time to remember, I will admit that, but it took the last administration in 2001 and in 2002—the first 2 years of that administration—to finally get us into the plus on private jobs.

□ 1640

You don't know what you're talking about. Mr. Speaker, we have selective memory here. This legislation is about private jobs.

They voted ''no'' on everything. They voted ''no'' on the stimulus. And yet the reports in the last 2 days indicate without that stimulus we would have been deep in, not only recession, but depression. Not our economists on this side of the aisle, our economists have concluded that.

There now have been six straight months of private sector job growth. I'm not making these numbers up. It's the truth.

Challenge them. I'll wait 10 seconds.

Now that I've waited 10 seconds, the data is clear. We all know that there is more work to be done. No one's saying that this is a perfect place for us all to be. That is why I strongly support the Invest in America Jobs Act. This bill will directly contribute to private-public partnerships that create American jobs.

Why don't you be for something? Come up with your own idea.

While this entire bill has seen many critical job creating provisions, I'm going to talk about just one part of the legislation, excluding water and sewer bonds from State volume caps.

This year the American Society of Civil Engineers gave the Nation's water and wastewater systems the worst grade of any infrastructure category. They gave it a D minus.

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

Mr. LEVIN. I yield 15 additional seconds to the gentleman.

Mr. PASCRELL. As a former mayor, Mr. Speaker, I understand that a strong water infrastructure is essential. Municipalities don't have the money. This portion of the legislation aims to repair our crumbling water infrastructure, while leveraging private capital to create jobs.

Every dollar invested in public water and sewer infrastructure adds $8.97 to the national economy. It's currently estimated there will be $2.5 trillion to $4.8 trillion in water and waste systems.

Mr. CAMP. I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY), a distinguished member of the Ways and Mean Committee.

Mr. BOUSTANY. Mr. Speaker, I thank the ranking member of the full committee for yielding time.

I rise in opposition to the bill. And while a few of the tax provisions in this bill may not be unobjectionable, let's be clear, this bill is a continuation of the same failed economic policy that has given us an atmosphere of uncertainty for families and American businesses with the unemployment rate still hovering around 10 percent.

The bill raises taxes $31.8 billion over 11 years. Now, let's look at how it raises taxes. I just want to look at one of these tax increases here. What it does is it raises taxes in a weakened economy, but in a way that threatens American competitiveness. It threatens the competitiveness of U.S. businesses that are trying to compete overseas with foreign-owned companies. These are businesses that employ U.S. workers in the private sector. It's going to kill jobs.

This bill contains a series of international tax changes that could have far reaching consequences on the competitiveness of U.S. businesses trying to compete overseas. These provisions will kill jobs. It's very clear.

Now, if we're going to do this kind of tax policy, these kinds of changes should be done in a broader context as part of a comprehensive tax reform bill. That's the responsible way to do this.

And I know our Democratic colleagues on the Ways and Means Committee should understand that, that what we really need to be doing is a comprehensive approach to tax reform and not this piecemeal, ad hoc and mischievous tax reform in little bitty pieces and bits that basically are wrecking our Tax Code.

Now, I would submit that what we really need to do is get back to some basics here. We need to lower the corporate tax rate down to the average of what our major trade partners are looking at to really enhance U.S. competitiveness. That's going to help us create jobs and stop this assault on U.S. businesses that are trying to work within the constraints of the U.S. Tax Code.

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

Mr. CAMP. I yield the gentleman an additional 30 seconds.

Mr. BOUSTANY. These changes are actually hurting the competitiveness of U.S. businesses.

Again, we don't need to do this kind of ad hoc, harmful tax reform. We need a comprehensive approach. The responsible approach is what I think we probably all agree on, a comprehensive approach that's going to promote economic growth, promote American competitiveness and private sector job growth.

Mr. LEVIN. It is now my privilege to yield 2 valuable minutes to the gentleman from Oregon (Mr. BLUMENAUER), an active member of our committee.

Mr. BLUMENAUER. I appreciate the chairman's courtesy for these 2 valuable minutes, and I want to use them to focus on three basic points.

First and foremost, it is true that the administration advanced an economic recovery package that we had hoped would be able to hold the unemployment rate lower than it ultimately went. The Administration was guilty of, frankly, accommodating Republican wishes by pushing more in tax reductions that all the economists say do not create as many jobs as the infrastructure investment. And of course my Republican colleague conveniently ignored the fact that 95 percent of the American public got tax cuts last year, and they will get tax cuts again this year. Ignored.

Look at the Bush administration job record over 8 years. The Obama administration, in less than 2 years, has already created more jobs than the Bush administration in its entire 8 years.

We have before us today specific provisions that are going to make a difference in everybody's community. The reference has been made to lifting the volume caps for water infrastructure, a program in every State in the Union that will create jobs and have a multiplier effect on an ongoing basis.

The adjustment in the new market tax credit that will allow it to be offset against the alternative minimum tax means that the leverage for the new market tax credit, a very valuable mechanism to help create jobs in low- and moderate-income neighborhoods, is going to be magnified.

Mr. Speaker, this is important business. There is nothing here in terms of the pay-fors that already hasn't passed the House. There was an important adjustment to give the business community more time to adjust so it is later in nature.

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

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. BLUMENAUER. This is where we heard feedback, the chairman in the committee responded to make it easier for businesses to accommodate the change in the future, while still making the basic objectives.

I strongly urge our colleagues to listen to the local communities, to local government, to businesses that are involved with rebuilding and renewing America, and approve this legislation.

Mr. CAMP. I yield myself 15 seconds.

Look, 47 out of 50 States have lost jobs. If there was such great job creation because of the stimulus bill, why have we seen the unemployment rate continue to hover around 10 percent?

And, frankly, any minor reductions in it are because people have stopped looking for work.

I yield 3 minutes to the gentleman from Illinois (Mr. ROSKAM), a distinguished member of the Ways and Means Committee.

Mr. ROSKAM. I thank the gentleman for yielding.

Mr. Speaker, in his opening remarks, the chairman said that there was no excuse to vote ''no'' on this bill. Well, I want us to revisit that assertion because I think there might be. I think the excuse might be when the job creators themselves, Mr. Speaker, say that we need to be watchful and wary and oppose this.

When the job creators use words like, this will jeopardize the jobs of American manufacturing employees, we have an excuse to vote ''no.'' Or when they say this will stifle our fragile economy, we have an excuse to vote ''no'' or that these tax increases are Draconian, or it will hinder job creation or decrease the competitiveness of American businesses, or deter economic growth, or harm our worldwide American economic competitiveness, all excuses to vote ''no.''

□ 1650

Mr. Speaker, the chairman of the committee said that we had seen these ideas before and there is no reason to vote against them because we've seen them before. And that's true. We've seen them before. We've had hearing after hearing after hearing in the Ways and Means Committee on substantive sideshows, comparatively, that don't address the fundamental question of the difficulty of the American economy.

On Monday morning of this week, Mr. Speaker, I hosted a job fair in Addison, Illinois, and in 4 hours' period of time 2,000 of my constituents walked through those double doors looking for work. They are underserved by this Congress, they are underserved by a tax code that we are 7 months into that is completely ambiguous.

I have business leaders in my district, Mr. Speaker, who have said we're not going to put money into this economy, Congressman, because we don't know what the ground rules are. We don't know what the ground rules are that are in the tax code, we don't know what the ground rules are on all the health care rules that are going to be promulgated.

Mr. Speaker they say they don't know the ground rules on cap-and-trade, where the EPA is doing an end run around this Congress, and they certainly don't know the ground rules as it relates to a whole host of other issues that are pending before this Congress.

Uncertainty is as bad as bad news comes. And what we've got to do is make sure we're not throttling worldwide American companies. And this bill will have an adverse impact disproportionately on American companies, Mr. Speaker, American companies that are trying to compete in the worldwide marketplace.

There are plenty of excuses to vote ''no.'' There are plenty of excuses to turn to certainty and not create an albatross on companies that we need to make sure thrive, and are dynamic, and create jobs in our economy. We should vote against this bill.

Mr. LEVIN. I yield 2 minutes to the distinguished member of our committee, Mr. DAVIS of Illinois.

Mr. DAVIS of Illinois. Mr. Speaker, in the Illinois that I come from there is no excuse to vote against this bill. Of critical importance to Chicago and Illinois is the extension of key safety net programs, including the TANF Emergency Fund. The TANF Emergency Fund has provided significant relief to Illinois, especially for creating jobs programs that benefit individuals and small businesses.

To date, Illinois has been approved for $72.4 million in funds. With this Federal support, the State has launched its subsidized employment initiative called Put Illinois to Work, and is anticipating placing 22,000 low-income parents and young people in subsidized jobs. Passage of this bill will guarantee this much-needed assistance to low-income working families through the end of the year. State and local government will receive assistance for infrastructure through Build America Bonds that will aid in subsidizing the rebuilding of schools, sewers, hospitals, and transit projects.

Since the passage of the Recovery Act, Illinois has received over $7 million for these job creation efforts. In addition, critical transportation projects authorized will continue to move forward with the guarantee to sustain $119 million in Federal construction projects. This bill is critical to Chicago, it's critical to Illinois, and it's critical to the Nation. I urge its passage.

Mr. CAMP. At this time I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for the time.

Mr. Speaker, it's interesting to listen to this debate. It's almost as if those on the other side haven't been home and haven't seen what's really occurring. The folks back home know that when you are talking about the effects of the stimulus package, it has created government jobs, but we have lost considerable jobs in the private sector. In fact, the overall employment numbers are down in terms of people even seeking jobs by more than a million. And that's progress?

If you really want to do something, get rid of this whole bill and instead pass a bill that gets rid of one of the most destructive things we have with respect to small business. That is section 9006 of the health care bill. It has nothing to do with health care. It has everything to do with adding tremendous new burdens of paperwork on businesses. It requires anybody involved in a business or trade, any time they purchase over $600 from any entity or individual, cumulative over a year, they have to file a 1099. A 1099. Not because you have any obligation to pay payroll tax, but because somehow we think everybody cheats. Because somehow we want to have a paper trail for every purchase you make.

It is the universal snitch act. We don't trust fellow Americans. A government that doesn't trust its citizens is a government that the citizens will not trust. What we ought to do is just get rid of this bill and instead eliminate 170 words out of the 340,000 words in the so-called health care bill. Talk to your small business people. Ask them what they think would help them increase the opportunity to provide jobs. They will tell you this is number one on their list. We ought to bring it to the floor immediately, and we ought to get rid of this nonsense where we don't trust fellow citizens.

Just to give you one example, one person who actually deals in the sale of gold coins said that he will have to file between 10,000 and 20,000 1099s next year.

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

Mr. CAMP. I yield the gentleman an additional 30 seconds.

Mr. DANIEL E. LUNGREN of California. Every single business person you will talk to will tell you how incredibly stupid this is, number one. And number two, it will create a disincentive for people to go to small businesses. Because if you want to diminish the number of 1099s you file, you won't go to your local restaurant, you won't go to your local hardware store, you will only go to the big chains. It is absolutely destructive.

If you want to really do something, get rid of this bill and instead support the repeal of that section of the health

care bill that has nothing to do with health care, but has everything to do with damaging small business and jobs in this country.

Mr. LEVIN. It's now my pleasure to yield 3 minutes to another distinguished, indeed a very distinguished member of our committee, from the State of Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank the chairman for yielding.

You would think, listening to our colleagues on the Republican side of the aisle, that the great recession began after President Obama was sworn in, not recognizing the fact that the day President Bush lost office this country was losing jobs at the rate of 700,000 jobs a month. And in fact, during the entire 8 years of the Bush administration we ended up losing over 600,000 private-sector jobs.

We have been working very hard to dig ourselves out of that hole for a long period of time since then. The last 6 months we have seen private-sector job growth in consecutive months. Not as much as anybody would like to see, but positive growth. And it's interesting to listen to my colleagues, many of whom are showing up to ribbon-cutting ceremonies and groundbreaking ceremonies, taking credit for jobs that have been created by investments made that would never have happened if they had their way, if their votes had been the ones that carried the day.

Now, this legislation is an effort to change a perverse tax policy. We do two things in this legislation. Number one, we make important investments in the Build America Bonds program, an investment in infrastructure and jobs here at home. And we pay for it by cutting down, eliminating these perverse loopholes. Yes, there are lots of corporations out there that don't like this legislation. You know why? Because they will no longer be rewarded by American taxpayers for shipping American jobs overseas. Because that's what this bill does.

Right now our tax code penalizes American taxpayers and creates these incentives for certain corporations to ship American jobs—not American goods, but ship American jobs—overseas. And I think most taxpayers would be outraged if they knew that in addition to paying their own taxes, they would be required to pay the taxes that U.S. multinationals owe to foreign countries for income those corporations generated overseas. That's what's going on.

Through a process called credit splitting, U.S. multinationals are able to use their foreign tax credits to reduce their tax liability here at home even though they may not have repatriated that income back to the United States. That's what this particular loophole does. You can talk about reforming our international tax code, and you are right, there are lots of complicated issues. But this issue is not complicated.

This issue is very simple. Do you want to reward American corporations who are shipping American jobs overseas? And those that are opposing these provisions understandably are benefiting from it, because right now American taxpayers are paying the tab for the taxes that those corporations are paying overseas.

□ 1700

That's not fair, and it creates an inducement to ship those jobs overseas. Let's stop this loophole and use those funds to invest in jobs here in America.

Mr. CAMP. I yield myself such time as I may consume.

I agree with my friend. It's not complicated. American employers say this bill will kill jobs. Look, the Democrats promised the stimulus would create millions of jobs. It hasn't. They promised it would create 3.7 million jobs. Well, that hasn't occurred.

Instead, since the stimulus, through June of 2010, the U.S. has lost 2.6 million more private sector jobs, leaving Americans to ask: Where are the jobs? Forty-seven out of 50 States have lost jobs. No wonder more Americans think Elvis is alive than believe the stimulus created jobs.

Democrats promised the stimulus would keep unemployment below 8 percent. It hasn't. Instead, unemployment has reached 10 percent and remains stuck near at that level today.

And in addition to that high official unemployment, over 3 million other Americans are simply dropped out of the labor force, what some call the missing unemployed. And the flood of deficit spending from Democrats' policies have driven the debt to an astonishing $13 trillion. The debt is so huge, it is already hurting job creation.

Using the administration's own forecasts, the surge in debt caused by the stimulus and other Democrat policies has already destroyed 1 million jobs. Unemployment and debt have soared by a combined 60 percent since the President took office. That's an Obama misery index that reflects current and future damage caused by Democrats' failed policies.

And while the job situation seems to have finally stopped getting worse, the trickle of private sector job creation in 2010 is so anemic that, at the current rate, it would take until 2017 to recover the jobs lost during this recession. That's longer than it took to recover jobs during the Depression in the 1930s. Others say it could take as long as until 2021 to get employment back to prerecession levels

However, the Democrats' agenda has helped one industry—government. Managing all of that spending helped government jobs grow by 201,000 since the stimulus, helping to make Washington, D.C., and the area the Nation's strongest job market. Meanwhile, construction, loss of 853,000; manufacturing, loss of 707,000 jobs. Jobs across the U.S. have plummeted despite promises they would grow by 1.1 million.

I yield 3 minutes to the distinguished gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. The gentleman from Michigan is right. This bill is more proof of failed economic policies of Washington Democrats, and I think they've acknowledged and they've admitted that that massive $860 billion stimulus bill has failed. It's failed the American public. It's failed 15 million American workers who are out of work, and about a third of them who've almost given up on ever finding a job.

And we were promised, when that huge stimulus bill was passed, that unemployment would go down—it went up—that we would have 7 million more jobs than we do today. They promised the jobs would come from Main Street from small businesses. It turns out, as Mr. CAMP said, all of the new jobs are in government. And government jobs only last as long as you're paying out of your pocketbook to keep them on that job.

That's why this recovery is one of the slowest in America's history because consumers, they're scared to spend because they see all of this debt in Washington and they wonder who's going to have to pay it all back, and they know it's them. Businesses aren't bringing back new workers, aren't hiring new ones because they're afraid of the types of proposals like this they see in Washington, D.C.

I remember the President standing at the White House saying, If you pass the stimulus bill, it will jump-start the economy and restore consumer confidence.

Well, the economy certainly isn't jump-started. And today, 90 percent of Americans believe this economy is in bad shape. Most of them think it's not going to get any better any time soon.

And from a jobs standpoint, this bill may actually destroy more jobs than it creates, and this is why:

America has one of the worst tax codes in the world. You know that if you've had to pay taxes. It's even worse when American companies try to sell our American goods and services around the world, when you try to compete around the world. We double tax our American businesses—we're one of the few countries that do that—so, oftentimes they lose out on contracts. They can't sell their products because of this horrible tax code.

What this bill does is ensure that they are double taxed. In the past, what we said is we'll try to help you, American business, by removing one of those layers of tax. This puts it back.

So, at a time when we need to sell more U.S. goods and services, create more American jobs, this bill actually does the opposite. It taxes our U.S. companies more when they try to sell and compete. That means our workers lose out. That means our workers lose their jobs. That means other foreign countries gain and America loses.

This bill is, again, one of the reasons this antijob, antibusiness, antigrowth Congress and White House are holding this economy back, keeping us from recovering, holding our hopes, I think,

hostage to this ''let's tax everyone'' mentality.

I'm convinced Americans are genetically disposed to bouncing back from recessions.

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

Mr. CAMP. I yield the gentleman an additional 1 minute.

Mr. BRADY of Texas. This recovery is different. America's not bouncing back because government's in the way, because this Congress is the obstacle, this White House is the obstacle.

Stop passing tax increases. Stop standing in the way of our jobs, of our growth, of our prosperity. This bill kills more jobs than it creates. It doesn't deserve to go any farther.

I will vote ''no'' and urge Members to vote ''no'' as well.

Mr. LEVIN. Mr. Speaker, I now yield 1 minute to the very distinguished majority leader of the U.S. House of Representatives, STENY HOYER.

Mr. HOYER. Mr. Speaker, I'm amused sometimes when I stand on the floor and I hear my Republican colleagues debate the economy.

Frankly, the Bush administration, of course, did not happen, you understand. That 8 years really wasn't their economic program, and the dire consequences of that economic program are all Mr. Obama's fault. Hoover probably could have blamed it on Coolidge. Maybe Coolidge could have blamed it on Harding.

Now, we can throw these assumptions back and forth and generalities about this job-stopping Congress and President, but every time I get up and I start talking about the facts, the statistics, I rarely get somebody standing up on your side of the aisle saying, No, that statistic is wrong.

Now, I've been here long enough, unfortunately for some of you, to remember where we've been, where we've come, and where we are. I was here in 1993 when we debated the economic program that was put on this floor by the Democratic Congress and President Clinton. And although I don't know—it was one of you who recently spoke or who has spoken on this floor—your leaders said if we adopted that program, it would destroy the economy, the deficit would explode, and unemployment would explode. And as you are today, you are 180 degrees wrong. Statistically, you cannot deny it.

Statistically, you cannot deny that during the 8 years under which we had the economic program in place, which you could not put aside—and I'll explain that we couldn't put it aside either in 2007 and 2008—that program created more jobs for American workers in the private sector than Mr. Reagan did, than Mr. Bush I did; and under Mr. Bush II, of course, we essentially lost jobs in the private sector.

□ 1710

Almost 21 million jobs were created under the Clinton economic program, which your side indicated would result in high unemployment and deep deficits. And with respect to deficits, Bill Clinton's economic program and the program put in place in 1993 led to the only 4 years of surplus that anybody in this Chamber or in the gallery has lived under. Four years of surplus. Bill Clinton is the only President in the lifetime of anybody in this Chamber who ended his term with a net surplus—$62.9 billion. Now how does that compare with the economic program that was put in place in '01 and '03? Not rhetoric but statistically?

Well, as opposed to those 216,000 jobs per month created under the Clinton economic program put in place by the Democratic Congress of 1993, the economic program that you put in place created, not 216,000 jobs per month but 11,000 jobs per month. Now you need about 125,000 jobs to stay even in America; new people coming into the job market. And if you don't create those 125,000, then there aren't jobs for people coming into the market and you start having unemployment rise.

Clinton: 216,000 jobs per month. Now, ladies and gentlemen of the House, if I'm wrong on that statistic, I'm sure somebody will call my attention to it. They haven't in the past. And 11,000 under the economic program frankly that you put in place and is still in place from a tax standpoint. Tax rates are still where you set them and where you said it would explode the economy.

And you were worried about paying off the deficit too soon. Well, you took care of that. The national debt was about $5.8 trillion when you took over. It was about $10.4 trillion when you left. You almost doubled the national debt. Bill Clinton, of course, didn't borrow any money from foreign governments during his last 4 years. We rolled the debt. It came up a little bit, no doubt about that; 37 percent as opposed to 87 percent under your economic program.

And I say to my friend who was worried about jobs, Your economic program hasn't changed yet. The tax rate is the same as you set it and you said if the tax rate was there, we would explode jobs. And then you say, ''But business is doing really badly.'' $1.8 trillion cash on hand in American business as we speak today; $1.8 trillion, which I tell my friend is more than it's had in four decades. Cash on hand. Cash on hand. So that apparently business is doing pretty well, which is why the stock market has gone up 60 percent. Sixty percent, I tell my friends. Those of us who have a 401(k), since shortly after the passage of the Recovery Act, the Dow went up from 6500 to approximately 10–3 or 10–4 yesterday. I think it's about, close to 10–5 today. That is 4,000 points up.

Now, ladies and gentlemen, I rise in support of this bill. This bill has passed here before, I tell my friends, and we're going to have to pass it again. When it passed the first time, people were still not for taxing people who were sending jobs overseas. They still take that same position.

Yesterday saw the publication of a significant report on the Federal Government's response to the greatest economic crisis of our lifetime, totally contrary to the promises made when we adopted your economic program in 2001 and 2003, which I did not vote for. But you were in charge. You had the House, you had the Senate and you had the Presidency; and you put it in place. It led to the worst economy this country has seen in the lifetime of anybody who is not 90 years of age.

There was an article, as I said. It was written by Mark Zandi, a former economic adviser to the MCCAIN Presidential campaign, and Alan Blinder, a former vice chair of the Federal Reserve. The report found, and I quote, that ''the U.S. economy has made enormous progress since the dark days of the early 2009.'' Enormous progress, says Mark Zandi, adviser to JOHN MCCAIN.

It goes on to find in this article that the effects of the government response since the height of the crisis, quote, are huge and probably averted what could have been called Great Depression 2.0. Without the government's response, GDP in 2010 would be about 6½ percent lower. That's not me saying that. It's Mark Zandi saying that. And payroll employment—I know my friend from Texas wants to hear this figure. According to Mark Zandi, payroll employment if we hadn't passed that bill—which I know my friend did not support—he was opposed to that—Mark Zandi says that payroll employment would be less by some 8½ million jobs.

My friend from Michigan says, Where are the jobs? Let me tell you, it's unfortunate. We misconstrued and made a bad estimate. We didn't think you could put the economy possibly as low as you put it. We didn't think it could possibly be that deep. But it was. Much deeper than even we thought. We knew it wasn't doing well. The American people knew in 2006 it wasn't doing well and they knew it wasn't doing well in 2008, so they changed horses to ride. But it was so deep that we have been working very hard to get it out and we are trying to get there.

This bill moves us forward. That article went on to say, ''The stimulus has done what it was supposed to do: end the great recession and spur recovery.'' That is progress. But we understand that all Americans know it's not success. And success will not come until we create enough jobs that there is not unemployment in America above a figure, which is usual for the transition from job to job, which is somewhere in the neighborhood of 4½ percent.

This bears repeating. Democrats have fought to rebuild the economy and put middle class Americans back to work, in the face of efforts to grind our economic recovery to a halt.

Let me say something to my friends. They have been opposing Democratic plans to create jobs and grow the economy. Tragically, the Republican obstructionism's collateral damage has

been those who remain out of a job. This legislation seeks to respond to that pain, that dislocation, that family fear that they won't be able to pay the next bill, the next mortgage payment, the next grocery bill. That's the case with the legislation we're debating today, which puts our common interests above corporate interests and which can continue our economic recovery.

The Investing in American Jobs and Closing Tax Loopholes Act ends tax breaks that encourage companies to outsource American jobs overseas. You ask Americans whether they think that's a good policy and I'd be surprised if you got any less than eight out of 10 who said, ''Yeah, that makes sense to me.'' Those loopholes help ship jobs and investments overseas, and Democrats wants to close it. This bill also extends the Build America bonds program which helps States and localities fund essential, job-creating infrastructure projects. So far, Build America bonds have been one of the most effective contributors to our recovery, supporting nearly 2 million jobs across the country.

This bill also helps States create or extend jobs programs that help low-income families find work. They are the most stressed out. They lost their jobs first. They had the least to rely on when they lost that job.

And I want to point out that this bill supports all of those jobs without raising the deficit. I urge all of my colleagues to support this jobs bill. Will it solve the problem? It will not. But will it move us forward? It will. I congratulate Chairman LEVIN and the Ways and Means Committee for the work that they have been doing, and I urge my colleagues, take this additional step to help those folks in America who want to work, who have worked, who want to put food on their tables for them and their families.

Pass this bill and send it to the Senate. Let's keep fighting for jobs in America.

□ 1720

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds all Members to please address their remarks to the Chair.

Mr. CAMP. I yield myself such time as I may consume.

I appreciate the look-back. I think it's odd so many speakers today have begun all their remarks with a look-back and attempt to re-litigate history and are sort of picking selective parts of history. The fact is, when this budget was balanced there was a Republican Congress, yes, with a Democrat President. Maybe we ought to try that combination again.

But let me just say, the people back home are concerned about today. They're concerned about the problems today, not re-litigating what may have been or might have been. Back home in Michigan, unemployment is nearly 14 percent; nationwide, nearly 10 percent. The fact is now, today—not in the 1980s, not in the 1990s, not in the Bush administration—today we've lost 700,000 manufacturing jobs, and the fact is employers in America have said this bill will hurt jobs; this will not help us create private sector jobs. And we have group after group that has come forward and said this bill hurts jobs.

That's why I urge a ''no'' vote.

I reserve the balance of my time.

Mr. LEVIN. I yield 30 seconds to the majority leader.

Mr. HOYER. I thank the gentleman for yielding.

I would simply say to my friend—and he is my friend and I believe him to be a very positive Member of the Congress of the United States. I would say to him, I don't want to re-litigate. I do not want to repeat the mistakes of the past, and I believe, very frankly, my friend, that the economic policies that you want to pursue have not worked, and I don't want to pursue them again. It's not a question of re-litigation. It's a question of learning from the failures of the past that brought this economy so extraordinarily low. It is time to invest in the creation of jobs. I believe this bill does that.

Mr. LEVIN. I yield myself 30 seconds.

Build America Bonds, 62 issues as of 6/30/2010 totaling $2 billion, creating all kinds of private sector jobs. We look backward to learn lessons. We have also look forward, and the minority will do neither.

I now am privileged to yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL), a distinguished member of our committee.

Mr. NEAL. Thank you, Mr. Chairman.

To my friends on the other side, I do think it's instructive to have the discussion about Bill Clinton and George W. Bush. I think it's very helpful to America because we tried the Bush years, and the argument now is to return to the Bush years.

Now, let me point out in this legislation, that Mr. RANGEL and I worked to develop Build America Bonds. More than 800 cities and States have taken advantage of those bonds. In Massachusetts alone, we have issued $1 billion worth of Build America Bonds, and we saved $170 million in interest costs, which means that you can invest in education, health, and public safety.

Mr. FRANK and I worked to allow small banks to hold more municipal bonds by expanding the small issuer exception, thereby lowering the costs of these bonds.

Now, to show you the success of bipartisanship, in the development of this legislation, Mr. RYAN and I worked to exempt private activity bonds from AMT, a pretty good piece of initiative. With that, 38 airports around the country, including Cleveland, Milwaukee and Houston, have taken advantage of that opportunity. Thousands of jobs have been created nationwide when the country really needs it. These bonds are also used for student loans, and protection from alternative minimum tax means lower rates on borrowers. In Massachusetts alone, 26,000 students will benefit.

Now, Mr. TIBERI, a Republican, and I worked on the New Markets Tax Credit exemption from the alternative minimum tax. Since its inception, this program has generated over $15 billion of private sector investment in some of the poorest communities in America. I want to say that there are Republican Members of Congress who have communities who have taken advantage of the New Markets Tax Credit initiative. We have freed up investment in struggling neighborhoods, Mr. Speaker. With Build America Bonds, we have offered tremendous opportunities for local projects.

Mr. CAMP. I reserve my time.

Mr. LEVIN. I now yield 3 minutes to the gentleman from Texas (Mr. DOGGETT), a most active member of our committee.

Mr. DOGGETT. I thank the gentleman.

After 12 years of Republican rule, our tax code is riddled with loopholes. The small businesses on Main Street, the families that are struggling to get by with both spouses as wage earners, they all continue to shoulder a much heavier tax burden proportionately than the giant multinationals that operate around the world, that have operated here in Washington to lobby their way into one bit of special treatment after another. And many of these loopholes serve only to encourage multinationals to invest overseas instead of investing here at home to create American jobs. For some of them, their number one export is the export of American jobs instead of creating things here in America that we can then export to the world.

This particular bill promotes jobs in America in two ways. First, it recognizes that there is important work that needs to be done here in America, hard work that is worth doing. In Austin, Texas, Build America Bonds were used to build a police substation, to build a public safety training facility, public facilities that we need to protect our neighborhoods, built by private contractors, putting food on the table of private employees. This bill would encourage more of the same for America.

Second, this bill represents the next step in a long-standing effort that I've been a part of to crack down on multinational corporations that get Federal tax breaks only to ship their jobs offshore. It's long past time to stop letting these folks play games with our tax system that actually encourage the export of jobs. It's unfair to small businesses, it's unfair to families, those who are following the rules and paying their taxes in order to finance the tax breaks for those that dodge their fair share of responsibility for our national security, for our homeland security. And making these large corporations pay their fair share, stop the kind of

dodges that aren't available to our small businesses, is pro-competition. This bill helps to level the playing field for small businesses across America.

I think you can assess this particular piece of legislation by its friends and by its foes. Those who build America, groups like the engineers, have endorsed this measure. Those who want to keep dodging their taxes and shifting jobs overseas, they're counting on Republicans to do the same thing they always do, and that is, assure special treatment for special folks.

It is the same kind of thinking that got us the Republican bank bailout. It's the same kind of thinking that's being used here today to defend loopholes that are indefensible when what we ought to be doing is focusing on creating American jobs.

Mr. LEVIN. I now yield 2 minutes to the gentleman from California (Mr. THOMPSON), another very vigorous member of our committee.

Mr. THOMPSON of California. Thank you, Mr. Chairman.

I came down to the floor to speak about this bill because it's incredibly important to jobs in America, jobs in my district, jobs across this country.

My good friend, the ranking member, Mr. CAMP—and I say ''good friend'' because we work together on a lot of things in a bipartisan manner and are able to accomplish a lot—mentioned that what's happening today is what's important to Americans, and what's happening today is important to this bill.

Right outside of my district, Sacramento International Airport was able to get $480 million worth of bonding authority because of the AMT provision that's in this bill, and they were able to put that into that airport reconstruction/renovation that they're doing, a $1.1 billion total job that created 1,200 jobs in that immediate area.

□ 1730

It gave us the type of infrastructure and public airport facility that will go on to create jobs today and tomorrow and on into the future. It's very, very important.

The Build America Bonds part of this bill is extremely important. There were two areas in my district that relied on this. It has created jobs, and it has improved the area.

The Napa County school system was able to use $22 million worth of Build America Bonds to do important work in the schools, renovating the classrooms, expanding the campuses to be able to have a good spot for students to be able to learn, creating jobs today as they go forward.

UC Davis, University of California, Davis, in my district, they were able to use Build America Bonds to create $48 million worth of expansion, renovation and deferred maintenance on that campus. They have done everything from deferred maintenance to the expansion of the physical sciences building, creating jobs and improving the campus and the infrastructure for many generations to take advantage of.

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

Mr. LEVIN. I yield the gentleman 30 additional seconds.

Mr. THOMPSON of California. So today when this bill is up, say ''yes'' to American jobs, say ''yes'' to important American infrastructure and say ''no'' to the tax dodge that would preclude us from being able to put good jobs on the forefront today.

Mr. CAMP. I yield myself the balance of my time to close.

Mr. Speaker, the facts are clear: with unemployment stuck at nearly 10 percent and millions of jobs lost, the Democrats' trillion-dollar stimulus bill has failed.

So what is the majority's response? Raise taxes on American jobs and give more money to State and local government. That won't create the private sector jobs Americans need.

You don't have to take my word for it. Here is what some of the Nation's leading and largest employers say about this bill and the tax increases in it.

The National Association of Manufacturers says: ''Manufacturers believe strongly that imposing $11.5 billion in tax increases on these companies as proposed by H.R. 5893 will jeopardize the jobs of American manufacturing employees and stifle our fragile economy.''

The PACE Coalition, which represents employers who provide over 60 million American jobs, says: ''The $12 billion in proposed international tax increases in H.R. 5893 would further disadvantage U.S. companies, harming their competitiveness.

''At a time when other countries are taking steps to attract business, this legislation sends exactly the opposite message, with the effect of discouraging business investment and job creation in the United States.''

Mr. Speaker, I submit the NAM and PACE Coalition letters for the RECORD.

NATIONAL ASSOCIATION OF MANUFACTURERS,
July 29, 2010.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVES: The National Association of Manufacturers (NAM), the nation's largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 states, urges you to oppose H.R. 5893, the Investing in American Jobs and Closing Tax Loopholes Act of 2010.

An estimated 22 million people in the United States—more than 19 percent of the private sector workforce and 53 percent of all manufacturing employees—are employed by companies with operations overseas. Manufacturers feel strongly that imposing $11.5 billion in tax increases on these companies as proposed by H.R. 5893 will jeopardize the jobs of American manufacturing employees and stifle our fragile economy.

Many of the tax increases proposed in H.R. 5893, which are mischaracterized as closing tax loopholes, actually represent significant changes to the pro-growth tax policy supported by Congress and the Administration. For example, the proposed anticompetitive limitation on the use of Sec. 956 loans removes a greatly needed source of U.S. cash for worldwide American companies—a source that Treasury and the Internal Revenue Service (IRS) sought to facilitate in guidance issued as recently as last December. As we continue to work through one of the greatest credit crunches in U.S. history, taking away a source of cash for U.S. companies to grow, build and create jobs puts our fragile recovery at risk.

We are disappointed that many of the bill's proposed tax increases have not been adequately scrutinized during congressional hearings. In many cases, taxpayers have relied on these longstanding tax provisions in structuring their businesses. Changing the rules without fair and adequate hearings will cost in terms of jobs, investment and manufacturers' ability to compete overseas.

Manufacturers believe strongly that changes to our international tax laws should be considered in the broader context of tax reform that makes the United States more competitive—not as ''pay fors'' for unrelated policy initiatives. Moreover, targeting some international tax law changes in advance of the tax reform debate would make the goal of pro-growth, pro-competitiveness reform that much more difficult, if not impossible, to achieve.

The NAM supports provisions in the legislation that would extend Build America Bonds and lift the state volume cap for private activity bonds for water and waste water infrastructure, but our support for these provisions is heavily outweighed by the significant costs imposed on manufacturers by the bill's tax increases. Manufacturers urge your opposition to the bill.

The NAM's Key Vote Advisory Committee has indicated that votes related to H.R. 5893, including votes on procedural motions, may be considered for designation as Key Manufacturing Votes in the 111th Congress.

Thank you for your consideration.

Sincerely,

JAY TIMMONS,
Executive Vice President.

PROMOTE AMERICA'S COMPETITIVE EDGE,
July 29, 2010.

DEAR MEMBER OF CONGRESS: The PACE Coalition—a broad-based organization dedicated to promoting and increasing the more than 63 million American jobs that depend on the international competitiveness of worldwide American companies—opposes inclusion of the proposed international tax increases in HR 5893, released on July 28, 2010, as ''payfors'' for expanded infrastructure incentives.

The members of PACE, including the undersigned trade associations, advocate that the United States should provide a level playing field for taxation of international operations of U.S. businesses. U.S. tax law already disadvantages worldwide American companies and their employees. U.S. companies face the second highest corporate tax rate among developed countries and an international tax system that impedes the ability of U.S. companies to expand into new markets and reinvest foreign earnings at home. The $12 billion in proposed international tax increases in HR 5893 would further disadvantage U.S. companies—harming their competitiveness and reducing the earnings U.S. companies bring back from their foreign operations, thereby reducing reinvestment in U.S. plant and equipment, funding U.S. research, and expanding U.S. payrolls.

At a time when other countries are taking steps to attract business, this legislation sends exactly the opposite message, with the effect of discouraging business investment and job creation in the United States.

PACE urges policy makers to consider comprehensive tax reform designed to increase the competitiveness of U.S. companies both at home and abroad. Changes to our international tax system that fail to consider the competitive global marketplace will further disadvantage U.S. workers. When worldwide American companies become less competitive in their ability to serve foreign markets, demand for U.S. produced goods and services will decline.

PACE looks forward to working with Members of Congress to modernize our international tax system to improve the competitiveness of the U.S. economy and create jobs at home. If HR 5893 is not amended to remove the international tax increases, we respectfully request that you vote against this bill.

Sincerely,

BUSINESS ROUNDTABLE,
INFORMATION TECHNOLOGY INDUSTRY COUNCIL,
NATIONAL ASSOCIATION OF MANUFACTURERS,
NATIONAL FOREIGN TRADE COUNCIL,
U.S. CHAMBER OF COMMERCE.

As I noted earlier, the United States Chamber of Commerce says this bill imposes Draconian increases on American worldwide companies that would hinder job creation, decrease the competitiveness of American businesses, and deter economic growth.

I urge my colleagues to listen to these job providers and job creators, to reject these job-killing tax increases, and to vote ''no'' on this bill.

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

Mr. LEVIN. I yield myself the balance of our time.

It's really so important to look at the facts. This bill does not basically create government jobs. That is a total myth, and you know it.

The infrastructure money goes to State and local communities like highway monies do. These orange barrels, orange and white in Michigan, Mr. CAMP, are put up by private contractors with Federal money.

So why demean the Build America Bonds provisions by calling it money to State and local governments when everybody knows it's for infrastructure that goes to private contractors and their employees?

You mention the number of construction workers out of work; that is very true. And then you vote against the legislation that will give them jobs.

You say where are the jobs? Then you come down here and vote against bills to create jobs.

It doesn't make any sense. Instead, we get the same political speech aimed at November 2, instead of aiming at creating jobs for the thousands and thousands of people who are unemployed in the United States of America.

I want to say something about the double taxation so people understand what this is really all about. We have a foreign tax credit, as there should be, at least in this structure. This is a credit that is supposed to relate to the income by American companies created overseas.

So what has been happening under this loophole is that the credit has been used, not in relationship to that income, but has been used relating to other income. So it isn't double taxation; it's an effort to avoid any taxation, and the rest of us pick up the bill.

Now, one company that has objected to this has dramatically increased their investment offshore and diminished their jobs in the United States and diminished their R&D. So they say close the loophole and we will pay more taxes, yes. What we are saying is follow the rules, like small business does in this country, and like all of us individual taxpayers do in this country. You can come here and say closing a loophole increases taxes. By definition it does, because it says to people who are skipping paying taxes, pay your fair share.

So this is a two-fer, jobs in the U.S. and stopping the shipment of jobs overseas.

And if people come here and vote against this bill, they can expect to hear from constituents, that you have voted to help people and entities that ship jobs from this country elsewhere. We should vote resoundingly for this legislation.

Mr. LINDER. Mr. Speaker, some Democrats have said the welfare expansion in this bill is about jobs. It's not. It's about more welfare.

This bill would expand the welfare emergency fund Democrats created in last year's failed stimulus bill. That fund made available up to $5 billion in new "welfare emergency funds" over fiscal years 2009 and 2010. The bill before us would make available another up to $5 billion for just fiscal year 2011, which starts in October.

So they propose to double the welfare funds for this program, all in just one year.

That is so much new welfare money that CBO estimates States wouldn't be able to spend it all. Still, the $3.5 billion CBO estimates States would spend next year would almost match the $4 billion States have spent in the last two years.

No matter how you slice it, spending out of this welfare emergency fund would accelerate rapidly under this bill.

What would this money be spent on? The same things it is currently spent on—almost exclusively more and bigger welfare checks.

The nonpartisan Congressional Research Service has prepared a report on how the welfare emergency fund has been spent so far. As of July 22, 2010, only 25 percent had been spent on "subsidized employment," or the salaries of what are short-term positions.

And data from liberal advocates for these programs admit that nearly half of those positions have been summer youth jobs. Since summer is just about over, many of the jobs the other side talks about are nearly over, too.

And the other side's own rhetoric admits these jobs in general are as temporary as the Federal funding—which must be extended, they say, or else the "jobs" will end.

The fact is, despite the other side's newfound but empty "jobs" rhetoric, a full 75 percent of this money has been spent on basic assistance—that is, on welfare benefits.

But these are not just any welfare checks. States have had to be creative to spend this welfare emergency fund money.

Last summer New York State used its share of welfare emergency funds to provide one-time $200 "back to school checks" to families already on welfare. Instead of spending the money on back to school supplies, many recipients used the money, as CBS News put it, to purchase "flat screen TVs, iPods and video gaming systems." Convenience stores in low-income areas "noted marked increases in beer, lotto and cigarette sales."

Perhaps our colleagues think that creates jobs.

I disagree.

Mr. LEVIN. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1568, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 5893 is postponed.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore. Pursuant to House Resolution 1569 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5850.

□ 1738

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5850) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, with Mr. SNYDER in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose earlier today, amendment No. 11 printed in part A of House Report 111–578 offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) had been disposed of.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111–578 on which further proceedings were postponed in the following order:

Amendment No. 2 printed in part A by Mr. BOEHNER of Ohio.

Amendment No. 8 printed in part A by Mr. LATHAM of Iowa.

Amendment No. 10 printed in part A by Mr. CULBERSON of Texas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. BOEHNER

The CHAIR. The unfinished business is the demand for a recorded vote on

the amendment offered by the gentleman from Ohio (Mr. BOEHNER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 217, not voting 15, as follows:

[Roll No. 488]

AYES—206

Aderholt
Adler (NJ)
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Crenshaw
Culberson
Dahlkemper
Davis (AL)
Davis (KY)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Himes
Hodes
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Marshall
Matheson
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Paul
Paulsen
Pence
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOES—217

Ackerman
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Buyer
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Castor (FL)
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Maloney
Markey (CO)
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu

NOT VOTING—15

Akin
Andrews
Carson (IN)
Griffith
Hoekstra
Lynch
McCarthy (CA)
Moran (KS)
Radanovich
Shadegg
Tiahrt
Wamp
Watson
Yarmuth
Young (FL)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1808

Ms. MCCOLLUM, Mr. MELANCON, Ms. WOOLSEY, Mr. FILNER, Ms. KAPTUR, Ms. CASTOR of Florida, Mr. BACA, Ms. DELAURO, Messrs. KANJORSKI, BRADY of Pennsylvania, DINGELL, ACKERMAN, OBERSTAR, TOWNS, LARSON of Connecticut, LIPINSKI, CLEAVER, WU, LUJAN, Mrs. HALVORSON, Messrs. CUELLAR, THOMPSON of Mississippi and CARNEY changed their vote from ''aye'' to ''no.''

Messrs. FOSTER, YOUNG of Alaska, KISSELL, HIMES and SCHAUER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. LATHAM

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. LATHAM) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 197, noes 225, not voting 16, as follows:

[Roll No. 489]

AYES—197

Aderholt
Adler (NJ)
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hill
Himes
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Stearns
Sullivan
Tanner

Taylor
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOES—225

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

NOT VOTING—16

Akin
Andrews
Griffith
Gutierrez
Hoekstra
Kilpatrick (MI)
Lynch
McCarthy (CA)
Moran (KS)
Radanovich
Shadegg
Tiahrt
Wamp
Watson
Yarmuth
Young (FL)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1817

Mr. DELAHUNT changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. CULBERSON

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CULBERSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 252, not voting 17, as follows:

[Roll No. 490]

AYES—169

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

NOES—252

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

NOT VOTING—17

Akin
Andrews
Connolly (VA)
Griffith
Gutierrez
Hoekstra
Kilpatrick (MI)
Lynch
McCarthy (CA)
Moran (KS)
Radanovich
Shadegg
Tiahrt
Wamp
Watson
Yarmuth
Young (FL)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in the vote.

□ 1826

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. AKIN. Mr. Chair, I was absent from the House and missed rollcall votes 488, 489, and 490.

Had I been present, I would have voted "yes" on rollcall 488, "yes" on rollcall 489, and "yes" on rollcall 490.

AMENDMENT NO. 12 OFFERED BY MR. GRAVES OF MISSOURI

The CHAIR. It is now in order to consider amendment No. 12 printed in part A of House Report 111–578.

Mr. GRAVES of Missouri. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used by the Department of Transportation or the Federal Aviation Administration to pursue, adopt, or enforce guidelines or regulations requiring a sponsor of a general aviation airport to terminate an existing residential through-the-fence agreement, or otherwise withhold funds from a sponsor of a general aviation airport, solely because the sponsor enters into an agreement that grants a person that owns residential real property adjacent to the airport access to the airfield of the airport for noncommercial uses.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Missouri (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

□ 1830

Mr. GRAVES of Missouri. Mr. Chairman, I rise today in support of the Graves-Boswell amendment. I would like to thank the gentleman from Iowa for offering this amendment with me and for his support.

Our amendment prohibits the FAA from using funds in this act to terminate an existing residential through-the-fence agreement at public-use general aviation airports. It also prevents the FAA from withholding funds from the sponsor of a GA airport, solely because that sponsor enters into a residential through-the-fence agreement.

To kind of explain this, the sponsor can be the airport authority, it might be the community, it might be the municipality, it might be the county in many cases. What a residential through-the-fence agreement is is an agreement between the airport sponsor and a person who might own residential property adjacent to that airport. These agreements simply provide the property owner and their aircraft access to the airport.

It is very important to note that this amendment does not require a GA airport to enter into one of these residential agreements. If an airport or that airport authority—city, county, municipality—if they feel that such an agreement is not beneficial to the airport or they simply don't like the idea, then they don't have to enter into an agreement. It's always been that way. It's up to those communities. Those communities, the municipalities, counties, they own the airport. The Federal Government doesn't. What this amendment simply does is keep that option out there on the table.

Most recently the FAA began targeting public-use airports that have residential through-the-fence agreements. In some cases, the FAA has withheld annual Airport Improvement Program funds from GA airports solely because the airport has a residential through-the-fence agreement. Airport Improvement Program funds are those funds that are deposited into the general aviation trust fund from taxes on aviation fuel. That's where it comes from. They go to these airports to make improvements, to expand airports, whatever the case may be; but the FAA has withheld those funds simply because an airport has entered into one of these agreements.

Residential through-the-fence agreements can safely coexist with GA airports. The FAA's policy banning all of these residential agreements remains, I think, misguided and unjustified. Rather than work through these on a case-by-case basis, the FAA finds it more convenient just to prohibit them altogether.

Our amendment will prohibit the FAA from enforcing this policy just in fiscal year 2011. What I am trying to do is hopefully give us some time so we can find a more permanent, long-term solution. This amendment does not prohibit the FAA from deeming an airport to be out of compliance. If an airport violates any of the criteria that are out there, they could still hold them accountable. They simply can't do it solely because the airport has entered into a residential through-the-fence agreement.

Again, Mr. Chairman, just to try to put it in basic terms, these airports belong to the cities and the counties. They don't belong to the Federal Government, and I think it's wrong that the Federal Government would withhold funds from them simply because they entered into one of these agreements. It should be up to the city; it should be up to the community or whoever the airport authority is and not up to the Federal Government.

I rise in support of the Graves-Boswell amendment. Again, I want to thank the gentleman from Iowa for helping out with this. He has been a strong general aviation advocate for many, many years and obviously very active in this issue.

I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim time in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I yield such time as he may consume to the distinguished chairman of the authorizing committee, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. The gentleman from Missouri, a strong advocate of general aviation, a great member of our committee, has expressed a very genuine concern and has introduced legislation; a bill that was introduced in March of this year, referred to our committee. We have asked for comments from the administration; that is, from DOT and FAA. Meanwhile, the FAA in January of this year initiated a process to address the issues created by the so-called ''through-the-fence'' agreements. They formed a policy review team to gather information, evaluate the concerns, decide what kind of action could be taken to address the concerns.

And what are these concerns? Well, I know the former president of the Airport Owners and Pilots Association, Phil Boyer, retired, I think, to Florida, to a place where he has an airplane literally in his garage. He can roll it out onto a runway and fly wherever he needs to go. That's the kind of thing we're talking about here.

Under these agreements, people have total access to runways, taxiways, sensitive operational parts of the airport. But people and pets have ventured onto airport property. Homeowners have hunted. They've thrown parties. They have buried pets on airport grounds. These are the reports we got from the FAA. These agreements have hamstrung airports in planning for the future, planning for safety and improving safety. With airport land encumbered by such agreements, airports may not be free to make the necessary safety improvements they require.

I would propose to the gentleman that we allow the FAA to continue its policy review team, bring forth recommendations; I would schedule a hearing in the Aviation Subcommittee, with the concurrence of the gentleman from Illinois (Mr. COSTELLO), the chairman of the subcommittee; and the gentleman from Wisconsin (Mr. PETRI), schedule a hearing in committee, and air the issues.

The provisions that the gentleman, Mr. Chairman, has included in the bill he has introduced are very beneficial suggestions. They don't deal specifically with the issues that I just cited but those will be the subject of this review by the FAA. We'll give them a deadline of reporting to us in mid September, schedule a hearing and fashion a legislative proposal which we could then bring to the floor on suspension of the rules pending an agreement. But I think the gentleman's introduced bill is a much more thoughtful approach to the issue than just a bludgeoning of the FAA, cutting off and saying they can't take action.

The CHAIR. The gentleman from Missouri has 30 seconds.

Mr. GRAVES of Missouri. Thank you, Mr. Chairman.

I very much appreciate the chairman's willingness to work with me on

this and to move forward. This is going to be a process that is going to take some time. We need to come up with some thoughtful consideration.

□ 1840

What I'm trying to do today with this amendment, though, is just prevent us from doing some irreparable damage to these airports and to these agreements in the meantime, just this year. It's just for this fiscal year, just to slow this process down and to address some of the FAA's concerns.

Mr. OLVER. I again yield such time as he may consume to the chairman of the authorizing committee, Mr. OBERSTAR.

Mr. OBERSTAR. I would just conclude that it's inappropriate for us to impose this penalty on the FAA through the appropriation process. A much more appropriate way would be to deal with it through our committee.

I commit to the gentleman that we will work through to hopefully a legislative solution. Certainly, the FAA's committed to do that, and I will talk to the Administrator of the FAA, tell him we expect to hold a hearing on this issue mid-September, that they will be prepared to report to us whatever findings they have from the policy review team at that point.

I am prepared to do that if the gentleman would consider withdrawing his amendment or at least not pressing it to a recorded vote. If the gentleman presses to a recorded vote, I'd be constrained to oppose it.

I yield to the gentleman from Missouri.

Mr. GRAVES of Missouri. Thank you, Mr. Chairman.

Mr. Chairman, I tell you what, I would rather not withdraw the amendment, but I would take just a voice vote. I would like to say if I can, I just appreciate the chairman's willingness to work with me on this, and I understand what he's saying, too, and I respect it. But thank you, Mr. Chairman, for yielding to me.

The CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. GRAVES).

The amendment was rejected.

AMENDMENT NO. 13 OFFERED BY MS. MOORE OF WISCONSIN

The CHAIR. It is now in order to consider amendment No. 13 printed in part A of House Report 111–578.

Ms. MOORE of Wisconsin. Mr. Chairman, I have an amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 18, after the dollar amount, insert ''(reduced by $250,000)''.

Page 2, line 22, after the dollar amount, insert ''(reduced by $50,000)''.

Page 2, line 24, after the dollar amount, insert ''(reduced by $175,000)''.

Page 3, line 1, after the dollar amount, insert ''(reduced by $100,000)''.

Page 3, line 4, after the dollar amount, insert ''(increased by $100,000)''.

Page 9, line 22, after the dollar amount, insert ''(increased by $225,000)''.

The CHAIR. Pursuant to House Resolution 1569, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE of Wisconsin. Mr. Chairman, indeed, this Transportation appropriations bill is a jobs creations bill, and I am totally in support of that.

My amendment here would modestly increase funding for the Department of Transportation's efforts to help small and disadvantaged businesses obtain transportation contracts. It would add funding beyond the $14,000 increase requested by the President for the Office of Small and Disadvantaged Business Utilization within the Secretary's office, and to increase the capacity for the department to reach out to small and disadvantaged businesses.

When I talk about small and disadvantaged businesses, it's not just ethnic minority businesses. It's veteran-owned businesses. It's women-owned businesses. This is an issue that affects every district, both Democrat and Republican.

This amendment is about strengthening these small, but important, programs and the work that they do and sending a strong signal to small businesses and to the Secretary about the level of importance that we as a Congress place on creating opportunities for American businesses that are deserved.

With that, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim time in opposition, though I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. OLVER. I'm very sensitive to the issues that the gentlewoman has raised, and I think these are very modest changes and I'm quite willing to accept the amendment that she has proposed.

I yield back the balance of my time.

Ms. MOORE of Wisconsin. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. NEUGEBAUER

The CHAIR. It is now in order to consider amendment No. 14 printed in part A of House Report 111–578.

Mr. NEUGEBAUER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. __. Appropriations made in this Act are hereby reduced in the amount of $10,520,000,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. NEUGEBAUER. Mr. Chairman, earlier this week the House voted 393–24 to pass legislation that would cancel hundreds of millions of dollars in old earmarks that have been sitting unused, sometimes some of those for over 20 years.

The Surface Transportation Earmark Rescission, Savings, and Accountability Act rescinded $713 million of Federal highway contract authority for 309 Member-designated projects for the Surface Transportation Authorization Acts of 1987, 1991, 1998 and 2005.

After passage of this legislation, Members of Congress should be applauded for supporting these commonsense spending cuts. We said long-term economic growth and recovery can't happen unless we cut wasteful government spending and tackle our exploding deficit. We agreed that these earmarks were a wasteful use of the taxpayers' money.

The number of unused earmarks in these old transportation bills shows that Congress needs a better process of deciding how to spend the taxpayers' money. While many on the other side want to continue their practice of earmarking on their constituents' behalf, I cannot support this reckless spending. The bill before us today includes over 500 new earmarks that we cannot simply afford. More importantly, these earmarks are potentially causing even more government inefficiency.

While I supported the bill on Tuesday, we also need to be honest that it did not actually reduce any spending. These projects have been on hold for a long time, and this money was never going to be used and never was allocated. I agree that Congress should repeal spending that is not going to be used, but we didn't reduce the deficit $700 million by taking out these old earmarks, even though we talked like that's what we were actually doing.

Today, we get to vote on an amendment that actually cuts unspent funds. My amendment says that we should take the unspent money from the stimulus package and return it to the taxpayers. Most of us agreed that we should take unspent money out of the old transportation earmarks in the vote earlier this week. Most of us should agree then that with this bill we should take and give back to the American taxpayer the stimulus money that has not been spent.

My amendment would reduce the FY 2011 spending bill by the same amount that's yet to be committed from the $61.7 billion included in the 2009 economic stimulus bill for transportation and housing programs. According to the Appropriations Committee report, $10.52 billion went to programs that have not been committed to yet, and much less, the money has not been spent or is not out the door.

If Americans go to recovery.gov and review the agency reports for the Department of Transportation or Housing and Urban Development, they will learn that we're once again double-dipping on the backs of their children and their grandchildren. Here are just a few examples of programs receiving more money in today's spending bill that has money left from the 2009 stimulus bill.

One of those is the bill that is before us today, $2 billion for capital investment grants. While these grants may provide worthy investments in the infrastructure, there is still $800 million left from the stimulus that has not been spent.

Today's bill includes $3.5 billion in grants for airports. However, there's more than $1 billion left from the stimulus bill.

Grants to the Amtrak system that were slated to receive $563 million already has almost $1.3 billion ready to go out the door as we so often hear but actually not spent.

Moving on to housing, we still have $2.2 billion in the Home Investment Partnership Program to spend from the stimulus, but today, we're poised to add another $1.8 billion on top of the 2.2 that hasn't been spent.

□ 1850

Mr. Chairman, as we learned on Tuesday, we can raise up, rise above the partisan differences and put a stop to these projects that aren't working, won't be funded and aren't completed and ready to be taken off the books. Today we have an opportunity once again this time to vote to actually reduce spending and the deficit.

I recall the proponents arguing about this stimulus bill and how it's going to create new jobs for the American people. We were going to spend nearly a trillion dollars. We were going to create all these jobs. Unfortunately, unemployment was not going to go above 8 percent. Today 9.5 percent of the American people are out of work. We have lost 2.7 million jobs since this stimulus bill has passed.

Mr. Chairman, let's give the American people a break here. Let's give them their money back. This is money we don't have. We don't have a lot of money that's in this bill. For every dollar we are going to spend we are going to borrow 43 cents. We are going to charge it to our children and our grandchildren.

Quite honestly, it is not sustainable. Our national debt is $13 trillion today. We are headed to $20 trillion. We are headed to having debt almost equal to 90 percent of our total economy.

Mr. Chairman, let's give the American people a break. Let's give them their $10 billion back. A lot of people say, well, it's just $10 billion; but that's the problem around here. People don't take money seriously because it's not real money to them because we are charging it to our children and our grandchildren.

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

Mr. OLVER. Mr. Chairman, I rise to oppose the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I would oppose the amendment, both as the gentleman has described it and also as it is written. As the amendment is written and in our hands, it is a straight across-the-board amendment of a couple of billion dollars difference from the one that was offered by Mr. CULBERSON earlier and has been defeated by roll call vote in the last round of roll calls.

As described by the gentleman, he is dealing with monies that are not yet expended in the Recovery Act.

And those monies in the Recovery Act are ones that are, in the Recovery Act, those are monies, some of which are under high-speed rail or TIGER Grants, those monies have not yet been fully obligated, but they were not expected ever to have expended out in this first couple of years of the Recovery Act's life.

They were expected to be expended within the next 2 or 3 years at our given time until the end of fiscal 2012 to be expended. Others are being expended and really going into jobs right now, day after day after day. Every day, more of the monies that spend out more rapidly get used and get counted as having been expended at the end of every month.

But the amendment that is in our hands is specifically merely a sum of money taken off the bottom line of the bill on all appropriated funds, which is all of the discretionary $67 billion, and $10 billion off $67 billion would be about 16 or so, 15 or 16 percent of that appropriated money that the bill involved. But it has nothing to do with monies that are related to the ARRA.

Mr. NEUGEBAUER. Will the gentleman yield?

Mr. OLVER. I would be happy to yield to the gentleman.

Mr. NEUGEBAUER. Thank you.

In the particular category you are talking about, $116 million is still available. You only spent $6.9 million, yet you are asking for $1.4 billion. We were told that this money was going to go out the door real quickly to create jobs for the American people, yet we have a lot of these categories that still have a substantial amount of money.

We are plussing up with new money when we haven't even spent the money we had before. And I think this sense of urgency must have gone away because these projects, the money has not been spent.

Mr. OLVER. Reclaiming my time, but the gentleman is not talking about the amendment that is before us. He is talking about a different issue, about money that has not been expended in ARRA funds or money that has not yet been expended in the 2010. I am not quite sure which it is.

But the amendment that is before us, at least as we have understood it, as we have it given to us, is an amendment that simply takes from the bottom line of the bill before us from the discretionary amount a total of $10.5 billion, and I must oppose that proposal.

In closing, I just want to repeat again that our bill is already $1.3 billion below the President's request that, as I had said earlier today, and have said at least twice, that we have used the President's request. We have not funded, in the base bill that is here today, several items that have never been authorized and really require authorization that total $4.8 billion.

The CHAIR. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. NEUGEBAUER. Mr. Chairman, on that I request a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. BRALEY OF IOWA

The CHAIR. It is now in order to consider amendment No. 15 printed in part A of House Report 111–578.

Mr. BRALEY of Iowa. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 77, line 4, after the dollar amount, insert ''(reduced by $20,000,000)''.

Page 78, line 8, after the dollar amount, insert ''(reduced by $20,000,000)''.

Page 98, line 21, after the dollar amount, insert ''(increased by $20,000,000)''.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Iowa (Mr. BRALEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. BRALEY of Iowa. Mr. Chairman, I rise today to support the amendment that I have offered to increase funds within the Community Development Block Grant by $20 million to be used for disaster relief and recovery in the Midwest by reducing funding for the administration operations and management and nonpersonnel expenses in the bill.

This past weekend, heavy rains caused major flooding in parts of my district. Lake Delhi, which you see on this illustration, was a treasured summer retreat. It's gone. The 9-mile long lake disappeared after sudden flood waters breached its 92-year-old dam on Saturday morning. I was standing at the south end of the dam watching this happen at 1 o'clock in the afternoon.

Over a dozen other communities in my district are also experiencing major flooding this week.

This $20 million increase to CDBG will be used to help aid flood relief and recovery in the Midwest. The eligibility requirements for CDBG clearly

state that grant funds can be used for particularly urgent community development needs because existing conditions pose a serious and immediate threat to the public.

Due to the flooding, parts of my district are currently experiencing serious and immediate threats to the public. Piles of flood-polluted garbage are piling up and raising serious public health concerns.

You can see the damage that has been caused as the lake has drained. The stench of rotting fish permeates the air around Lake Delhi. Many of the homes are experiencing major flood damage while values are expected to plummet as the lake has disappeared.

The CDBG funds have been used in the past to aid in disaster relief and recovery. In 1997, they were used to aid communities in the upper Midwest affected by severe flooding.

In 2002, emergency CDBG funds were awarded to the State of New York for assistance for properties and businesses damaged by the terrorist attacks of 9/11. These emergency funds helped these businesses with economic revitalization.

□ 1900

I look forward to working with the Department of Housing and Urban Development, as well as the State of Iowa, to ensure that the CDBG funds are properly used to aid in flood recovery and relief. I urge everyone to support flood relief for the Midwest.

Mr. Chairman, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I rise to claim time in opposition to the gentleman's amendment, though I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. OLVER. Mr. Chairman, I yield 1 minute to the gentleman from Iowa.

Mr. LATHAM. I thank the chairman.

I certainly rise in support of the amendment. It is a disaster that happened, and like the gentleman from Iowa said, just to watch that dam collapse and all the damage that went through afterwards was devastating to so many folks. And so I think this is a good amendment, and I'm very proud to support it.

Mr. OLVER. I thank the gentleman for his comments and I agree with him totally. These kinds of disasters need to be taken care of as soon as can be possible after they occur.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. BRALEY).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. TURNER

The CHAIR. It is now in order to consider amendment No. 16 printed in part A of House Report 111–578.

Mr. TURNER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. 420. None of the funds made available in this Act may be used to establish, issue, implement, administer, or enforce any prohibition or restriction on the establishment or effectiveness of any occupancy preference for veterans in supportive housing for the elderly that (1) is provided assistance by the Department of Housing and Urban Development, and (2)(A) is or would be located on property of the Department of Veterans Affairs, or (B) is subject to an enhanced use lease with the Department of Veterans Affairs.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Ohio (Mr. TURNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. TURNER. I want to thank the Rules Committee for ruling my amendment in order and for providing this opportunity to assist low-income seniors and our Nation's veterans with obtaining safe and quality housing.

This amendment is a narrowly tailored, pro-veteran amendment which allows the VA to maintain its requirement of a veteran's preference on HUD-financed housing on VA campuses. Unfortunately, HUD has rules that don't allow for a veteran's preference for people who live in facilities built with HUD funds, even if they are built on VA property. My amendment simply says that no funds in this bill could go toward enforcing these rules against a facility that is built on a VA campus or is utilizing a VA-enhanced use lease.

Mr. OLVER. Will the gentleman yield?

Mr. TURNER. I yield to the gentleman from Massachusetts.

Mr. OLVER. We carried this amendment last year. We accepted this amendment last year, and I am perfectly happy to accept the amendment again this year if that is acceptable to the gentleman.

Mr. TURNER. I would greatly appreciate that. It certainly goes to help our veterans and our low-income seniors.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. TURNER).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MRS. KIRKPATRICK OF ARIZONA

The CHAIR. It is now in order to consider amendment No. 17 printed in part A of House Report 111–578.

Mrs. KIRKPATRICK of Arizona. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

The CHAIR. Pursuant to House Resolution 1569, the gentlewoman from Arizona (Mrs. KIRKPATRICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Arizona.

Mrs. KIRKPATRICK of Arizona. Mr. Chairman, I rise in support of my amendment to cut by 5 percent all of the discretionary spending in the Fiscal Year 2011 Transportation, Housing and Urban Development Appropriations Act. I offer this amendment because it is imperative that Washington finally take notice and start acting to combat this year's record budget deficit and fast-growing national debt, which at last count amounted to an astounding $13.2 trillion.

Just 2 weeks ago, the cochairs of the nonpartisan Debt and Deficit Commission, former Republican Senator Alan Simpson and former Chief of Staff to President Bill Clinton, Erskine Bowles, said that if the government fails to take action, our debilitating Federal debt will destroy the country from within. Bowles further described the debt as a cancer on our Nation.

There are plenty of folks in my district and all across the country who are finding ways to raise families, run small businesses, and pay their bills despite having lost their jobs or taking deep pay cuts in this economic downturn. If the families in my district have been able to tighten their belts, then surely the Federal Government can do the same.

Congress should be leading by example when facing tough economic decisions. My proposed 5 percent congressional pay cut is just one way Members can show they are serious about tackling the looming fiscal crisis. That is why I have previously supported budget cuts to Federal programs and will continue to support such cuts as our economy recovers, and that is why I am offering this amendment.

I strongly support building our national infrastructure—roads and bridges, affordable housing, quality education, and expanding broadband—but our long-term fiscal health depends on Congress making hard choices today to protect our ability to provide critical infrastructure tomorrow.

This amendment makes a 5 percent cut to the programs funded in this bill, but ordinary families are seeing much bigger cuts to their income. I have to believe that if those families can continue to make ends meet in these tough times, the Transportation and Housing Departments can keep the important programs going with 95 cents out of each dollar.

We are here to represent the folks back home, the folks who understand that the old ways of Washington no longer work for the American people. Please join me in supporting this cut.

Mr. Chairman, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment as presented by the gentlewoman from Arizona.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, this amendment provides a new wrinkle on what we have been dealing with earlier. Again, this is somewhat different from what the gentlewoman has expressed, but as written, it reads, ''Each amount appropriated or otherwise made available by this act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.'' Now, what that means is it's not just discretionary expenditure, but it also applies to the nondiscretionary part of this bill. It is not just on the $67 billion of discretionary expenditure that is part of this underlying bill, but the whole $126 billion, which covers all of the contractor authority for all of the small safety agencies that get money out of the Highway Trust Fund, and also applies to the moneys that go to the FTA that come out of the transit portion of the Highway Trust Fund. So that is the way that is written.

There is a provision at the end, the part that I read, ''or otherwise made available by a provision of law,'' which leaves CBO unable to score this amendment at all, and they cannot tell us what it really is meant to do. It says it cannot be implemented in this form.

So I must oppose this amendment for all of those reasons, because it goes far beyond the discretionary expenditure. That is different. Each of the earlier large cut amendments have been ones that purported to take only from the discretionary expenditure, and this one covers all of what is involved in this legislation, both the discretionary and the contract authority supported parts of the legislation, plus apparently some other things.

Mrs. KIRKPATRICK of Arizona. Will the chairman yield?

Mr. OLVER. I will be glad to yield to the gentlewoman.

Mrs. KIRKPATRICK of Arizona. Chairman OLVER, the intent is to cut only discretionary spending by 5 percent. I will be happy to work with you to clarify that language.

Mr. OLVER. Well, we cannot change the language of the amendment at this point. I would be happy to work with the gentlewoman to find out exactly what was intended to be done here and try to work with you, but for the moment, I must oppose this amendment.

Mrs. KIRKPATRICK of Arizona. I agree to work with you.

Mr. OLVER. Mr. Chairman, I think enough has been said. It cannot be amended. It cannot be implemented. It cannot even be scored to know how much is really involved in it.

□ 1910

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Arizona (Mrs. KIRKPATRICK).

The amendment was rejected.

AMENDMENT NO. 18 OFFERED BY MR. JORDAN OF OHIO

The CHAIR. It is now in order to consider amendment No. 18 printed in part A of House Report 111–578.

Mr. JORDAN of Ohio. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. Appropriations made in this Act are hereby reduced in the amount of $18,579,000,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. Mr. Chairman, who would have thought we would have witnessed the things we have witnessed in this country over the last 2 years?

Who would have ever thought the President of the United States would fire the CEO of General Motors?

Who would have ever thought in this great country we would see the taxpayers bail out the financial industry and bail out the auto industry?

Who would have ever thought in this country we would have a pay czar—a pay czar—telling private American citizens how much money they can make?

Who would have ever thought in this country we would have a major policy change, done in a completely partisan fashion, when the health care bill passed and when the majority of Americans opposed it?

Who would have ever thought, as OMB pointed out this past week, that we would have a $1.4 trillion deficit—the largest deficit in American history—and a $13 trillion national debt? On the path we are on currently, by 2020, we will have a $26 trillion deficit.

Who would have thought those things would take place?

I would argue, although the other side is going to say, ''Oh, this is terrible. We can't reduce the spending level in this bill to the amount that the gentleman wants,'' this is a modest first step. This is a modest initial step towards providing some fiscal sanity to this town and to this Congress.

My amendment is real simple. It says this bill should go back and we should spend it at 2008 baseline levels. After all, a lot of families are living on something less. A lot of families have had to live on what they were functioning on in 2008. A lot of small businesses are functioning on what they had to in 2008.

Why in the heck can't the Federal Government do the same thing?

This amendment takes us back to 2008 levels, which was before the bailouts, before the so-called ''stimulus,'' before the out-of-control spending. Remember, since 2008, there has been a 38 percent increase in this bill. So this takes it back to a reasonable level, and I would argue this is a modest first step that the American people want us to take.

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

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, the amendment is not a modest one by any means. It is a double ax taken to the legislation that is involved. It takes $18 billion out of only the discretionary amount of funding that is provided in the underlying bill. As such, that is between 20 and 25 percent of the reduction in all of the discretionary accounts from the underlying bill.

Who would have ever thought that we would have gotten so deep in deregulation and had our major financial services regulating agencies so asleep at the switch that we would have ended up in a housing crisis, a foreclosure crisis, that has been raging to the point where there are 6 or 8 million foreclosed homes? It almost brought, not only the American financial system to its knees, but almost the whole world's financial system to its knees. It ended up with the Secretary of the Treasury, under the administration of the previous President, coming to Congress and asking for us—begging us, begging the Congress—to bail out the biggest banks in this country, the banks which caused the housing crisis by running a casino on Wall Street.

In that process, by that time, by the time they came to Congress to ask for that bailout, we were already four quarters into a recession in this country, a recession that raged throughout the whole of the year of 2008 and on into at least the first two quarters of 2009.

We have begun to come back out of that recession. We passed a stimulus bill within 1 month of the new President's being inaugurated, which, within another month, turned job losses to job gains—or at least to a reduction of job losses for a series of months. Now, in the last 6 months or so, there have been job gains. We have been out of the recession, but it is not a recovery that is happening very quickly.

Whoever would have thought that all of those things would have happened?

We have a series of economists who pointed out we had to do exactly those things—first, the bailout of the banks, which most of us in Congress, I think from both sides, voted for, and there were people on the other side of the aisle who voted for that legislation. Most of us expected that there would be some kind of evenhanded handling of the largest investment banks and also of those who had been bilked out of their money in the housing crisis and who had gone through foreclosures,

but the foreclosure crisis has gone on and gone on and gone on much farther than it should have been allowed to go.

Whoever would have thought that all of those things would have happened in America?

We are now coming out of this recession. If an amendment were implemented, such as the one the gentleman from Ohio has proposed, it would send us right back into the recession. We cannot do this. Though, I wonder, as I think I may have asked you earlier, Mr. Chairman: Is this a deliberate effort to put us back into a double-dip recession that would be so similar to the Great Depression?

This was exactly what happened in 1937, which was 4 years after the inauguration of FDR. Four years later, we went back into a recession, which took another 4 years of experiencing a really very, very bad economy. We are coming out with the rather prudent actions that have been taken by Congress and by this administration, and we must continue on that path.

The CHAIR. The time of the gentleman has expired.

Mr. JORDAN of Ohio. Just a couple of quick responses to the chairman's comments.

Mr. Chairman, first of all, I voted against the bank bailout, the TARP bailout. If my memory serves me correctly, the gentleman voted for that proposal.

Second, the chairman's comments about how this is such a dramatic cut is a great example of how out of touch this town is with the American people. All this amendment does is say let's spend what we spent just 2 years ago, in 2008. Go talk to average Americans. They think that's probably something the Federal Government could do—spend what we were spending 2 years ago.

Also, remember that this bill is a 38 percent increase over 2008. That's on top of the transportation spending that was in the stimulus bill. So it's even bigger than 38 percent, this increase over 2008.

Finally, I would say this: If big government spending, if big government taxation, if big government regulation were going to get us out of this economic mess, well, heck, we'd have been out of it a long time ago because that's all this government has been doing for 2 years.

□ 1920

Mr. Chairman, I will just close with this. How bad does it have to get before we can begin to reduce some spending around here? Do we have to have a $2 trillion deficit? Do we have to get to $30 trillion in debt? I mean, how bad does it have to get before we can start to do those things that make sense and that will guarantee a prosperous future for our kids and our grandkids?

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. JORDAN of Ohio. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

It is the Chair's understanding that amendment No. 19 will not be offered.

AMENDMENT NO. 20 OFFERED BY MR. FLAKE

The CHAIR. It is now in order to consider amendment No. 20 printed in part A of House Report 111–578.

Mr. FLAKE. Mr. Chairman, I wish to offer the amendment on behalf of Congresswoman BACHMANN.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 53, line 3, after the dollar amount insert ''(reduced by $1,203,500,000)''.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would simply reduce funding for capital and debt service grants to the National Railroad Passenger Corporation for capital investments by $1.2 million.

I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim time in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I yield such time as she may consume to the gentlewoman from Florida (Ms. CORRINE BROWN), who is the chairperson of the authorizing committee for rail.

Ms. CORRINE BROWN of Florida. I encourage my colleagues to oppose this terrible amendment.

Rail in America is experiencing a renaissance that we haven't seen in 50 years. All forms of passenger rail, including Amtrak, are seeing increased ridership numbers. In fact, in 2009 Amtrak welcomed aboard over 27 million passengers, the second largest annual total in Amtrak history. An average of more than 74,000 passengers ride more than 300 Amtrak trains per day. And with gridlocked roadways and ever increasing prices in gas, ridership will only increase.

Amtrak provides a majority of all intercity passenger rail in the United States, with more States and localities across America turning to passenger rail to meet the transportation needs of their citizens.

Amtrak reduces congestion and improves our energy independence. One full passenger train can take 250 to 350 cars off the road. Passenger rail also consumes less energy than both automobiles and commercial airlines.

Moreover, Amtrak plays a vital role in emergency preparedness and recovery during Hurricane Katrina. In fact, Amtrak was the only entity that could get into New Orleans to evacuate victims and deliver food, water, and supplies.

Amtrak has made significant improvements in its system over the last several years, has steadily increased ridership numbers, plays a vital role in disaster recovery, and has an ambitious agenda for future growth.

Indeed, it was Congresswoman BACHMANN and her Republican colleagues that put this country in this terrible debt and financial situation that we're in right now by rubber-stamping the Bush tax cut for the rich year after year, what I call ''reverse Robin Hood.'' We're robbing from the poor and working people to give tax breaks to the rich.

I encourage my colleagues to support your constituents, support Amtrak, and vote ''no'' on this terrible amendment.

I have a letter that I want to submit for the RECORD from the chairman of Amtrak, Joe Boardman.

And I just want to give one statement. The lack of capital funds would deny intercity passenger rail service to 29 million people in over 500 communities in 46 States.

And remember, folks, if it's FLAKE, it's ''no.''

NATIONAL RAILROAD PASSENGER CORPORATION,
Washington, DC, July 29, 2010.

Hon. MEMBER OF CONGRESS,
Washington, DC.

DEAR REPRESENTATIVE: I am writing to advise you what the impact to Amtrak would be if Representative Bachmann's amendment to eliminate $1.2 billion in capital funding is adopted during today's floor debate of the FY11 Transportation, Housing and Urban Development, and Related Agencies bill. If enacted, Amtrak would have no capital investment program for FY11. The lack of a capital funding program would deny intercity passenger rail service to 29 million people in over 500 communities in 46 states. Amtrak is on track to have the highest ridership year ever, carrying more people, more places than we did two years ago when the country was experiencing record high gas prices. This amendment would require us to furlough nearly all of our 20,000 employees who live in nearly every state in the Union. It would hamper the operation of key commuter rail services in major metropolitan areas including much of the Northeast, Chicago, Seattle, and Northern and Southern California, and we would default on commercial loans which finance most of our equipment.

Just under two years ago, Congress recognized the importance of intercity passenger rail and approved a reauthorization of Amtrak in the Passenger Rail Investment and Improvement Act. Amtrak's appropriations request for FY11 is in line with this congressionally-approved authorization.

Investment in Amtrak's capital program creates jobs, provides energy efficient mobility, and allows us to keep America's passenger railroad safe and reliable.

Sincerely,

JOE BOARDMAN,
President and Chief Executive Officer.

Mr. FLAKE. Mr. Chairman, let me just say, I misspoke earlier; I left off three zeros. This amendment would save $1.2 billion, not $1.2 million. It's easy to mess that up these days, given all the zeros we're talking about.

The U.S. Department of Transportation calculates that the average Amtrak passenger receives a $210 Federal subsidy for their ticket. Larger subsidies obviously go to underperforming routes and those traveling in first class or sleeper cars. In fact, the Federal Government says that it could actually save money by buying a plane ticket for every passenger on some of the worst performing routes, like that from Orlando to L.A., for example. This has been going on for a long, long time, and we're always told that Amtrak will be self-sufficient just around the corner, or that something else will happen; and it simply never does. It's kind of the transportation version of corn ethanol subsidies. So, I don't want to anger another group here.

But anyway, it just seems to never, never end; and we keep subsidizing on and on. It might be one thing if we were running a big surplus to do this. We're not: 42 or 41 cents on every dollar we spend this year will be borrowed from future generations, from the Chinese, from other bond holders. When we're spending, when we're borrowing 42 cents on every dollar, I think it behooves us to look for areas where we can save; and this is a modest area here, to cut some, just a small portion, of the subsidy that we currently provide.

I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I just want to express that this amendment for a program which is totally authorized, and we are not running above the authorization number on Amtrak by any means at all, but this is a killer amendment for Amtrak to remove all of their capital funds, as this amendment purports to do. So I oppose the amendment, and urge a ''no'' vote on the amendment.

Mr. OBERSTAR. Mr. Chair, I rise in strong opposition to this amendment. This amendment eliminates all of Amtrak's capital and debt service grants but the $132 million that Amtrak receives from state and local agencies for capital improvements.

This amendment is nothing more than a rehash of the Bush Administration's numerous yet unsuccessful attempts to force Amtrak into bankruptcy.

Let's be clear: This is a shut-down amendment. A shut-down of Amtrak will strand millions of rail passengers, disrupt commuter operations, add to our already congested roads and airports, eliminate well over 20,000 jobs nationwide, and jeopardize local economies and businesses that depend on Amtrak's service.

The gentle lady from Minnesota (Mrs. BACHMANN) must know that without capital funding provided by the federal government, Amtrak won't be able to maintain its own rail network. Amtrak is then left with two choices: shut-down or jeopardize the safety of millions of Amtrak riders, passengers on the commuter railroads that operate along the Northeast Corridor, and the crewmembers of at least two freight railroads—Norfolk Southern and CSX, which rely upon Amtrak's infrastructure and dispatching services in the Corridor.

Amtrak won't be able to replace any ties; fix any track, tunnels, or bridges; make station improvements; overhaul equipment; or invest in much-needed safety and security improvements. Further, the railroad won't be able to make any of the capital improvements necessary to make the 481 Amtrak-served stations, platforms, parking facilities, and other structures accessible to persons with disabilities, as required under the Americans with Disabilities Act (ADA).

Funding for Amtrak's fleet plan would be decimated. The fleet, both locomotives and railcars, are the only means for Amtrak to provide service. If Amtrak's fleet can't be maintained, then Amtrak can't provide service—certainly not safe and reliable service.

Right now, the average age of Amtrak's passenger car fleet is 25. The mainstay of the Amtrak fleet are 412 ''Amfleet I'' passenger cars commonly used on the Northeast Corridor; these cars were built between 1974 and 1977 and are presently beyond their assumed 30-year commercial life cycle. Amtrak's Heritage Equipment railcars were built as far back as 1948. Baggage cars, used on long distance trains, were built between 1950 and 1961. Dining cars, also used on long distance trains, were built between 1948 and 1958. The locomotive fleet fares no better. Amtrak's locomotives average 21 years of age. Based on the 20-year commercial life cycle of a locomotive, replacement locomotives are already overdue.

Amtrak plans to overhaul its fleet and purchase new equipment over the next several years. Amtrak is already in discussions with General Electric to purchase new locomotives, and with other companies to purchase new rail cars and parts for maintenance for the existing fleet, which in turn will provide hundreds if not thousands of jobs for an entire industry (railway suppliers) that is rapidly declining in America. But without capital funding, that won't happen.

No funding for capital means no jobs.

According to the Association of American Railroads, if Amtrak shutdown, the freight rail industry would lose an estimated $5.3 billion over the next six years at a time when the freight railroads are just starting to recover from the economic crisis and bring people back to work.

I urge Members to oppose this amendment.

Mr. OLVER. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

It is now in order to consider amendments printed in part B of House Report 111–578.

PART B AMENDMENT NO. 2 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk designated as No. 2, Part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''Federal Highway Administration—Federal-Aid Highways (Limitation on Obligations)'' shall be available for the Blackstone River Bikeway project in Rhode Island, and the aggregate amount otherwise provided under such heading is hereby reduced by $1,000,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. This amendment would prohibit $1 million from going to the Rhode Island Department of Transportation for the Blackstone River Bikeway, and it would reduce the overall cost of the bill by a commensurate amount.

This particular earmark would fund a project to construct a 3½ mile route or portion of a bikeway in North Smithfield, and Woonsocket, including the construction of sections that would connect a public library, a planned middle school complex, and several bridges.

Here we have a project that is described as a cyclist's paradise of mill villages and farming communities in Massachusetts and Rhode Island. According to the Web site of the project, the bikeway is being developed thanks largely to Federal transportation funding, and it's an effort among Rhode Island Department of Environmental Management to Massachusetts Department of Conservation and Recreation and on and on, some other entities as well.

□ 1930

Well, certainly Federal transportation funding is right. There is a lot of it going here. And a lot of earmarks have gone this way as well. Over the past several years, this project has received several earmarks. In fact, Citizens Against Government Waste has in their waste Pig Book this project has received five earmarks in transportation appropriations bills worth nearly $7 million since 2002, including, last year, same project received a $475,000 earmark; in 2005, a $500,000 earmark; 2004, a $1.5 million earmark; 2003, a $3 million earmark; 2002, a $1.5 million earmark. Why are we doing this?

Here we are, as we just mentioned, running a deficit of about $1.4 trillion this year. We have a national debt north of $13 trillion. Forty-two cents of every dollar we spend this year will be borrowed. Yet we can't wean ourselves off these kind of earmarks.

Bike paths. I love biking. I will go home this weekend and bike. But why in the world should the taxpayers at the Federal level be on the hook for an earmark for a bike path in Rhode Island? Why did we just choose this one? That's part of the problem of this system of earmarking that we have.

I look at this chart. The contemporary practice of earmarking is very much a spoils system. And if we look at the bill that we are considering right now, THUD, this is actually one of the least egregious offenders. If you look at the red area, that's the percentage of earmark dollars that are claimed by members of the Appropriations Committee or members of leadership or chairmen of committees. They represent about 13 percent of this body, yet they claim, look at this, look at the red, some bills, in the ag appropriations bill 76 percent of all earmarks will go to these 13 percent of powerful members. In this bill, 42 percent.

That's the problem. How do we choose this bike path as opposed to one in Utah or one in Alaska or somewhere else? It's a spoils system that has to stop. And if we can't stop it this year, when we're running a deficit of $1.4 trillion, when will we stop it?

I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I rise to oppose the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I urge a ''no'' vote.

I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, to hear the gentleman talk, you would think that this bill is being gobbled up by a huge number of earmarks, causing the deficit to explode. The gentleman used a chart. I've got a chart too. This bar represents the total spending in this bill, $67 billion. This bar represents the portion of that bill represented by earmarks. Mr. Chairman, I have a tough time finding it. Oh, yeah, with this magnifying glass I can almost see the bar that represents the earmarks. Less than one-half of 1 percent of this bill are represented by earmarks.

And you know what? The last time I looked, the Constitution gave the Congress the power of the purse. No Congress has ever changed any President's budget by more than 3 percent in all the time I have been here. And that 3 percent difference is the difference between having a President and having a king. And whether the President is Republican or Democratic, I want a President. I don't want a king.

So all I would suggest to the gentleman from Arizona is that he keep this in perspective. Keep it in perspective. Or as my old friend Archie the cockroach said once long ago, ''Perspective is everything. Of what use is it for a queen bee to fall in love with a bull?''

Mr. FLAKE. I don't think we want to talk about bull. I don't know how it is in Wisconsin, but in Arizona, to have a bill that has more than 400 earmarks worth more than $300 million is not an insignificant sum.

Now, you can have a chart that takes the overall amount that the bill spends and then make $300 million look pretty small. But only in Washington will people say, yeah, that looks pretty small. Anywhere else in the country they're going to say that's a pretty big amount. And everybody knows how the game works here. Earmarks are, as has been said by many, the gateway drug to spending addiction. Once you start getting earmarks, you start approving bloated appropriations bills worth $67 billion. And if you didn't have your earmark in there, you wouldn't be likely to keep increasing the amounts that we spend every year.

Now, some may point out, hey, we are down this year from last year, but we were up 28 percent last year from the year before. That is what has got us into this problem where we have a deficit of $1.4 trillion and we are borrowing 42 cents on every dollar, and then we dismiss $300 million as insignificant.

I mean you can use a magnifying glass and try to make it sound like it's small, but it's $300 million. And people across the country are saying if we don't start here, where do we start? If we can't do this, will we ever reform the entitlement programs we have to reform?

Mr. OLVER. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

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

Mr. KENNEDY. It seems like my colleagues, as the saying goes, know the cost of everything but the value of nothing. I think the gentleman is exactly right, entitlements. That's where the money is. We all know it. And yet my colleagues have not seen fit to increase research, biomedical research that could show enormous offsets in the cost of care for people with Alzheimer's, autism, Parkinson's, epilepsy. But that's just the costs. Think about the difference in people's lives that research in helping people live more functional lives, the cost in their quality of life that could make.

But are they talking about savings in those respects? No, they're just talking about dollars and cents that seem to fit on a piece of paper, but not in a difference in people's lives. Here they're talking about a couple million dollars on a bike path. They say that that is something we shouldn't care about. I'm the Congressman from that district. I know what dollars come back home. I know the value of this bike path. It helps get people to enjoy the quality of their life.

In case people don't understand, there is a public health epidemic. It's called diabetes. It's called lack of exercise. I think we actually ought to be encouraging people to be outdoors. It is a public health issue. We will be paying for this public health problem if people don't exercise. But this gentleman seems to dismiss the cost of a bike path. The point is that once again, cost of everything, value of nothing.

So we'll hear a bunch of these amendments come on down the pike. I just ask people to keep in mind this is coming up on the silly season, election time. People will sound like they care a lot about your bottom line. But the real issue is, do they really care about the other kinds of deficits? The deficits in education.

You can only make first grade once in your life, second grade once, third grade once. And if your kid's in the classroom with 35 kids that year because we decide to save money, guess what? Too bad for your kid. They have no dress rehearsal in their life. No dress rehearsal. So if we decide to save money this year, too bad for that kid because we all of a sudden got serious about our deficit.

Forget their deficit that they're going to live with for the rest of their life in terms of human potential because that wasn't on their balance sheet, ladies and gentlemen. That GNP never factored into their timetable, into their value system. That's not the GNP they were looking at. So let's start changing the way we value what our economy is and what it is that we value when we're looking at dollars and common sense.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

□ 1940

PART B AMENDMENT NO. 4 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 4, part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''Federal Highway Administration—Federal-Aid Highways (Limitation on Obligations)'' shall be available for the Downtown Tacoma Streetscapes Improvement Project in Washington, and the aggregate amount otherwise provided under such heading is hereby reduced by $1,000,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Before I start on this amendment, let me address what was just said here.

We're told by challenging these earmarks, $300 million in this bill, that we, those who want to save some money here, know the cost of everything and the value of nothing. I think we better translate that into Chinese. And the next time we try to auction our bonds and we have no takers and the Chinese won't buy this paper, say, ''Hey, you know the cost of everything but the value of nothing.'' See where that gets us.

It does matter what kind of deficits we run and what kind of debt we have. It matters. It matters a lot. We may say that it doesn't around here or that we'll get serious about it later or that we can fund all of the bike paths we want this year or streetscapes or whatever we're doing because we'll get serious about it next year, but we never seem to do it.

I've been doing this for several years now, and I hear that all the time. ''Yeah, we'll get to it later. This year we've got to do this,'' and we never seem to get to it.

So I would just challenge the cost of everything, the value of nothing, those sayings. Yeah, they're nice to hear, but when you're running a deficit of $1.4 trillion, I think there's a little too much cost there, and I think people across the country would agree.

This amendment would prohibit a million dollars going to the downtown Tacoma streetscape improvements in Tacoma, Washington, and reduce spending in the bill by a commensurate amount. According to the sponsor's Web site, the recipient will be the City of Tacoma, and the funding would be used toward streetscape improvements along Pacific Avenue in downtown Tacoma.

The City of Tacoma, I believe, has received a similar earmark in 2010 for $800,000 to develop complete streets, including new bike paths, widening sidewalks, installing medians, street trees, and other amenities.

When do we stop here? Why do we choose this one and say the City of Tacoma deserves another earmark, this time to use for streetscapes. There are a lot of cities around the country that need streetscapes, a lot of them that are probably deserving. But why in the world did we choose this one?

Again, it goes back to the spoils system I talked about. Powerful Members on certain committees get the spoils, a huge, disproportionate percentage of it.

So you can talk all high and mighty about how Members know their districts better than those faceless bureaucrats, but apparently, unless you're a chairman of an important committee or you're on the right committee or you're in leadership, you don't know your district very well. So it's a spoils system that shouldn't be done. We ought to be saving money where we can.

And let me just remind Members here that people across the country, it's all well and good to say we couldn't take 1 percent or one-half of 1 percent from that bill because that's indiscriminate; it would cut out all programs. Here, we're talking about one specific project. And you're going to have to justify voting against amendments to remove funding for a streetscape in Tacoma, Washington, that was picked for who knows why.

So I would just caution those who want to support this kind of earmarking that people across the country are fed up with it, and they know when Members vote specifically on amendments to strike funding for these projects that they would rather fund a project like this than actually help pay down the deficit we have.

I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I rise to claim the time in opposition to this amendment.

The CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Today I rise in opposition to the amendment from the gentleman from Arizona. The Downtown Tacoma Streetscapes Improvement Project is a vital economic recovery tool for the City of Tacoma.

The Tacoma area has an unemployment rate of 9 percent. In addition, the largest downtown employer has recently announced their plans to move. In response, the community came together and created a revitalization plan to redevelop the downtown corridor.

The overall plan is estimated to create 500 new jobs and help transform the local economy. This plan has strong local support through partnerships with the Tacoma-Pierce County Economic Development Board, the Tacoma-Pierce County Chamber of Commerce, the Executive Council for a Greater Tacoma, and the State of Washington. The local business community and other stakeholders have come out in favor of the project.

The city is doing their part by investing approximately $35 million in local funds to implement the downtown revitalization plan. Federal investments serve as an important catalyst to allow the leveraging of public and private dollars.

This specific funding will be used to develop complete streets, which will involve transitioning existing right-of-ways for multimobile use, including new bike paths, widening sidewalks, and installing medians along the city's main downtown corridor.

Mr. Chairman, this is an important economic development project in my district, and I strongly oppose the gentleman's amendment and ask that the Members vote against it.

I reserve the balance of my time.

Mr. FLAKE. Again, this bill has 461 earmarks, $328 million in those earmarks. I wish we could challenge them all. We can't. We've only been allowed the opportunity to challenge four of them. So we will have a rollcall vote on four amendments to strike these earmarks. So Members will have to go from this body back to their districts this next month and say why they voted against an amendment to strike an earmark for downtown beautification in one city that was just picked by the Appropriations Committee and why in the world it's better to borrow 42 cents of every dollar we're spending here from our kids and our grandkids and our foreign debtors, why that is a good plan for economic development, why it wouldn't be better to actually pay down the debt to lessen this deficit a bit. That's what this is about.

So don't think we can hide behind, well, these were indiscriminate cuts. This is a specific cut to cut a certain earmark from the bill, in this case, that would cut a million dollars. It's not insignificant not to anyone outside of the Beltway. This is a specific amendment to strike a million dollars in spending for a streetscape for beautification in a certain city.

I think we ought to beautify the appropriations process a little bit by actually having fewer earmarks and saving a little money.

I yield back the balance of my time.

Mr. DICKS. I strongly oppose the gentleman's amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 10 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 10, part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''Department of Housing and Urban Development—Community Planning and Development—Community Development Fund'' shall be available for the Restoration and Improvements to the Historic Darwin Martin House Home and Complex project of the Martin House Restoration Corporation, New York, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for the Economic Development Initiative in the second paragraph under such heading) are each hereby reduced by $1,000,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. This amendment would prohibit $1 million from being used for a restoration and improvement project

at the historic Darwin D. Martin House and complex and would reduce the overall cost of the bill by a commensurate amount.

According to the sponsors of the Web site, the entity that would receive the earmark is called the Martin House Restoration Corporation, whose purpose is to restore a structure designed by Frank Lloyd Wright at the turn of the 19th century. The MHRC's Web site says that it was formed in 1992 with a clear mandate. First part of this mandate: Raise the money to restore the complex to its 1907 grandeur.

There are a lot of historic buildings around the country, a lot of them, that need a lot of restoration. My own home needs a lot of it. A lot of people are losing their homes. Those homes need a lot of restoration. A lot of them are losing them because of the Federal Government's spending ways.

□ 1950

Yet here we are designating one project to receive a million dollars. Again, let me say it one more time. This is not as if every Member comes here and is designated a million dollars to take home and spend in their district on restoring homes. They aren't. The spoils system runs well here. If you're on the Appropriations Committee or you're in leadership, you get the spoils. That's why 42 percent of the earmarked dollars in this bill are going to just 13 percent of the Members of this body. In that sense, you can't justify it nor can you justify spending a million dollars in this way when we're borrowing 42 cents of every dollar that we'll spend this year.

We have a deficit of $1.47 trillion. We have a debt of $13.2 trillion. How in the world can we continue to do this, to earmark money for projects like this, when we have that kind of deficit and we have that kind of debt?

I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim time in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, the way I see it, we're watching a let's pretend attack on the deficit tonight by singling out these items that cost about a million bucks.

If Members are concerned about the deficit, I would ask, why did they vote for two tax cuts, primarily aimed at rich people, that spent more than $2 trillion? Why are they continuing to insist that we provide further tax cuts for people who make over $250,000 a year, again paid for with borrowed money? Why did they vote to go into two wars on borrowed money that cost over a trillion dollars? That's where the real money is.

Mr. OLVER. I now yield 3 minutes to the gentlewoman from Rochester, New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I appreciate the gentleman's yielding.

Mr. Chairman, Buffalo, New York, is the third poorest city in the United States. No one in their right mind would ever accuse Buffalo of getting spoils. This complex is a very important economic development tool for us. This amendment would strike an important lifeline to a place of cultural and economic significance in a struggling region that has been hit hard by the recession.

This house was completed in 1905. I won't go into all that. I simply want to say that Mr. Martin was the patron of Frank Lloyd Wright. He kept him going in good times and bad. Mr. Wright did his best work on this complex. It has been allowed to degenerate over the years because of a lack of money. The community has raised almost all the money to restore this by themselves.

Now, let me tell you, Mr. FLAKE, we estimate that when this is finished, consultants tell us that 42,000 to 83,000 visitors a year would come to see that house. It would generate $17 million in economic impact annually. For this million dollars, Mr. FLAKE, you probably would not get a better return on your money, and additionally the tax return would be significant.

Of this $17 million, $8.34 million will be the earnings and wages of 198 workers who would otherwise be jobless. This is not the time to be striking those jobs from these persons.

One of the reasons that we are anxious to get it finished is that in October 2011, there will be a national conference convening in Buffalo with Martin House at its center bringing in more than 2,000 people. It is our aim to try to make this magnificent structure and we invite you to come up. I know you would love it. We want to have it finished.

We believe that this will be a significant destination for everybody in America who loves the finest architect that America ever produced—Frank Lloyd Wright.

And, Mr. FLAKE, I do appreciate you. As you remember, it was my committee that put this in order. Thank you very much.

Mr. Chairman, I rise today in strong opposition to the Flake Amendment eliminating funding for restoration of the historic Darwin Martin House and complex in Buffalo, New York.

This amendment would strike an important lifeline to a place of cultural and economic significance in an already struggling region hit hard by the recession.

The Darwin Martin House and complex was completed in 1905 in the historic Parkside neighborhood of Buffalo and is a testament to the genius of famed American architect Frank Lloyd Wright.

The Buffalo community has rallied behind this historic landmark, spearheading an ambitious effort to complete its full restoration after years of neglect and disrepair, turning into source of jobs and tourism revenue.

Consultants predict visitation levels at 42,000 to 83,000 visitors per year, which would generate $17 million in economic impact for the region annually.

Of this $17 million, $8.34 million will be the earnings and wages of 198 workers who would otherwise be jobless.

I hardly think now is the time to be striking jobs from hard working folks, during a period of economic hardship we have not seen since the Great Depression.

Additionally, The National Trust for Historic Preservation will be convening its October 2011 national conference in Buffalo, a city of architectural masterpieces, including Frank Lloyd Wright's Martin House Complex, a lynchpin of the region's architectural and cultural tourism sectors.

Over 2,000 practitioners and opinion makers from the fields of historic preservation, architecture and design will be coming to see the Martin House.

Richard Moe, former president of the National Trust, called the Martin House, "the most ambitious and well executed restoration effort in his 15 years at the helm of the Trust."

He went further to say he believed the Martin House holds the promise of becoming "the signature Frank Lloyd Wright site in America."

This is a national success story that will bring millions of visitors to the Buffalo Niagara region and will be an anchor for the burgeoning cultural tourism industry.

New York State will have "book-end" Wright sites with the Guggenheim Museum in NYC and the Martin House to the west, in the shadow of Niagara Falls and all its international tourism appeal.

Please join us in opposition to this amendment.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Members are reminded to direct their comments to the Chair and not to others in the second person.

Mr. FLAKE. Mr. Chairman, I continue to reserve.

Mr. OLVER. I now yield the remainder of my time to the gentleman from Buffalo, New York (Mr. HIGGINS).

The CHAIR. The gentleman is recognized for 2½ minutes.

Mr. HIGGINS. Thank you, Mr. Chairman.

Mr. Chairman, I rise today in strong opposition to the Flake amendment. The best way to reduce deficits is to create jobs.

The Darwin Martin House in Buffalo is one of Frank Lloyd Wright's singular architectural masterpieces and is currently undergoing an ambitious project to restore it from a period of neglect to its original grandeur.

The reason for its inclusion in the bill before us today is because restoration of the Martin House is important to the economic future of Buffalo and western New York. The Martin House currently attracts tourists from all over the world. This investment will help create 200 jobs and $18 million in annual economic activity for a million-dollar investment.

Urban areas like Buffalo are leveraging our vast historical and architectural resources to create a new economy in cultural tourism. This project will play an important role in enhancing the economy and life quality of western New York.

Mr. Chairman, I strongly oppose this amendment, and I urge my colleagues

on both sides of the aisle to support western New York and join me in opposition.

Mr. FLAKE. Mr. Chairman, I yield myself the balance of my time.

I do thank the gentlelady on the Rules Committee for making this amendment in order, at least a few of mine. I do appreciate that. But I am just baffled that the other side would continue to talk about—let's gain perspective here—we're just talking about a little money, and to basically belittle any attempt to save a million here or a million there. I just think that says we're out of touch completely with what the country is going through, to say, hey, we've got a $1.4 trillion deficit this year, we've got a $13.2 trillion debt that we're going to need to pay off, our kids and grandkids will be doing this forever, but we say, ''Well, we can't start here because it's just too big. We really need to tackle those entitlements.'' Although I don't see a plan of anybody here on this side of the aisle who has presented this bill to actually tackle the entitlement programs. Some of us have presented something. This road map that the gentleman from Wisconsin, the colleague of the gentleman who spoke before, has introduced is a great plan to actually address entitlement spending as well.

But we're here today to vote on four specific amendments to save specific money from specific projects; and that's what you'll have to go and answer to specific constituents about: whether you voted yes or no on amendments to strike a million dollars that could be saved from a project like this one, from an earmark like this one. I would venture to guess that your constituents and my constituents would want you to do that. And it will be tough to explain by saying, ''This is just a little part of the budget. We can't save here. We're not addressing entitlement spending, so we're not going to address discretionary spending, either.''

I would urge support of the amendment. And, remember, people are watching here. They're watching what we're doing. When you go home, you'll need to explain, if you vote against this amendment, why you didn't want to save the taxpayer a million dollars when we have a deficit of $1.4 trillion and a debt of $13.2 trillion.

I yield back the balance of my time.

Mr. OLVER. I urge a ''no'' vote on this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 11 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 11 in part B made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''Department of Housing and Urban Development—Community Planning and Development—Community Development Fund'' shall be available for the Construction of a Children's Playground project of the Municipality of Yauco, Puerto Rico, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for the Economic Development Initiative in the second paragraph under such heading) are each hereby reduced by $150,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes,

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair.

This amendment would prohibit $150,000 from being spent on the construction of a child's playground. Now I am the father of five children. I understand the importance of having a place for kids to play. Believe me, kids need to let loose and expend some energy somewhere. But Federal spending has been let loose, far too loose, so loose that we have this year a $1.4 trillion deficit. We are borrowing 42 cents on every dollar that we spend.

□ 2000

When we are doing this, we can't just all of a sudden say we are going to build playgrounds anywhere as a model for economic development or anything else. We can't continue to spend money this way. This is one of the smaller earmarks. We have to start somewhere.

I would urge those of you who want to oppose this amendment to go home to your constituents and say, I wanted to put you $150,000 more in debt because I thought it was important that we spend money; the Federal Government, mind you. Municipal governments, State governments, if they want to spend money on playgrounds that's great. But why is the Federal Government doing it here?

Why are we doing it when in May of 2010 the national debt hit $13 trillion. It's now 13.2. According to The Washington Post, that works out to be more than $40,000 in debt for every U.S. resident; $40,000 of debt for every U.S. resident.

Then we are saying, ''Well, this is just small. We can't save this money; we can't go at the deficit this way. We have to deal with those entitlement programs.'' We certainly do, but we need to start somewhere. This is a great place to start.

I reserve the balance of my time.

Mr. OLVER. I claim time in opposition to this amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I yield such time as he may consume to Mr. PIERLUISI from Puerto Rico.

Mr. PIERLUISI. Thank you, Mr. Chairman.

I rise in strong opposition to this amendment. I requested $150,000 to purchase equipment for a community and recreational park for low-income children in Yauco, Puerto Rico, a city in the southwestern part of the island. The park will be constructed so that it is compliant with the Americans with Disabilities Act.

This funding will supplement funding already provided for the project by the city of Yauco. This is one of the smallest earmarks in this bill. It is unquestionably an appropriate and viable use of Federal funds.

There currently is no recreational park in Yauco, which is home to approximately 50,000 residents, has a poverty rate of 56 percent and has an unemployment rate of over 17 percent. Furthermore, although there are over 75,000 children in Puerto Rico, I am advised that there is not a single recreational park in the entire southwestern region of Puerto Rico that is ADA compliant and thus meaningfully accessible to children with disabilities.

Earlier this week, Mr. Chairman, this House proudly commemorated the 20th anniversary of the ADA's passage. What better way is there to promote the goals of this landmark Federal law than to provide a reasonable amount of funding to help equip a recreational park that children with disabilities can enjoy side by side with their able-bodied friends.

The Department of Housing and Urban Development states that a core part of its mission is to build inclusive and sustainable communities free from discrimination, and HUD's EDI program regularly funds acquisition of equipment for public facilities like the recreational park in Yauco.

In closing, I would gently remind my friend from Arizona that a State with Puerto Rico's population would benefit from congressionally directed spending requests from six Representatives and two Senators. However, because Puerto Rico is a territory, I alone am responsible for protecting the interests of 4 million American citizens.

I urge my colleagues to oppose this amendment.

Mr. FLAKE. Again, you have got to have a Federal nexus somewhere. If you are spending taxpayers' money, it helps to say why in the world should the Federal Government be involved at all. I would submit that if you argue that the Federal Government should be paying for playgrounds around the country, where does it stop?

Where is there no Federal nexus? What is the Federal Government not responsible for? How in the world

would our deficit stay at $1.47 trillion this year if we say the Federal Government is in charge of all playground-building around the country?

I would remind my colleagues, when we vote on these amendments, these are specific amendments to save specific money on specific earmarks. And you can't get by with saying, well, that was indiscriminate cuts and it would have affected this program or that. We are talking about here on these four amendments saving money on street beautification. Where is the Federal nexus there?

On a bike path in Rhode Island, where is the Federal nexus? Why is the Federal Government doing that when we have a deficit of $1.47 trillion and a debt of $13.2 trillion? Why in the world, when every citizen of this country is in debt more than $40,000, why in the world are we saying we are going to pile more on you simply because we can't control ourselves here?

I would urge you again, you are going to have to go home and not say, well, I voted against an amendment that would have cut that program indiscriminately. This is specific amendments for specific programs, specific earmarks that the country knows the Federal Government should not be doing or that the Congress should not be directing money toward.

With that, I urge adoption of the amendment.

I yield back the balance of my time.

Mr. OLVER. I yield the gentleman from Puerto Rico 1 additional minute.

Mr. PIERLUISI. Mr. Chairman, I will be brief. Let me just say that there are 435 Members of this House; there are five Delegates representing the territories. Each and every one of these districts and the territories has its own peculiar needs, and the Members should be entitled to do something like what I am trying to do, help a town in Puerto Rico with the highest poverty rate in the region where kids do not even have a place to play, particularly meeting the needs and the requirements of the Americans with Disabilities Act.

There cannot be a more justified earmark than this one. The amount at stake is $150,000.

So I urge my friend from Arizona to withdraw this amendment because, clearly, it has no merit.

I urge my colleagues to oppose it.

Mr. OLVER. May I inquire how much time remains.

The CHAIR. The gentleman from Massachusetts has 1½ minutes, and the time of the gentleman from Arizona has expired.

Mr. OLVER. Mr. Chairman, I am very interested in this conversation. The gentleman from Arizona, who is usually so rational about this whole effort that he puts forward, he is going to earn a reputation as a grinch for trying to take the one Member representing 4 million people in Puerto Rico, taking a program that would provide ADA compliance in a very small park in a community that's done for children and teens, and he wants to deny the representative for those 4 million people the opportunity to have a very small earmark.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

Mr. OLVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SCHRADER) having assumed the chair, Mr. SNYDER, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5850) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, had come to no resolution thereon.

□ 2010

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 847) to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 847

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''James Zadroga 9/11 Health and Compensation Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—WORLD TRADE CENTER HEALTH PROGRAM

Sec. 101. World Trade Center Health Program.

''TITLE XXXIII—WORLD TRADE CENTER HEALTH PROGRAM

''Subtitle A—Establishment of Program; Advisory Committee

''Sec. 3301. Establishment of World Trade Center Health Program.

''Sec. 3302. WTC Health Program Scientific/Technical Advisory Committee; WTC Health Program Steering Committees.

''Sec. 3303. Education and outreach.

''Sec. 3304. Uniform data collection and analysis.

''Sec. 3305. Clinical Centers of Excellence and Data Centers.

''Sec. 3306. Definitions.

''Subtitle B—Program of Monitoring, Initial Health Evaluations, and Treatment

''PART 1—WTC RESPONDERS

''Sec. 3311. Identification of WTC responders and provision of WTC-related monitoring services.

''Sec. 3312. Treatment of enrolled WTC responders for WTC-related health conditions.

''Sec. 3313. National arrangement for benefits for eligible individuals outside New York.

''PART 2—WTC SURVIVORS

''Sec. 3321. Identification and initial health evaluation of screening-eligible and certified-eligible WTC survivors.

''Sec. 3322. Followup monitoring and treatment of certified-eligible WTC survivors for WTC-related health conditions.

''Sec. 3323. Followup monitoring and treatment of other individuals with WTC-related health conditions.

''PART 3—PAYOR PROVISIONS

''Sec. 3331. Payment of claims.

''Sec. 3332. Administrative arrangement authority.

''Subtitle C—Research Into Conditions

''Sec. 3341. Research regarding certain health conditions related to September 11 terrorist attacks.

''Sec. 3342. World Trade Center Health Registry.

''Subtitle D—Funding

''Sec. 3351. World Trade Center Health Program Fund.

TITLE II—SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

Sec. 201. Definitions.

Sec. 202. Extended and expanded eligibility for compensation.

Sec. 203. Requirement to update regulations.

Sec. 204. Limited liability for certain claims.

Sec. 205. Funding; attorney fees.

TITLE III—LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS; TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

Sec. 301. Limitation on treaty benefits for certain deductible payments.

Sec. 302. Time for payment of corporate estimated taxes.

TITLE IV—BUDGETARY EFFECTS

Sec. 401. Compliance with Statutory Pay-As-You-Go Act of 2010.

TITLE I—WORLD TRADE CENTER HEALTH PROGRAM

SEC. 101. WORLD TRADE CENTER HEALTH PROGRAM.

The Public Health Service Act is amended by adding at the end the following new title:

"TITLE XXXIII—WORLD TRADE CENTER HEALTH PROGRAM

"Subtitle A—Establishment of Program; Advisory Committee

"SEC. 3301. ESTABLISHMENT OF WORLD TRADE CENTER HEALTH PROGRAM.

''(a) IN GENERAL.—There is hereby established within the Department of Health and Human Services a program to be known as the World Trade Center Health Program, which shall be administered by the WTC Program Administrator, to provide beginning on July 1, 2011—

''(1) medical monitoring and treatment benefits to eligible emergency responders and recovery and cleanup workers (including those who are Federal employees) who responded to the September 11, 2001, terrorist attacks; and

''(2) initial health evaluation, monitoring, and treatment benefits to residents and other building occupants and area workers in New York City who were directly impacted and adversely affected by such attacks.

''(b) COMPONENTS OF PROGRAM.—The WTC Program includes the following components:

''(1) MEDICAL MONITORING FOR RESPONDERS.—Medical monitoring under section 3311, including clinical examinations and long-term health monitoring and analysis for enrolled WTC responders who were likely to have been exposed to airborne toxins that were released, or to other hazards, as a result of the September 11, 2001, terrorist attacks.

''(2) INITIAL HEALTH EVALUATION FOR SURVIVORS.—An initial health evaluation under section 3321, including an evaluation to determine eligibility for followup monitoring and treatment.

''(3) FOLLOWUP MONITORING AND TREATMENT FOR WTC-RELATED HEALTH CONDITIONS FOR RESPONDERS AND SURVIVORS.—Provision under sections 3312, 3322, and 3323 of followup monitoring and treatment and payment, subject to the provisions of subsection (d), for all medically necessary health and mental health care expenses of an individual with respect to a WTC-related health condition (including necessary prescription drugs).

''(4) OUTREACH.—Establishment under section 3303 of an education and outreach program to potentially eligible individuals concerning the benefits under this title.

''(5) CLINICAL DATA COLLECTION AND ANALYSIS.—Collection and analysis under section 3304 of health and mental health data relating to individuals receiving monitoring or treatment benefits in a uniform manner in collaboration with the collection of epidemiological data under section 3342.

''(6) RESEARCH ON HEALTH CONDITIONS.—Establishment under subtitle C of a research program on health conditions resulting from the September 11, 2001, terrorist attacks.

''(c) NO COST SHARING.—Monitoring and treatment benefits and initial health evaluation benefits are provided under subtitle B without any deductibles, copayments, or other cost sharing to an enrolled WTC responder or certified-eligible WTC survivor. Initial health evaluation benefits are provided under subtitle B without any deductibles, copayments, or other cost sharing to a screening-eligible WTC survivor.

''(d) PREVENTING FRAUD AND UNREASONABLE ADMINISTRATIVE COSTS.—

''(1) FRAUD.—The Inspector General of the Department of Health and Human Services shall develop and implement a program to review the WTC Program's health care expenditures to detect fraudulent or duplicate billing and payment for inappropriate services. This title is a Federal health care program (as defined in section 1128B(f) of the Social Security Act) and is a health plan (as defined in section 1128C(c) of such Act) for purposes of applying sections 1128 through 1128E of such Act.

''(2) UNREASONABLE ADMINISTRATIVE COSTS.—The Inspector General of the Department of Health and Human Services shall develop and implement a program to review the WTC Program for unreasonable administrative costs, including with respect to infrastructure, administration, and claims processing.

''(e) QUALITY ASSURANCE.—The WTC Program Administrator working with the Clinical Centers of Excellence shall develop and implement a quality assurance program for the monitoring and treatment delivered by such Centers of Excellence and any other participating health care providers. Such program shall include—

''(1) adherence to monitoring and treatment protocols;

''(2) appropriate diagnostic and treatment referrals for participants;

''(3) prompt communication of test results to participants; and

''(4) such other elements as the Administrator specifies in consultation with the Clinical Centers of Excellence.

''(f) ANNUAL PROGRAM REPORT.—

''(1) IN GENERAL.—Not later than 6 months after the end of each fiscal year in which the WTC Program is in operation, the WTC Program Administrator shall submit an annual report to the Congress on the operations of this title for such fiscal year and for the entire period of operation of the program.

''(2) CONTENTS INCLUDED IN REPORT.—Each annual report under paragraph (1) shall include at least the following:

''(A) ELIGIBLE INDIVIDUALS.—Information for each clinical program described in paragraph (3)—

''(i) on the number of individuals who applied for certification under subtitle B and the number of such individuals who were so certified;

''(ii) of the individuals who were certified, on the number who received monitoring under the program and the number of such individuals who received medical treatment under the program;

''(iii) with respect to individuals so certified who received such treatment, on the WTC-related health conditions for which they were treated; and

''(iv) on the projected number of individuals who will be certified under subtitle B in the succeeding fiscal year and the succeeding 10-year period.

''(B) MONITORING, INITIAL HEALTH EVALUATION, AND TREATMENT COSTS.—For each clinical program so described—

''(i) information on the costs of monitoring and initial health evaluation and the costs of treatment and on the estimated costs of such monitoring, evaluation, and treatment in the succeeding fiscal year; and

''(ii) an estimate of the cost of medical treatment for WTC-related health conditions that have been paid for or reimbursed by workers' compensation, by public or private health plans, or by New York City under section 3331.

''(C) ADMINISTRATIVE COSTS.—Information on the cost of administering the program, including costs of program support, data collection and analysis, and research conducted under the program.

''(D) ADMINISTRATIVE EXPERIENCE.—Information on the administrative performance of the program, including—

''(i) the performance of the program in providing timely evaluation of and treatment to eligible individuals; and

''(ii) a list of the Clinical Centers of Excellence and other providers that are participating in the program.

''(E) SCIENTIFIC REPORTS.—A summary of the findings of any new scientific reports or studies on the health effects associated with exposure described in section 3306(1), including the findings of research conducted under section 3341(a).

''(F) ADVISORY COMMITTEE RECOMMENDATIONS.—A list of recommendations by the WTC Scientific/Technical Advisory Committee on additional WTC Program eligibility criteria and on additional WTC-related health conditions and the action of the WTC Program Administrator concerning each such recommendation.

''(3) SEPARATE CLINICAL PROGRAMS DESCRIBED.—In paragraph (2), each of the following shall be treated as a separate clinical program of the WTC Program:

''(A) FIREFIGHTERS AND RELATED PERSONNEL.—The benefits provided for enrolled WTC responders described in section 3311(a)(2)(A).

''(B) OTHER WTC RESPONDERS.—The benefits provided for enrolled WTC responders not described in subparagraph (A).

''(C) WTC SURVIVORS.—The benefits provided for screening-eligible WTC survivors and certified-eligible WTC survivors in section 3321(a).

''(g) NOTIFICATION TO CONGRESS UPON REACHING 80 PERCENT OF ELIGIBILITY NUMERICAL LIMITS.—The Secretary shall promptly notify the Congress of each of the following:

''(1) When the number of enrollments of WTC responders subject to the limit established under section 3311(a)(4) has reached 80 percent of such limit.

''(2) When the number of certifications for certified-eligible WTC survivors subject to the limit established under section 3321(a)(3) has reached 80 percent of such limit.

''(h) CONSULTATION.—The WTC Program Administrator shall engage in ongoing outreach and consultation with relevant stakeholders, including the WTC Health Program Steering Committees and the Advisory Committee under section 3302, regarding the implementation and improvement of programs under this title.

"SEC. 3302. WTC HEALTH PROGRAM SCIENTIFIC/TECHNICAL ADVISORY COMMITTEE; WTC HEALTH PROGRAM STEERING COMMITTEES.

''(a) ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—The WTC Program Administrator shall establish an advisory committee to be known as the WTC Health Program Scientific/Technical Advisory Committee (in this subsection referred to as the 'Advisory Committee') to review scientific and medical evidence and to make recommendations to the Administrator on additional WTC Program eligibility criteria and on additional WTC-related health conditions.

''(2) COMPOSITION.—The WTC Program Administrator shall appoint the members of the Advisory Committee and shall include at least—

''(A) 4 occupational physicians, at least 2 of whom have experience treating WTC rescue and recovery workers;

''(B) 1 physician with expertise in pulmonary medicine;

''(C) 2 environmental medicine or environmental health specialists;

''(D) 2 representatives of WTC responders;

''(E) 2 representatives of certified-eligible WTC survivors;

''(F) an industrial hygienist;

''(G) a toxicologist;

''(H) an epidemiologist; and

''(I) a mental health professional.

''(3) MEETINGS.—The Advisory Committee shall meet at such frequency as may be required to carry out its duties.

''(4) REPORTS.—The WTC Program Administrator shall provide for publication of recommendations of the Advisory Committee on the public Web site established for the WTC Program.

''(5) DURATION.—Notwithstanding any other provision of law, the Advisory Committee shall continue in operation during the period in which the WTC Program is in operation.

''(6) APPLICATION OF FACA.—Except as otherwise specifically provided, the Advisory Committee shall be subject to the Federal Advisory Committee Act.

''(b) WTC HEALTH PROGRAM STEERING COMMITTEES.—

''(1) CONSULTATION.—The WTC Program Administrator shall consult with 2 steering committees (each in this section referred to as a 'Steering Committee') that are established as follows:

''(A) WTC RESPONDERS STEERING COMMITTEE.—One Steering Committee, to be known as the WTC Responders Steering Committee, for the purpose of receiving input from affected stakeholders and facilitating the coordination of monitoring and treatment programs for the enrolled WTC responders under part 1 of subtitle B.

''(B) WTC SURVIVORS STEERING COMMITTEE.—One Steering Committee, to be known as the WTC Survivors Steering Committee, for the purpose of receiving input from affected stakeholders and facilitating the coordination of initial health evaluations, monitoring, and treatment programs for screening-eligible and certified-eligible WTC survivors under part 2 of subtitle B.

''(2) MEMBERSHIP.—

''(A) WTC RESPONDERS STEERING COMMITTEE.—

''(i) REPRESENTATION.—The WTC Responders Steering Committee shall include—

''(I) representatives of the Centers of Excellence providing services to WTC responders;

''(II) representatives of labor organizations representing firefighters, police, other New York City employees, and recovery and cleanup workers who responded to the September 11, 2001, terrorist attacks; and

''(III) 3 representatives of New York City, 1 of whom will be selected by the police commissioner of New York City, 1 by the health commissioner of New York City, and 1 by the mayor of New York City.

''(ii) INITIAL MEMBERSHIP.—The WTC Responders Steering Committee shall initially be composed of members of the WTC Monitoring and Treatment Program Steering Committee (as in existence on the day before the date of the enactment of this title).

''(B) WTC SURVIVORS STEERING COMMITTEE.—

''(i) REPRESENTATION.—The WTC Survivors Steering Committee shall include representatives of—

''(I) the Centers of Excellence providing services to screening-eligible and certified-eligible WTC survivors;

''(II) the population of residents, students, and area and other workers affected by the September 11, 2001, terrorist attacks;

''(III) screening-eligible and certified-eligible survivors receiving initial health evaluations, monitoring, or treatment under part 2 of subtitle B and organizations advocating on their behalf; and

''(IV) New York City.

''(ii) INITIAL MEMBERSHIP.—The WTC Survivors Steering Committee shall initially be composed of members of the WTC Environmental Health Center Survivor Advisory Committee (as in existence on the day before the date of the enactment of this title).

''(C) ADDITIONAL APPOINTMENTS.—Each Steering Committee may recommend, if approved by a majority of voting members of the Committee, additional members to the Committee.

''(D) VACANCIES.—A vacancy in a Steering Committee shall be filled by an individual recommended by the Steering Committee.

''SEC. 3303. EDUCATION AND OUTREACH.

''The WTC Program Administrator shall institute a program that provides education and outreach on the existence and availability of services under the WTC Program. The outreach and education program—

''(1) shall include—

''(A) the establishment of a public Web site with information about the WTC Program;

''(B) meetings with potentially eligible populations;

''(C) development and dissemination of outreach materials informing people about the program; and

''(D) the establishment of phone information services; and

''(2) shall be conducted in a manner intended—

''(A) to reach all affected populations; and

''(B) to include materials for culturally and linguistically diverse populations.

''SEC. 3304. UNIFORM DATA COLLECTION AND ANALYSIS.

''(a) IN GENERAL.—The WTC Program Administrator shall provide for the uniform collection of data (and analysis of data and regular reports to the Administrator) on the prevalence of WTC-related health conditions and the identification of new WTC-related health conditions. Such data shall be collected for all individuals provided monitoring or treatment benefits under subtitle B and regardless of their place of residence or Clinical Center of Excellence through which the benefits are provided. The WTC Program Administrator shall provide, through the Data Centers or otherwise, for the integration of such data into the monitoring and treatment program activities under this title.

''(b) COORDINATING THROUGH CENTERS OF EXCELLENCE.—Each Clinical Center of Excellence shall collect data described in subsection (a) and report such data to the corresponding Data Center for analysis by such Data Center.

''(c) COLLABORATION WITH WTC HEALTH REGISTRY.—The WTC Program Administrator shall provide for collaboration between the Data Centers and the World Trade Center Health Registry described in section 3342.

''(d) PRIVACY.—The data collection and analysis under this section shall be conducted and maintained in a manner that protects the confidentiality of individually identifiable health information consistent with applicable statutes and regulations, including, as applicable, HIPAA privacy and security law (as defined in section 3009(a)(2)) and section 552a of title 5, United States Code.

''SEC. 3305. CLINICAL CENTERS OF EXCELLENCE AND DATA CENTERS.

''(a) IN GENERAL.—

''(1) CONTRACTS WITH CLINICAL CENTERS OF EXCELLENCE.—The WTC Program Administrator shall, subject to subsection (b)(1)(B), enter into contracts with Clinical Centers of Excellence (as defined in subsection (b)(1)(A))—

''(A) for the provision of monitoring and treatment benefits and initial health evaluation benefits under subtitle B;

''(B) for the provision of outreach activities to individuals eligible for such monitoring and treatment benefits, for initial health evaluation benefits, and for followup to individuals who are enrolled in the monitoring program;

''(C) for the provision of counseling for benefits under subtitle B, with respect to WTC-related health conditions, for individuals eligible for such benefits;

''(D) for the provision of counseling for benefits for WTC-related health conditions that may be available under workers' compensation or other benefit programs for work-related injuries or illnesses, health insurance, disability insurance, or other insurance plans or through public or private social service agencies and assisting eligible individuals in applying for such benefits;

''(E) for the provision of translational and interpretive services for program participants who are not English language proficient; and

''(F) for the collection and reporting of data in accordance with section 3304.

''(2) CONTRACTS WITH DATA CENTERS.—

''(A) IN GENERAL.—The WTC Program Administrator shall enter into contracts with Data Centers (as defined in subsection (b)(2))—

''(i) for receiving, analyzing, and reporting to the WTC Program Administrator on data, in accordance with section 3304, that have been collected and reported to such Data Centers by the corresponding Clinical Centers of Excellence under subsection (b)(1)(B)(iii);

''(ii) for the development of monitoring, initial health evaluation, and treatment protocols, with respect to WTC-related health conditions;

''(iii) for coordinating the outreach activities conducted under paragraph (1)(B) by each corresponding Clinical Center of Excellence;

''(iv) for establishing criteria for the credentialing of medical providers participating in the nationwide network under section 3313;

''(v) for coordinating and administering the activities of the WTC Health Program Steering Committees established under section 3002(b); and

''(vi) for meeting periodically with the corresponding Clinical Centers of Excellence to obtain input on the analysis and reporting of data collected under clause (i) and on the development of monitoring, initial health evaluation, and treatment protocols under clause (ii).

''(B) MEDICAL PROVIDER SELECTION.—The medical providers under subparagraph (A)(iv) shall be selected by the WTC Program Administrator on the basis of their experience treating or diagnosing the health conditions included in the list of WTC-related health conditions.

''(C) CLINICAL DISCUSSIONS.—In carrying out subparagraph (A)(ii), a Data Center shall engage in clinical discussions across the WTC Program to guide treatment approaches for individuals with a WTC-related health condition.

''(D) TRANSPARENCY OF DATA.—A contract entered into under this subsection with a Data Center shall require the Data Center to make any data collected and reported to such Center under subsection (b)(1)(B)(iii) available to health researchers and others as provided in the CDC/ATSDR Policy on Releasing and Sharing Data.

''(3) AUTHORITY FOR CONTRACTS TO BE CLASS SPECIFIC.—A contract entered into under this subsection with a Clinical Center of Excellence or a Data Center may be with respect to one or more class of enrolled WTC responders, screening-eligible WTC survivors, or certified-eligible WTC survivors.

''(4) USE OF COOPERATIVE AGREEMENTS.—Any contract under this title between the WTC Program Administrator and a Data Center or a Clinical Center of Excellence may be in the form of a cooperative agreement.

''(b) CENTERS OF EXCELLENCE.—

''(1) CLINICAL CENTERS OF EXCELLENCE.—

''(A) DEFINITION.—For purposes of this title, the term 'Clinical Center of Excellence' means a Center that demonstrates to the satisfaction of the Administrator that the Center—

''(i) uses an integrated, centralized health care provider approach to create a comprehensive suite of health services under this title that are accessible to enrolled WTC responders, screening-eligible WTC survivors, or certified-eligible WTC survivors;

''(ii) has experience in caring for WTC responders and screening-eligible WTC survivors or includes health care providers who have been trained pursuant to section 3313(c);

''(iii) employs health care provider staff with expertise that includes, at a minimum, occupational medicine, environmental medicine, trauma-related psychiatry and psychology, and social services counseling; and

''(iv) meets such other requirements as specified by the Administrator.

''(B) CONTRACT REQUIREMENTS.—The WTC Program Administrator shall not enter into a contract with a Clinical Center of Excellence under subsection (a)(1) unless the Center agrees to do each of the following:

''(i) Establish a formal mechanism for consulting with and receiving input from representatives of eligible populations receiving monitoring and treatment benefits under subtitle B from such Center.

''(ii) Coordinate monitoring and treatment benefits under subtitle B with routine medical care provided for the treatment of conditions other than WTC-related health conditions.

''(iii) Collect and report to the corresponding Data Center data in accordance with section 3304(b).

''(iv) Have in place safeguards against fraud that are satisfactory to the Administrator, in consultation with the Inspector General of the Department of Health and Human Services.

''(v) Treat or refer for treatment all individuals who are enrolled WTC responders or certified-eligible WTC survivors with respect to such Center who present themselves for treatment of a WTC-related health condition.

''(vi) Have in place safeguards, consistent with section 3304(c), to ensure the confidentiality of an individual's individually identifiable health information, including requiring that such information not be disclosed to the individual's employer without the authorization of the individual.

''(vii) Use amounts paid under subsection (c)(1) only for costs incurred in carrying out the activities described in subsection (a), other than those described in subsection (a)(1)(A).

''(viii) Utilize health care providers with occupational and environmental medicine expertise to conduct physical and mental health assessments, in accordance with protocols developed under subsection (a)(2)(A)(ii).

''(ix) Communicate with WTC responders and screening-eligible and certified-eligible WTC survivors in appropriate languages and conduct outreach activities with relevant stakeholder worker or community associations.

''(x) Meet all the other applicable requirements of this title, including regulations implementing such requirements.

''(C) TRANSITION RULE TO ENSURE CONTINUITY OF CARE.—The WTC Program Administrator shall to the maximum extent feasible ensure continuity of care in any period of transition from monitoring and treatment of an enrolled WTC responder or certified-eligible WTC survivor by a provider to a Clinical Center of Excellence or a health care provider participating in the nationwide network under section 3313.

''(2) DATA CENTERS.—For purposes of this title, the term 'Data Center' means a Center that the WTC Program Administrator determines has the capacity to carry out the responsibilities for a Data Center under subsection (a)(2).

''(3) CORRESPONDING CENTERS.—For purposes of this title, a Clinical Center of Excellence and a Data Center shall be treated as 'corresponding' to the extent that such Clinical Center and Data Center serve the same population group.

''(c) PAYMENT FOR INFRASTRUCTURE COSTS.—

''(1) IN GENERAL.—The WTC Program Administrator shall reimburse a Clinical Center of Excellence for the fixed infrastructure costs of such Center in carrying out the activities described in subtitle B at a rate negotiated by the Administrator and such Centers. Such negotiated rate shall be fair and appropriate and take into account the number of enrolled WTC responders receiving services from such Center under this title.

''(2) FIXED INFRASTRUCTURE COSTS.—For purposes of paragraph (1), the term 'fixed infrastructure costs' means, with respect to a Clinical Center of Excellence, the costs incurred by such Center that are not reimbursable by the WTC Program Administrator under section 3312(c).

"SEC. 3306. DEFINITIONS.

''In this title:

''(1) The term 'aggravating' means, with respect to a health condition, a health condition that existed on September 11, 2001, and that, as a result of exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the September 11, 2001, terrorist attacks, requires medical treatment that is (or will be) in addition to, more frequent than, or of longer duration than the medical treatment that would have been required for such condition in the absence of such exposure.

''(2) The term 'certified-eligible WTC survivor' has the meaning given such term in section 3321(a)(2).

''(3) The terms 'Clinical Center of Excellence' and 'Data Center' have the meanings given such terms in section 3305.

''(4) The term 'enrolled WTC responder' means a WTC responder enrolled under section 3311(a)(3).

''(5) The term 'initial health evaluation' includes, with respect to an individual, a medical and exposure history, a physical examination, and additional medical testing as needed to evaluate whether the individual has a WTC-related health condition and is eligible for treatment under the WTC Program.

''(6) The term 'list of WTC-related health conditions' means—

''(A) for WTC responders, the health conditions listed in section 3312(a)(3); and

''(B) for screening-eligible and certified-eligible WTC survivors, the health conditions listed in section 3322(b).

''(7) The term 'New York City disaster area' means the area within New York City that is—

''(A) the area of Manhattan that is south of Houston Street; and

''(B) any block in Brooklyn that is wholly or partially contained within a 1.5-mile radius of the former World Trade Center site.

''(8) The term 'New York metropolitan area' means an area, specified by the WTC Program Administrator, within which WTC responders and eligible WTC screening-eligible survivors who reside in such area are reasonably able to access monitoring and treatment benefits and initial health evaluation benefits under this title through a Clinical Center of Excellence described in subparagraphs (A), (B), or (C) of section 3305(b)(1).

''(9) The term 'screening-eligible WTC survivor' has the meaning given such term in section 3321(a)(1).

''(10) Any reference to 'September 11, 2001' shall be deemed a reference to the period on such date subsequent to the terrorist attacks at the World Trade Center, Shanksville, Pennsylvania, or the Pentagon, as applicable, on such date.

''(11) The term 'September 11, 2001, terrorist attacks' means the terrorist attacks that occurred on September 11, 2001, in New York City, in Shanksville, Pennsylvania, and at the Pentagon, and includes the aftermath of such attacks.

''(12) The term 'WTC Health Program Steering Committee' means such a Steering Committee established under section 3302(b).

''(13) The term 'WTC Program' means the Word Trade Center Health Program established under section 3301(a).

''(14) The term 'WTC Program Administrator' means—

''(A) with respect to paragraphs (3) and (4) of section 3311(a) (relating to enrollment of WTC responders), section 3312(c) and the corresponding provisions of section 3322 (relating to payment for initial health evaluation, monitoring, and treatment), paragraphs (1)(C), (2)(B), and (3) of section 3321(a) (relating to determination or certification of screening-eligible or certified-eligible WTC responders), and part 3 of subtitle B (relating to payor provisions), an official in the Department of Health and Human Services, to be designated by the Secretary; and

''(B) with respect to any other provision of this title, the Director of the National Institute for Occupational Safety and Health, or a designee of such Director.

''(15) The term 'WTC-related health condition' is defined in section 3312(a).

''(16) The term 'WTC responder' is defined in section 3311(a).

''(17) The term 'WTC Scientific/Technical Advisory Committee' means such Committee established under section 3302(a).

"Subtitle B—Program of Monitoring, Initial Health Evaluations, and Treatment

"PART 1—WTC RESPONDERS

"SEC. 3311. IDENTIFICATION OF WTC RESPONDERS AND PROVISION OF WTC-RELATED MONITORING SERVICES.

''(a) WTC RESPONDER DEFINED.—

''(1) IN GENERAL.—For purposes of this title, the term 'WTC responder' means any of the following individuals, subject to paragraph (4):

''(A) CURRENTLY IDENTIFIED RESPONDER.—An individual who has been identified as eligible for monitoring under the arrangements as in effect on the date of the enactment of this title between the National Institute for Occupational Safety and Health and—

''(i) the consortium coordinated by Mt. Sinai Hospital in New York City that coordinates the monitoring and treatment for enrolled WTC responders other than with respect to those covered under the arrangement with the Fire Department of New York City; or

''(ii) the Fire Department of New York City.

''(B) RESPONDER WHO MEETS CURRENT ELIGIBILITY CRITERIA.—An individual who meets the current eligibility criteria described in paragraph (2).

''(C) RESPONDER WHO MEETS MODIFIED ELIGIBILITY CRITERIA.—An individual who—

''(i) performed rescue, recovery, demolition, debris cleanup, or other related services in the New York City disaster area in response to the September 11, 2001, terrorist attacks, regardless of whether such services were performed by a State or Federal employee or member of the National Guard or otherwise; and

''(ii) meets such eligibility criteria relating to exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks as the WTC Program Administrator, after consultation with the WTC Scientific/Technical

Advisory Committee, determines appropriate.

The WTC Program Administrator shall not modify such eligibility criteria on or after the date that the number of enrollments of WTC responders has reached 80 percent of the limit described in paragraph (4) or on or after the date that the number of certifications for certified-eligible WTC survivors under section 3321(a)(2)(B) has reached 80 percent of the limit described in section 3321(a)(3).

''(2) CURRENT ELIGIBILITY CRITERIA.—The eligibility criteria described in this paragraph for an individual is that the individual is described in any of the following categories:

''(A) FIREFIGHTERS AND RELATED PERSONNEL.—The individual—

''(i) was a member of the Fire Department of New York City (whether fire or emergency personnel, active or retired) who participated at least one day in the rescue and recovery effort at any of the former World Trade Center sites (including Ground Zero, Staten Island Landfill, and the New York City Chief Medical Examiner's Office) for any time during the period beginning on September 11, 2001, and ending on July 31, 2002; or

''(ii)(I) is a surviving immediate family member of an individual who was a member of the Fire Department of New York City (whether fire or emergency personnel, active or retired) and was killed at the World Trade site on September 11, 2001; and

''(II) received any treatment for a WTC-related health condition described in section 3312(a)(1)(A)(ii) (relating to mental health conditions) on or before September 1, 2008.

''(B) LAW ENFORCEMENT OFFICERS AND WTC RESCUE, RECOVERY, AND CLEANUP WORKERS.—The individual—

''(i) worked or volunteered onsite in rescue, recovery, debris cleanup, or related support services in lower Manhattan (south of Canal St.), the Staten Island Landfill, or the barge loading piers, for at least 4 hours during the period beginning on September 11, 2001, and ending on September 14, 2001, for at least 24 hours during the period beginning on September 11, 2001, and ending on September 30, 2001, or for at least 80 hours during the period beginning on September 11, 2001, and ending on July 31, 2002;

''(ii)(I) was a member of the Police Department of New York City (whether active or retired) or a member of the Port Authority Police of the Port Authority of New York and New Jersey (whether active or retired) who participated onsite in rescue, recovery, debris cleanup, or related services in lower Manhattan (south of Canal St.), including Ground Zero, the Staten Island Landfill, or the barge loading piers, for at least 4 hours during the period beginning September 11, 2001, and ending on September 14, 2001;

''(II) participated onsite in rescue, recovery, debris cleanup, or related services in at Ground Zero, the Staten Island Landfill, or the barge loading piers, for at least one day during the period beginning on September 11, 2001, and ending on July 31, 2002;

''(III) participated onsite in rescue, recovery, debris cleanup, or related services in lower Manhattan (south of Canal St.) for at least 24 hours during the period beginning on September 11, 2001, and ending on September 30, 2001; or

''(IV) participated onsite in rescue, recovery, debris cleanup, or related services in lower Manhattan (south of Canal St.) for at least 80 hours during the period beginning on September 11, 2001, and ending on July 31, 2002;

''(iii) was an employee of the Office of the Chief Medical Examiner of New York City involved in the examination and handling of human remains from the World Trade Center attacks, or other morgue worker who performed similar post-September 11 functions for such Office staff, during the period beginning on September 11, 2001, and ending on July 31, 2002;

''(iv) was a worker in the Port Authority Trans-Hudson Corporation Tunnel for at least 24 hours during the period beginning on February 1, 2002, and ending on July 1, 2002; or

''(v) was a vehicle-maintenance worker who was exposed to debris from the former World Trade Center while retrieving, driving, cleaning, repairing, and maintaining vehicles contaminated by airborne toxins from the September 11, 2001, terrorist attacks during a duration and period described in subparagraph (A).

''(C) RESPONDERS TO THE SEPTEMBER 11 ATTACKS AT THE PENTAGON AND SHANKSVILLE, PENNSYLVANIA.—The individual—

''(i)(I) was a member of a fire or police department (whether fire or emergency personnel, active or retired), worked for a recovery or cleanup contractor, or was a volunteer; and performed rescue, recovery, demolition, debris cleanup, or other related services at the Pentagon site of the terrorist-related aircraft crash of September 11, 2001, during the period beginning on September 11, 2001, and ending on the date on which the cleanup of the site was concluded, as determined by the WTC Program Administrator; or

''(II) was a member of a fire or police department (whether fire or emergency personnel, active or retired), worked for a recovery or cleanup contractor, or was a volunteer; and performed rescue, recovery, demolition, debris cleanup, or other related services at the Shanksville, Pennsylvania, site of the terrorist-related aircraft crash of September 11, 2001, during the period beginning on September 11, 2001, and ending on the date on which the cleanup of the site was concluded, as determined by the WTC Program Administrator; and

''(ii) is determined by the WTC Program Administrator to be at an increased risk of developing a WTC-related health condition as a result of exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks, and meets such eligibility criteria related to such exposures, as the WTC Program Administrator determines are appropriate, after consultation with the WTC Scientific/Technical Advisory Committee.

''(3) ENROLLMENT PROCESS.—

''(A) IN GENERAL.—The WTC Program Administrator shall establish a process for enrolling WTC responders in the WTC Program. Under such process—

''(i) WTC responders described in paragraph (1)(A) shall be deemed to be enrolled in such Program;

''(ii) subject to clause (iii), the Administrator shall enroll in such program individuals who are determined to be WTC responders;

''(iii) the Administrator shall deny such enrollment to an individual if the Administrator determines that the numerical limitation in paragraph (4) on enrollment of WTC responders has been met;

''(iv) there shall be no fee charged to the applicant for making an application for such enrollment;

''(v) the Administrator shall make a determination on such an application not later than 60 days after the date of filing the application; and

''(vi) an individual who is denied enrollment in such Program shall have an opportunity to appeal such determination in a manner established under such process.

''(B) TIMING.—

''(i) CURRENTLY IDENTIFIED RESPONDERS.—In accordance with subparagraph (A)(i), the WTC Program Administrator shall enroll an individual described in paragraph (1)(A) in the WTC Program not later than July 1, 2011.

''(ii) OTHER RESPONDERS.—In accordance with subparagraph (A)(ii) and consistent with paragraph (4), the WTC Program Administrator shall enroll any other individual who is determined to be a WTC responder in the WTC Program at the time of such determination.

''(4) NUMERICAL LIMITATION ON ELIGIBLE WTC RESPONDERS.—

''(A) IN GENERAL.—The total number of individuals not described in paragraph (1)(A) or (2)(A)(ii) who may be enrolled under paragraph (3)(A)(ii) shall not exceed 25,000 at any time, of which no more than 2,500 may be individuals enrolled based on modified eligibility criteria established under paragraph (1)(C).

''(B) PROCESS.—In implementing subparagraph (A), the WTC Program Administrator shall—

''(i) limit the number of enrollments made under paragraph (3)—

''(I) in accordance with such subparagraph; and

''(II) to such number, as determined by the Administrator based on the best available information and subject to amounts available under section 3351, that will ensure sufficient funds will be available to provide treatment and monitoring benefits under this title, with respect to all individuals who are enrolled through the end of fiscal year 2020; and

''(ii) provide priority (subject to paragraph (3)(A)(i)) in such enrollments in the order in which individuals apply for enrollment under paragraph (3).

''(5) DISQUALIFICATION OF INDIVIDUALS ON TERRORIST WATCH LIST.—No individual who is on the terrorist watch list maintained by the Department of Homeland Security shall qualify as an eligible WTC responder. Before enrolling any individual as a WTC responder in the WTC Program under paragraph (3), the Administrator, in consultation with the Secretary of Homeland Security, shall determine whether the individual is on such list.

''(b) MONITORING BENEFITS.—

''(1) IN GENERAL.—In the case of an enrolled WTC responder (other than one described in subsection (a)(2)(A)(ii)), the WTC Program shall provide for monitoring benefits that include monitoring consistent with protocols approved by the WTC Program Administrator and including clinical examinations and long-term health monitoring and analysis. In the case of an enrolled WTC responder who is an active member of the Fire Department of New York City, the responder shall receive such benefits as part of the individual's periodic company medical exams.

''(2) PROVISION OF MONITORING BENEFITS.—The monitoring benefits under paragraph (1) shall be provided through the Clinical Center of Excellence for the type of individual involved or, in the case of an individual residing outside the New York metropolitan area, under an arrangement under section 3313.

"SEC. 3312. TREATMENT OF ENROLLED WTC RESPONDERS FOR WTC-RELATED HEALTH CONDITIONS.

''(a) WTC-RELATED HEALTH CONDITION DEFINED.—

''(1) IN GENERAL.—For purposes of this title, the term 'WTC-related health condition' means a condition that—

''(A)(i) is an illness or health condition for which exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the September 11, 2001, terrorist attacks, based on an examination by a medical professional with experience in treating or diagnosing the health conditions included in the applicable list of WTC-related health

conditions, is substantially likely to be a significant factor in aggravating, contributing to, or causing the illness or health condition, as determined under paragraph (2); or

''(ii) is a mental health condition for which such attacks, based on an examination by a medical professional with experience in treating or diagnosing the health conditions included in the applicable list of WTC-related health conditions, is substantially likely to be a significant factor in aggravating, contributing to, or causing the condition, as determined under paragraph (2); and

''(B) is included in the applicable list of WTC-related health conditions or—

''(i) with respect to a WTC responder, is provided certification of coverage under subsection (b)(2)(B)(iii); or

''(ii) with respect to a screening-eligible WTC survivor or certified-eligible WTC survivor, is provided certification of coverage under subsection (b)(2)(B)(iii), as applied under section 3322(a).

In the case of a WTC responder described in section 3311(a)(2)(A)(ii) (relating to a surviving immediate family member of a firefighter), such term does not include an illness or health condition described in subparagraph (A)(i).

''(2) DETERMINATION.—The determination under paragraph (1) or subsection (b) of whether the September 11, 2001, terrorist attacks were substantially likely to be a significant factor in aggravating, contributing to, or causing an individual's illness or health condition shall be made based on an assessment of the following:

''(A) The individual's exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the terrorist attacks. Such exposure shall be—

''(i) evaluated and characterized through the use of a standardized, population-appropriate questionnaire approved by the Director of the National Institute for Occupational Safety and Health; and

''(ii) assessed and documented by a medical professional with experience in treating or diagnosing health conditions included on the list of WTC-related health conditions.

''(B) The type of symptoms and temporal sequence of symptoms. Such symptoms shall be—

''(i) assessed through the use of a standardized, population-appropriate medical questionnaire approved by the Director of the National Institute for Occupational Safety and Health and a medical examination; and

''(ii) diagnosed and documented by a medical professional described in subparagraph (A)(ii).

''(3) LIST OF HEALTH CONDITIONS FOR WTC RESPONDERS.—The list of health conditions for WTC responders consists of the following:

''(A) AERODIGESTIVE DISORDERS.—

''(i) Interstitial lung diseases.

''(ii) Chronic respiratory disorder—fumes/vapors.

''(iii) Asthma.

''(iv) Reactive airways dysfunction syndrome (RADS).

''(v) WTC-exacerbated chronic obstructive pulmonary disease (COPD).

''(vi) Chronic cough syndrome.

''(vii) Upper airway hyperreactivity.

''(viii) Chronic rhinosinusitis.

''(ix) Chronic nasopharyngitis.

''(x) Chronic laryngitis.

''(xi) Gastroesophageal reflux disorder (GERD).

''(xii) Sleep apnea exacerbated by or related to a condition described in a previous clause.

''(B) MENTAL HEALTH CONDITIONS.—

''(i) Posttraumatic stress disorder (PTSD).

''(ii) Major depressive disorder.

''(iii) Panic disorder.

''(iv) Generalized anxiety disorder.

''(v) Anxiety disorder (not otherwise specified).

''(vi) Depression (not otherwise specified).

''(vii) Acute stress disorder.

''(viii) Dysthymic disorder.

''(ix) Adjustment disorder.

''(x) Substance abuse.

''(C) MUSCULOSKELETAL DISORDERS FOR CERTAIN WTC RESPONDERS.—In the case of a WTC responder described in paragraph (4), a condition described in such paragraph.

''(D) ADDITIONAL CONDITIONS.—Any cancer (or type of cancer) or other condition added, pursuant to paragraph (5) or (6), to the list under this paragraph.

''(4) MUSCULOSKELETAL DISORDERS.—

''(A) IN GENERAL.—For purposes of this title, in the case of a WTC responder who received any treatment for a WTC-related musculoskeletal disorder on or before September 11, 2003, the list of health conditions in paragraph (3) shall include:

''(i) Low back pain.

''(ii) Carpal tunnel syndrome (CTS).

''(iii) Other musculoskeletal disorders.

''(B) DEFINITION.—The term 'WTC-related musculoskeletal disorder' means a chronic or recurrent disorder of the musculoskeletal system caused by heavy lifting or repetitive strain on the joints or musculoskeletal system occurring during rescue or recovery efforts in the New York City disaster area in the aftermath of the September 11, 2001, terrorist attacks.

''(5) CANCER.—

''(A) IN GENERAL.—The WTC Program Administrator shall periodically conduct a review of all available scientific and medical evidence, including findings and recommendations of Clinical Centers of Excellence, published in peer-reviewed journals to determine if, based on such evidence, cancer or a certain type of cancer should be added to the applicable list of WTC-related health conditions. The WTC Program Administrator shall conduct the first review under this subparagraph not later than 180 days after the date of the enactment of this title.

''(B) PROPOSED REGULATIONS AND RULEMAKING.—Based on the periodic reviews under subparagraph (A), if the WTC Program Administrator determines that cancer or a certain type of cancer should be added to such list of WTC-related health conditions, the WTC Program Administrator shall propose regulations, through rulemaking, to add cancer or the certain type of cancer to such list.

''(C) FINAL REGULATIONS.—Based on all the available evidence in the rulemaking record, the WTC Program Administrator shall make a final determination of whether cancer or a certain type of cancer should be added to such list of WTC-related health conditions. If such a determination is made to make such an addition, the WTC Program Administrator shall by regulation add cancer or the certain type of cancer to such list.

''(D) DETERMINATIONS NOT TO ADD CANCER OR CERTAIN TYPES OF CANCER.—In the case that the WTC Program Administrator determines under subparagraph (B) or (C) that cancer or a certain type of cancer should not be added to such list of WTC-related health conditions, the WTC Program Administrator shall publish an explanation for such determination in the Federal Register. Any such determination to not make such an addition shall not preclude the addition of cancer or the certain type of cancer to such list at a later date.

''(6) ADDITION OF HEALTH CONDITIONS TO LIST FOR WTC RESPONDERS.—

''(A) IN GENERAL.—Whenever the WTC Program Administrator determines that a proposed rule should be promulgated to add a health condition to the list of health conditions in paragraph (3), the Administrator may request a recommendation of the Advisory Committee or may publish such a proposed rule in the Federal Register in accordance with subparagraph (D).

''(B) ADMINISTRATOR'S OPTIONS AFTER RECEIPT OF PETITION.—In the case that the WTC Program Administrator receives a written petition by an interested party to add a health condition to the list of health conditions in paragraph (3), not later than 60 days after the date of receipt of such petition the Administrator shall—

''(i) request a recommendation of the Advisory Committee;

''(ii) publish a proposed rule in the Federal Register to add such health condition, in accordance with subparagraph (D);

''(iii) publish in the Federal Register the Administrator's determination not to publish such a proposed rule and the basis for such determination; or

''(iv) publish in the Federal Register a determination that insufficient evidence exists to take action under clauses (i) through (iii).

''(C) ACTION BY ADVISORY COMMITTEE.—In the case that the Administrator requests a recommendation of the Advisory Committee under this paragraph, with respect to adding a health condition to the list in paragraph (3), the Advisory Committee shall submit to the Administrator such recommendation not later than 60 days after the date of such request or by such date (not to exceed 180 days after such date of request) as specified by the Administrator. Not later than 60 days after the date of receipt of such recommendation, the Administrator shall, in accordance with subparagraph (D), publish in the Federal Register a proposed rule with respect to such recommendation or a determination not to propose such a proposed rule and the basis for such determination.

''(D) PUBLICATION.—The WTC Program Administrator shall, with respect to any proposed rule under this paragraph—

''(i) publish such proposed rule in accordance with section 553 of title 5, United States Code; and

''(ii) provide interested parties a period of 30 days after such publication to submit written comments on the proposed rule.

The WTC Program Administrator may extend the period described in clause (ii) upon a finding of good cause. In the case of such an extension, the Administrator shall publish such extension in the Federal Register.

''(E) INTERESTED PARTY DEFINED.—For purposes of this paragraph, the term 'interested party' includes a representative of any organization representing WTC responders, a nationally recognized medical association, a Clinical or Data Center, a State or political subdivision, or any other interested person.

''(b) COVERAGE OF TREATMENT FOR WTC-RELATED HEALTH CONDITIONS.—

''(1) DETERMINATION FOR ENROLLED WTC RESPONDERS BASED ON A WTC-RELATED HEALTH CONDITION.—

''(A) IN GENERAL.—If a physician at a Clinical Center of Excellence that is providing monitoring benefits under section 3311 for an enrolled WTC responder makes a determination that the responder has a WTC-related health condition that is in the list in subsection (a)(3) and that exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 1, 2001, terrorist attacks is substantially likely to be a significant factor in aggravating, contributing to, or causing the condition—

''(i) the physician shall promptly transmit such determination to the WTC Program Administrator and provide the Administrator with the medical facts supporting such determination; and

''(ii) on and after the date of such transmittal and subject to subparagraph (B), the

WTC Program shall provide for payment under subsection (c) for medically necessary treatment for such condition.

''(B) REVIEW; CERTIFICATION; APPEALS.—

''(i) REVIEW.—A Federal employee designated by the WTC Program Administrator shall review determinations made under subparagraph (A).

''(ii) CERTIFICATION.—The Administrator shall provide a certification of such condition based upon reviews conducted under clause (i). Such a certification shall be provided unless the Administrator determines that the responder's condition is not a WTC-related health condition in the list in subsection (a)(3) or that exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 1, 2001, terrorist attacks is not substantially likely to be a significant factor in aggravating, contributing to, or causing the condition.

''(iii) APPEAL PROCESS.—The Administrator shall establish, by rule, a process for the appeal of determinations under clause (ii).

''(2) DETERMINATION BASED ON MEDICALLY ASSOCIATED WTC-RELATED HEALTH CONDITIONS.—

''(A) IN GENERAL.—If a physician at a Clinical Center of Excellence determines pursuant to subsection (a) that the enrolled WTC responder has a health condition described in subsection (a)(1)(A) that is not in the list in subsection (a)(3) but which is medically associated with a WTC-related health condition—

''(i) the physician shall promptly transmit such determination to the WTC Program Administrator and provide the Administrator with the facts supporting such determination; and

''(ii) the Administrator shall make a determination under subparagraph (B) with respect to such physician's determination.

''(B) PROCEDURES FOR REVIEW, CERTIFICATION, AND APPEAL.—The WTC Program Administrator shall, by rule, establish procedures for the review and certification of physician determinations under subparagraph (A). Such rule shall provide for—

''(i) the timely review of such a determination by a physician panel with appropriate expertise for the condition and recommendations to the WTC Program Administrator;

''(ii) not later than 60 days after the date of the transmittal under subparagraph (A)(i), a determination by the WTC Program Administrator on whether or not the condition involved is described in subsection (a)(1)(A) and is medically associated with a WTC-related health condition;

''(iii) certification in accordance with paragraph (1)(B)(ii) of coverage of such condition if determined to be described in subsection (a)(1)(A) and medically associated with a WTC-related health condition; and

''(iv) a process for appeals of determinations relating to such conditions.

''(C) INCLUSION IN LIST OF HEALTH CONDITIONS.—If the WTC Program Administrator provides certification under subparagraph (B)(iii) for coverage of a condition, the Administrator may, pursuant to subsection (a)(6), add the condition to the list in subsection (a)(3).

''(D) CONDITIONS ALREADY DECLINED FOR INCLUSION IN LIST.—If the WTC Program Administrator publishes a determination under subsection (a)(6)(B) not to include a condition in the list in subsection (a)(3), the WTC Program Administrator shall not provide certification under subparagraph (B)(iii) for coverage of the condition. In the case of an individual who is certified under subparagraph (B)(iii) with respect to such condition before the date of the publication of such determination the previous sentence shall not apply.

''(3) REQUIREMENT OF MEDICAL NECESSITY.—

''(A) IN GENERAL.—In providing treatment for a WTC-related health condition, a physician or other provider shall provide treatment that is medically necessary and in accordance with medical treatment protocols established under subsection (d).

''(B) REGULATIONS RELATING TO MEDICAL NECESSITY.—For the purpose of this title, the WTC Program Administrator shall issue regulations specifying a standard for determining medical necessity with respect to health care services and prescription pharmaceuticals, a process for determining whether treatment furnished and pharmaceuticals prescribed under this title meet such standard (including any prior authorization requirement), and a process for appeal of a determination under subsection (c)(3).

''(4) SCOPE OF TREATMENT COVERED.—

''(A) IN GENERAL.—The scope of treatment covered under this subsection includes services of physicians and other health care providers, diagnostic and laboratory tests, prescription drugs, inpatient and outpatient hospital services, and other medically necessary treatment.

''(B) PHARMACEUTICAL COVERAGE.—With respect to ensuring coverage of medically necessary outpatient prescription drugs, such drugs shall be provided, under arrangements made by the WTC Program Administrator, directly through participating Clinical Centers of Excellence or through one or more outside vendors.

''(C) TRANSPORTATION EXPENSES FOR NATIONWIDE NETWORK.—The WTC Program Administrator may provide for necessary and reasonable transportation and expenses incident to the securing of medically necessary treatment through the nationwide network under section 3313 involving travel of more than 250 miles and for which payment is made under this section in the same manner in which individuals may be furnished necessary and reasonable transportation and expenses incident to services involving travel of more than 250 miles under regulations implementing section 3629(c) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of Public Law 106–398; 42 U.S.C. 7384t(c)).

''(5) PROVISION OF TREATMENT PENDING CERTIFICATION.—With respect to an enrolled WTC responder for whom a determination is made by an examining physician under paragraph (1) or (2), but for whom the WTC Program Administrator has not yet determined whether to certify the determination, the WTC Program Administrator may establish by rule a process through which the Administrator may approve the provision of medical treatment under this subsection (and payment under subsection (c)) with respect to such responder and such responder's WTC-related health condition (under such terms and conditions as the Administrator may provide) until the Administrator makes a decision on whether to certify the determination.

''(c) PAYMENT FOR INITIAL HEALTH EVALUATION, MONITORING, AND TREATMENT OF WTC-RELATED HEALTH CONDITIONS.—

''(1) MEDICAL TREATMENT.—

''(A) USE OF FECA PAYMENT RATES.—Subject to subparagraphs (B) and (C), the WTC Program Administrator shall reimburse costs for medically necessary treatment under this title for WTC-related health conditions according to the payment rates that would apply to the provision of such treatment and services by the facility under the Federal Employees Compensation Act. For treatment not covered under the previous sentence or subparagraph (B), the WTC Program Administrator shall establish by regulation a reimbursement rate for such treatment.

''(B) PHARMACEUTICALS.—

''(i) IN GENERAL.—The WTC Program Administrator shall establish a program for paying for the medically necessary outpatient prescription pharmaceuticals prescribed under this title for WTC-related health conditions through one or more contracts with outside vendors.

''(ii) COMPETITIVE BIDDING.—Under such program the Administrator shall—

''(I) select one or more appropriate vendors through a Federal competitive bid process; and

''(II) select the lowest bidder (or bidders) meeting the requirements for providing pharmaceutical benefits for participants in the WTC Program.

''(iii) TREATMENT OF FDNY PARTICIPANTS.—Under such program the Administrator may enter into an agreement with a separate vendor to provide pharmaceutical benefits to enrolled WTC responders for whom the Clinical Center of Excellence is described in section 3305 if such an arrangement is deemed necessary and beneficial to the program by the WTC Program Administrator.

''(C) IMPROVING QUALITY AND EFFICIENCY THROUGH MODIFICATION OF PAYMENT AMOUNTS AND METHODOLOGIES.—The WTC Program Administrator may modify the amounts and methodologies for making payments for initial health evaluations, monitoring, or treatment, if, taking into account utilization and quality data furnished by the Clinical Centers of Excellence under section 3305(b)(1)(B)(iii), the Administrator determines that a bundling, capitation, pay for performance, or other payment methodology would better ensure high quality and efficient delivery of initial health evaluations, monitoring, or treatment to an enrolled WTC responder, screening-eligible WTC survivor, or certified-eligible WTC survivor.

''(2) MONITORING AND INITIAL HEALTH EVALUATION.—The WTC Program Administrator shall reimburse the costs of monitoring and the costs of an initial health evaluation provided under this title at a rate set by the Administrator by regulation.

''(3) DETERMINATION OF MEDICAL NECESSITY.—

''(A) REVIEW OF MEDICAL NECESSITY AND PROTOCOLS.—As part of the process for reimbursement or payment under this subsection, the WTC Program Administrator shall provide for the review of claims for reimbursement or payment for the provision of medical treatment to determine if such treatment is medically necessary and in accordance with medical treatment protocols established under subsection (d).

''(B) WITHHOLDING OF PAYMENT FOR MEDICALLY UNNECESSARY TREATMENT.—The Administrator shall withhold such reimbursement or payment for treatment that the Administrator determines is not medically necessary or is not in accordance with such medical treatment protocols.

''(d) MEDICAL TREATMENT PROTOCOLS.—

''(1) DEVELOPMENT.—The Data Centers shall develop medical treatment protocols for the treatment of enrolled WTC responders and certified-eligible WTC survivors for health conditions included in the applicable list of WTC-related health conditions.

''(2) APPROVAL.—The medical treatment protocols developed under paragraph (1) shall be subject to approval by the WTC Program Administrator.

''SEC. 3313. NATIONAL ARRANGEMENT FOR BENEFITS FOR ELIGIBLE INDIVIDUALS OUTSIDE NEW YORK.

''(a) IN GENERAL.—In order to ensure reasonable access to benefits under this subtitle for individuals who are enrolled WTC responders, screening-eligible WTC survivors, or certified-eligible WTC survivors and who reside in any State, as defined in section 2(f), outside the New York metropolitan area, the

WTC Program Administrator shall establish a nationwide network of health care providers to provide monitoring and treatment benefits and initial health evaluations near such individuals' areas of residence in such States. Nothing in this subsection shall be construed as preventing such individuals from being provided such monitoring and treatment benefits or initial health evaluation through any Clinical Center of Excellence.

''(b) NETWORK REQUIREMENTS.—Any health care provider participating in the network under subsection (a) shall—

''(1) meet criteria for credentialing established by the Data Centers;

''(2) follow the monitoring, initial health evaluation, and treatment protocols developed under section 3305(a)(2)(A)(ii);

''(3) collect and report data in accordance with section 3304; and

''(4) meet such fraud, quality assurance, and other requirements as the WTC Program Administrator establishes, including sections 1128 through 1128E of the Social Security Act, as applied by section 3301(d).

''(c) TRAINING AND TECHNICAL ASSISTANCE.—The WTC Program Administer may provide, including through contract, for the provision of training and technical assistance to health care providers participating in the network under subsection (a).

"PART 2—WTC SURVIVORS

"SEC. 3321. IDENTIFICATION AND INITIAL HEALTH EVALUATION OF SCREENING-ELIGIBLE AND CERTIFIED-ELIGIBLE WTC SURVIVORS.

''(a) IDENTIFICATION OF SCREENING-ELIGIBLE WTC SURVIVORS AND CERTIFIED-ELIGIBLE WTC SURVIVORS.—

''(1) SCREENING-ELIGIBLE WTC SURVIVORS.—

''(A) DEFINITION.—In this title, the term 'screening-eligible WTC survivor' means, subject to subparagraph (C) and paragraph (3), an individual who is described in any of the following clauses:

''(i) CURRENTLY IDENTIFIED SURVIVOR.—An individual, including a WTC responder, who has been identified as eligible for medical treatment and monitoring by the WTC Environmental Health Center as of the date of enactment of this title.

''(ii) SURVIVOR WHO MEETS CURRENT ELIGIBILITY CRITERIA.—An individual who is not a WTC responder, for purposes of the initial health evaluation under subsection (b), claims symptoms of a WTC-related health condition and meets any of the current eligibility criteria described in subparagraph (B).

''(iii) SURVIVOR WHO MEETS MODIFIED ELIGIBILITY CRITERIA.—An individual who is not a WTC responder, for purposes of the initial health evaluation under subsection (b), claims symptoms of a WTC-related health condition and meets such eligibility criteria relating to exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks as the WTC Administrator determines, after consultation with the Data Centers described in section 3305 and the WTC Scientific/Technical Advisory Committee and WTC Health Program Steering Committees under section 3302.

The Administrator shall not modify such criteria under clause (iii) on or after the date that the number of certifications for certified-eligible WTC survivors under paragraph (2)(B) has reached 80 percent of the limit described in paragraph (3) or on or after the date that the number of enrollments of WTC responders has reached 80 percent of the limit described in section 3311(a)(4).

''(B) CURRENT ELIGIBILITY CRITERIA.—The eligibility criteria described in this subparagraph for an individual are that the individual is described in any of the following clauses:

''(i) A person who was present in the New York City disaster area in the dust or dust cloud on September 11, 2001.

''(ii) A person who worked, resided, or attended school, childcare, or adult daycare in the New York City disaster area for—

''(I) at least 4 days during the 4-month period beginning on September 11, 2001, and ending on January 10, 2002; or

''(II) at least 30 days during the period beginning on September 11, 2001, and ending on July 31, 2002.

''(iii) Any person who worked as a cleanup worker or performed maintenance work in the New York City disaster area during the 4-month period described in subparagraph (B)(i) and had extensive exposure to WTC dust as a result of such work.

''(iv) A person who was deemed eligible to receive a grant from the Lower Manhattan Development Corporation Residential Grant Program, who possessed a lease for a residence or purchased a residence in the New York City disaster area, and who resided in such residence during the period beginning on September 11, 2001, and ending on May 31, 2003.

''(v) A person whose place of employment—

''(I) at any time during the period beginning on September 11, 2001, and ending on May 31, 2003, was in the New York City disaster area; and

''(II) was deemed eligible to receive a grant from the Lower Manhattan Development Corporation WTC Small Firms Attraction and Retention Act program or other government incentive program designed to revitalize the lower Manhattan economy after the September 11, 2001, terrorist attacks.

''(C) APPLICATION AND DETERMINATION PROCESS FOR SCREENING ELIGIBILITY.—

''(i) IN GENERAL.—The WTC Program Administrator in consultation with the Data Centers shall establish a process for individuals, other than individuals described in subparagraph (A)(i), to be determined to be screening-eligible WTC survivors. Under such process—

''(I) there shall be no fee charged to the applicant for making an application for such determination;

''(II) the Administrator shall make a determination on such an application not later than 60 days after the date of filing the application;

''(III) the Administrator shall make such a determination relating to an applicant's compliance with this title and shall not determine that an individual is not so eligible or deny written documentation under clause (ii) to such individual unless the Administrator determines that—

''(aa) based on the application submitted, the individual does not meet the eligibility criteria; or

''(bb) the numerical limitation on certifications of certified-eligible WTC survivors set forth in paragraph (3) has been met; and

''(IV) an individual who is determined not to be a screening-eligible WTC survivor shall have an opportunity to appeal such determination in a manner established under such process.

''(ii) WRITTEN DOCUMENTATION OF SCREENING-ELIGIBILITY.—

''(I) IN GENERAL.—In the case of an individual who is described in subparagraph (A)(i) or who is determined under clause (i) (consistent with paragraph (3)) to be a screening-eligible WTC survivor, the WTC Program Administrator shall provide an appropriate written documentation of such fact.

''(II) TIMING.—

''(aa) CURRENTLY IDENTIFIED SURVIVORS.—In the case of an individual who is described in subparagraph (A)(i), the WTC Program Administrator shall provide the written documentation under subclause (I) not later than July 1, 2011.

''(bb) OTHER MEMBERS.—In the case of another individual who is determined under clause (i) and consistent with paragraph (3) to be a screening-eligible WTC survivor, the WTC Program Administrator shall provide the written documentation under subclause (I) at the time of such determination.

''(2) CERTIFIED-ELIGIBLE WTC SURVIVORS.—

''(A) DEFINITION.—The term 'certified-eligible WTC survivor' means, subject to paragraph (3), a screening-eligible WTC survivor who the WTC Program Administrator certifies under subparagraph (B) to be eligible for followup monitoring and treatment under this part.

''(B) CERTIFICATION OF ELIGIBILITY FOR MONITORING AND TREATMENT.—

''(i) IN GENERAL.—The WTC Program Administrator shall establish a certification process under which the Administrator shall provide appropriate certification to screening-eligible WTC survivors who, pursuant to the initial health evaluation under subsection (b), are determined to be eligible for followup monitoring and treatment under this part.

''(ii) TIMING.—

''(I) CURRENTLY IDENTIFIED SURVIVORS.—In the case of an individual who is described in paragraph (1)(A)(i), the WTC Program Administrator shall provide the certification under clause (i) not later than July 1, 2011.

''(II) OTHER MEMBERS.—In the case of another individual who is determined under clause (i) to be eligible for followup monitoring and treatment, the WTC Program Administrator shall provide the certification under such clause at the time of such determination.

''(3) NUMERICAL LIMITATION ON CERTIFIED-ELIGIBLE WTC SURVIVORS.—

''(A) IN GENERAL.—The total number of individuals not described in paragraph (1)(A)(i) who may be certified as certified-eligible WTC survivors under paragraph (2)(B) shall not exceed 25,000 at any time.

''(B) PROCESS.—In implementing subparagraph (A), the WTC Program Administrator shall—

''(i) limit the number of certifications provided under paragraph (2)(B)—

''(I) in accordance with such subparagraph; and

''(II) to such number, as determined by the Administrator based on the best available information and subject to amounts made available under section 3351, that will ensure sufficient funds will be available to provide treatment and monitoring benefits under this title, with respect to all individuals receiving such certifications through the end of fiscal year 2020; and

''(ii) provide priority in such certifications in the order in which individuals apply for a determination under paragraph (2)(B).

''(4) DISQUALIFICATION OF INDIVIDUALS ON TERRORIST WATCH LIST.—No individual who is on the terrorist watch list maintained by the Department of Homeland Security shall qualify as a screening-eligible WTC survivor or a certified-eligible WTC survivor. Before determining any individual to be a screening-eligible WTC survivor under paragraph (1) or certifying any individual as a certified eligible WTC survivor under paragraph (2), the Administrator, in consultation with the Secretary of Homeland Security, shall determine whether the individual is on such list.

''(b) INITIAL HEALTH EVALUATION TO DETERMINE ELIGIBILITY FOR FOLLOWUP MONITORING OR TREATMENT.—

''(1) IN GENERAL.—In the case of a screening-eligible WTC survivor, the WTC Program shall provide for an initial health evaluation

to determine if the survivor has a WTC-related health condition and is eligible for followup monitoring and treatment benefits under the WTC Program. Initial health evaluation protocols under section 3305(a)(2)(A)(ii) shall be subject to approval by the WTC Program Administrator.

''(2) INITIAL HEALTH EVALUATION PROVIDERS.—The initial health evaluation described in paragraph (1) shall be provided through a Clinical Center of Excellence with respect to the individual involved.

''(3) LIMITATION ON INITIAL HEALTH EVALUATION BENEFITS.—Benefits for an initial health evaluation under this part for a screening-eligible WTC survivor shall consist only of a single medical initial health evaluation consistent with initial health evaluation protocols described in paragraph (1). Nothing in this paragraph shall be construed as preventing such an individual from seeking additional medical initial health evaluations at the expense of the individual.

''SEC. 3322. FOLLOWUP MONITORING AND TREATMENT OF CERTIFIED-ELIGIBLE WTC SURVIVORS FOR WTC-RELATED HEALTH CONDITIONS.

''(a) IN GENERAL.—Subject to subsection (b), the provisions of sections 3311 and 3312 shall apply to followup monitoring and treatment of WTC-related health conditions for certified-eligible WTC survivors in the same manner as such provisions apply to the monitoring and treatment of WTC-related health conditions for enrolled WTC responders.

''(b) LIST OF WTC-RELATED HEALTH CONDITIONS FOR SURVIVORS.—The list of health conditions for screening-eligible WTC survivors and certified-eligible WTC survivors consists of the following:

''(1) AERODIGESTIVE DISORDERS.—

''(A) Interstitial lung diseases.

''(B) Chronic respiratory disorder—fumes/vapors.

''(C) Asthma.

''(D) Reactive airways dysfunction syndrome (RADS).

''(E) WTC-exacerbated chronic obstructive pulmonary disease (COPD).

''(F) Chronic cough syndrome.

''(G) Upper airway hyperreactivity.

''(H) Chronic rhinosinusitis.

''(I) Chronic nasopharyngitis.

''(J) Chronic laryngitis.

''(K) Gastroesophageal reflux disorder (GERD).

''(L) Sleep apnea exacerbated by or related to a condition described in a previous clause.

''(2) MENTAL HEALTH CONDITIONS.—

''(A) Posttraumatic stress disorder (PTSD).

''(B) Major depressive disorder.

''(C) Panic disorder.

''(D) Generalized anxiety disorder.

''(E) Anxiety disorder (not otherwise specified).

''(F) Depression (not otherwise specified).

''(G) Acute stress disorder.

''(H) Dysthymic disorder.

''(I) Adjustment disorder.

''(J) Substance abuse.

''(3) ADDITIONAL CONDITIONS.—Any cancer (or type of cancer) or other condition added to the list in section 3312(a)(3) pursuant to paragraph (5) or (6) of section 3312(a), as such provisions are applied under subsection (a) with respect to certified-eligible WTC survivors.

''SEC. 3323. FOLLOWUP MONITORING AND TREATMENT OF OTHER INDIVIDUALS WITH WTC-RELATED HEALTH CONDITIONS.

''(a) IN GENERAL.—Subject to subsection (c), the provisions of section 3322 shall apply to the followup monitoring and treatment of WTC-related health conditions in the case of individuals described in subsection (b) in the same manner as such provisions apply to the followup monitoring and treatment of WTC-related health conditions for certified-eligible WTC survivors.

''(b) INDIVIDUALS DESCRIBED.—An individual described in this subsection is an individual who, regardless of location of residence—

''(1) is not an enrolled WTC responder or a certified-eligible WTC survivor; and

''(2) is diagnosed at a Clinical Center of Excellence with a WTC-related health condition for certified-eligible WTC survivors.

''(c) LIMITATION.—

''(1) IN GENERAL.—The WTC Program Administrator shall limit benefits for any fiscal year under subsection (a) in a manner so that payments under this section for such fiscal year do not exceed the amount specified in paragraph (2) for such fiscal year.

''(2) LIMITATION.—The amount specified in this paragraph for—

''(A) the last calendar quarter of fiscal year 2011 is $5,000,000;

''(B) fiscal year 2012 is $20,000,000; or

''(C) a succeeding fiscal year is the amount specified in this paragraph for the previous fiscal year increased by the annual percentage increase in the medical care component of the consumer price index for all urban consumers.

''PART 3—PAYOR PROVISIONS

''SEC. 3331. PAYMENT OF CLAIMS.

''(a) IN GENERAL.—Except as provided in subsections (b) and (c), the cost of monitoring and treatment benefits and initial health evaluation benefits provided under parts 1 and 2 of this subtitle shall be paid for by the WTC Program from the World Trade Center Health Program Fund.

''(b) WORKERS' COMPENSATION PAYMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), payment for treatment under parts 1 and 2 of this subtitle of a WTC-related health condition of an individual that is work-related shall be reduced or recouped to the extent that the WTC Program Administrator determines that payment has been made, or can reasonably be expected to be made, under a workers' compensation law or plan of the United States, a State, or a locality, or other work-related injury or illness benefit plan of the employer of such individual, for such treatment. The provisions of clauses (iii), (iv), (v), and (vi) of paragraph (2)(B) of section 1862(b) of the Social Security Act and paragraphs (3) and (4) of such section shall apply to the recoupment under this subsection of a payment to the WTC Program (with respect to a workers' compensation law or plan, or other work-related injury or illness plan of the employer involved, and such individual) in the same manner as such provisions apply to the reimbursement of a payment under section 1862(b)(2) of such Act to the Secretary (with respect to such a law or plan and an individual entitled to benefits under title XVIII of such Act) except that any reference in such paragraph (4) to payment rates under title XVIII of the Social Security Act shall be deemed a reference to payment rates under this title.

''(2) EXCEPTION.—Paragraph (1) shall not apply for any quarter, with respect to any workers' compensation law or plan, including line of duty compensation, to which New York City is obligated to make payments, if, in accordance with terms specified under the contract under subsection (d)(1)(A), New York City has made the full payment required under such contract for such quarter.

''(3) RULES OF CONSTRUCTION.—Nothing in this title shall be construed to affect, modify, or relieve any obligations under a worker's compensation law or plan, other work-related injury or illness benefit plan of an employer, or any health insurance plan.

''(c) HEALTH INSURANCE COVERAGE.—

''(1) IN GENERAL.—In the case of an individual who has a WTC-related health condition that is not work-related and has health coverage for such condition through any public or private health plan (including health benefits under title XVIII, XIX, or XXI of the Social Security Act) the provisions of section 1862(b) of the Social Security Act shall apply to such a health plan and such individual in the same manner as they apply to group health plan and an individual entitled to benefits under title XVIII of such Act pursuant to section 226(a) of such Act. Any costs for items and services covered under such plan that are not reimbursed by such health plan, due to the application of deductibles, copayments, coinsurance, other cost sharing, or otherwise, are reimbursable under this title to the extent that they are covered under the WTC Program. The program under this title shall not be treated as a legally liable party for purposes of applying section 1902(a)(25) of the Social Security Act.

''(2) RECOVERY BY INDIVIDUAL PROVIDERS.—Nothing in paragraph (1) shall be construed as requiring an entity providing monitoring and treatment under this title to seek reimbursement under a health plan with which the entity has no contract for reimbursement.

''(3) MAINTENANCE OF REQUIRED MINIMUM ESSENTIAL COVERAGE.—No payment may be made for monitoring and treatment under this title for an individual for a month (beginning with July 2014) if with respect to such month the individual—

''(A) is an applicable individual (as defined in subsection (d) of section 5000A of Internal Revenue Code of 1986) for whom the exemption under subsection (e) of such section does not apply; and

''(B) is not covered under minimum essential coverage, as required under subsection (a) of such section.

''(d) REQUIRED CONTRIBUTION BY NEW YORK CITY IN PROGRAM COSTS.—

''(1) CONTRACT REQUIREMENT.—

''(A) IN GENERAL.—No funds may be disbursed from the World Trade Center Health Program Fund under section 3351 unless New York City has entered into a contract with the WTC Program Administrator under which New York City agrees, in a form and manner specified by the Administrator, to pay the full contribution described in subparagraph (B) in accordance with this subsection on a timely basis, plus any interest owed pursuant to subparagraph (E)(i). Such contract shall specify the terms under which New York City shall be considered to have made the full payment required for a quarter for purposes of subsection (b)(2).

''(B) FULL CONTRIBUTION AMOUNT.—Under such contract, with respect to the last calendar quarter of fiscal year 2011 and each calendar quarter in fiscal years 2012 through 2018 the full contribution amount under this subparagraph shall be equal to 10 percent of the expenditures in carrying out this title for the respective quarter and with respect to calendar quarters in fiscal years 2019 and 2020, such full contribution amount shall be equal to 1/9 of the Federal expenditures in carrying out this title for the respective quarter.

''(C) SATISFACTION OF PAYMENT OBLIGATION.—The payment obligation under such contract may not be satisfied through any of the following:

''(i) An amount derived from Federal sources.

''(ii) An amount paid before the date of the enactment of this title.

''(iii) An amount paid to satisfy a judgment or as part of a settlement related to injuries or illnesses arising out of the September 11, 2001, terrorist attacks.

''(D) TIMING OF CONTRIBUTION.—The payment obligation under such contract for a calendar quarter in a fiscal year shall be paid not later than the last day of the second succeeding calendar quarter.

''(E) COMPLIANCE.—

''(i) INTEREST FOR LATE PAYMENT.—If New York City fails to pay to the WTC Program Administrator pursuant to such contract the amount required for any calendar quarter by the day specified in subparagraph (D), interest shall accrue on the amount not so paid at the rate (determined by the Administrator) based on the average yield to maturity, plus 1 percentage point, on outstanding municipal bonds issued by New York City with a remaining maturity of at least 1 year.

''(ii) RECOVERY OF AMOUNTS OWED.— The amounts owed to the WTC Program Administrator under such contract shall be recoverable by the United States in an action in the same manner as payments made under title XVIII of the Social Security Act may be recoverable in an action brought under section 1862(b)(2)(B)(iii) of such Act.

''(F) DEPOSIT IN FUND.—The WTC Program Administer shall deposit amounts paid under such contract into the World Trade Center Health Program Fund under section 3351.

''(2) PAYMENT OF NEW YORK CITY SHARE OF MONITORING AND TREATMENT COSTS.—With respect to each calendar quarter for which a contribution is required by New York City under the contract under paragraph (1), the WTC Program Administrator shall—

''(A) provide New York City with an estimate of such amount of the required contribution at the beginning of such quarter and with an updated estimate of such amount at the beginning of each of the subsequent 2 quarters;

''(B) bill such amount directly to New York City; and

''(C) certify periodically, for purposes of this subsection, whether or not New York City has paid the amount so billed.

Such amount shall initially be estimated by the WTC Program Administrator and shall be subject to adjustment and reconciliation based upon actual expenditures in carrying out this title.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as authorizing the WTC Administrator, with respect to a fiscal year, to reduce the numerical limitation under section 3311(a)(4) or 3321(a)(3) for such fiscal year if New York City fails to comply with paragraph (1) for a calendar quarter in such fiscal year.

''(e) WORK-RELATED DESCRIBED.—For the purposes of this section, a WTC-related health condition shall be treated as a condition that is work-related if—

''(1) the condition is diagnosed in an enrolled WTC responder, or in an individual who qualifies as a certified-eligible WTC survivor on the basis of being a rescue, recovery, or cleanup worker; or

''(2) with respect to the condition the individual has filed and had established a claim under a workers' compensation law or plan of the United States or a State, or other work-related injury or illness benefit plan of the employer of such individual.

''SEC. 3332. ADMINISTRATIVE ARRANGEMENT AUTHORITY.

''The WTC Program Administrator may enter into arrangements with other government agencies, insurance companies, or other third-party administrators to provide for timely and accurate processing of claims under sections 3312, 3313, 3322, and 3323.

''Subtitle C—Research Into Conditions

''SEC. 3341. RESEARCH REGARDING CERTAIN HEALTH CONDITIONS RELATED TO SEPTEMBER 11 TERRORIST ATTACKS.

''(a) IN GENERAL.—With respect to individuals, including enrolled WTC responders and certified-eligible WTC survivors, receiving monitoring or treatment under subtitle B, the WTC Program Administrator shall conduct or support—

''(1) research on physical and mental health conditions that may be related to the September 11, 2001, terrorist attacks;

''(2) research on diagnosing WTC-related health conditions of such individuals, in the case of conditions for which there has been diagnostic uncertainty; and

''(3) research on treating WTC-related health conditions of such individuals, in the case of conditions for which there has been treatment uncertainty.

The Administrator may provide such support through continuation and expansion of research that was initiated before the date of the enactment of this title and through the World Trade Center Health Registry (referred to in section 3342), through a Clinical Center of Excellence, or through a Data Center.

''(b) TYPES OF RESEARCH.—The research under subsection (a)(1) shall include epidemiologic and other research studies on WTC-related health conditions or emerging conditions—

''(1) among enrolled WTC responders and certified-eligible WTC survivors under treatment; and

''(2) in sampled populations outside the New York City disaster area in Manhattan as far north as 14th Street and in Brooklyn, along with control populations, to identify potential for long-term adverse health effects in less exposed populations.

''(c) CONSULTATION.—The WTC Program Administrator shall carry out this section in consultation with the WTC Scientific/Technical Advisory Committee.

''(d) APPLICATION OF PRIVACY AND HUMAN SUBJECT PROTECTIONS.—The privacy and human subject protections applicable to research conducted under this section shall not be less than such protections applicable to research conducted or funded by the Department of Health and Human Services.

''SEC. 3342. WORLD TRADE CENTER HEALTH REGISTRY.

''For the purpose of ensuring ongoing data collection relating to victims of the September 11, 2001, terrorist attacks, the WTC Program Administrator shall ensure that a registry of such victims is maintained that is at least as comprehensive as the World Trade Center Health Registry maintained under the arrangements in effect as of April 20, 2009, with the New York City Department of Health and Mental Hygiene.

''Subtitle D—Funding

''SEC. 3351. WORLD TRADE CENTER HEALTH PROGRAM FUND.

''(a) ESTABLISHMENT OF FUND.—

''(1) IN GENERAL.—There is established a fund to be known as the World Trade Center Health Program Fund (referred to in this section as the 'Fund').

''(2) FUNDING.—Out of any money in the Treasury not otherwise appropriated, there shall be deposited into the Fund for each of fiscal years 2012 through 2020 (and the last calendar quarter of fiscal year 2011)—

''(A) the Federal share, consisting of an amount equal to the lesser of—

''(i) 90 percent of the expenditures in carrying out this title for the respective fiscal year (initially based on estimates, subject to subsequent reconciliation based on actual expenditures); or

''(ii)(I) $71,000,000 for the last calendar quarter of fiscal year 2011, $318,000,000 for fiscal year 2012, $354,000,000 for fiscal year 2013, $382,000,000 for fiscal year 2014, $431,000,000 for fiscal year 2015, $481,000,000 for fiscal year 2016, $537,000,000 for fiscal year 2017, $601,000,000 for fiscal year 2018, and $173,000,000 for fiscal year 2019; and

''(II) subject to paragraph (4), an additional $499,000,000 for fiscal year 2019 and $743,000,000 for fiscal year 2020; plus

''(B) the New York City share, consisting of the amount contributed under the contract under section 3331(d).

''(3) CONTRACT REQUIREMENT.—

''(A) IN GENERAL.—No funds may be disbursed from the Fund unless New York City has entered into a contract with the WTC Program Administrator under section 3331(d)(1).

''(B) BREACH OF CONTRACT.— In the case of a failure to pay the amount so required under the contract—

''(i) the amount is recoverable under subparagraph (E)(ii) of such section;

''(ii) such failure shall not affect the disbursement of amounts from the Fund; and

''(iii) the Federal share described in paragraph (2)(A) shall not be increased by the amount so unpaid.

''(4) AGGREGATE LIMITATION ON FUNDING BEGINNING WITH FISCAL YEAR 2019.—Beginning with fiscal year 2019, in no case shall the share of Federal funds deposited into the Fund under paragraph (2) for such fiscal year and previous fiscal years and quarters exceed the sum of the amounts specified in paragraph (2)(A)(ii)(I).

''(b) MANDATORY FUNDS FOR MONITORING, INITIAL HEALTH EVALUATIONS, TREATMENT, AND CLAIMS PROCESSING.—

''(1) IN GENERAL.—The amounts deposited into the Fund under subsection (a)(2) shall be available, without further appropriation, consistent with paragraph (2) and subsection (c), to carry out subtitle B and sections 3302(a), 3303, 3304, 3305(a)(2), 3305(c), 3341, and 3342.

''(2) LIMITATION ON MANDATORY FUNDING.—This title does not establish any Federal obligation for payment of amounts in excess of the amounts available from the Fund for such purpose.

''(3) LIMITATION ON AUTHORIZATION FOR FURTHER APPROPRIATIONS.—This title does not establish any authorization for appropriation of amounts in excess of the amounts available from the Fund under paragraph (1).

''(c) LIMITS ON SPENDING FOR CERTAIN PURPOSES.—Of the amounts made available under subsection (b)(1), not more than each of the following amounts may be available for each of the following purposes:

''(1) SURVIVING IMMEDIATE FAMILY MEMBERS OF FIREFIGHTERS.—For the purposes of carrying out subtitle B with respect to WTC responders described in section 3311(a)(2)(A)(ii)—

''(A) for the last calendar quarter of fiscal year 2011, $100,000;

''(B) for fiscal year 2012, $400,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

''(2) WTC HEALTH PROGRAM SCIENTIFIC/TECHNICAL ADVISORY COMMITTEE.—For the purpose of carrying out section 3302(a)—

''(A) for the last calendar quarter of fiscal year 2011, $25,000;

''(B) for fiscal year 2012, $100,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for

the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

''(3) EDUCATION AND OUTREACH.—For the purpose of carrying out section 3303—

''(A) for the last calendar quarter of fiscal year 2011, $500,000;

''(B) for fiscal year 2012, $2,000,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

''(4) UNIFORM DATA COLLECTION.—For the purpose of carrying out section 3304 and for reimbursing Data Centers (as defined in section 3305(b)(2)) for the costs incurred by such Centers in carrying out activities under contracts entered into under section 3305(a)(2)—

''(A) for the last calendar quarter of fiscal year 2011, $2,500,000;

''(B) for fiscal year 2012, $10,000,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

''(5) RESEARCH REGARDING CERTAIN HEALTH CONDITIONS.—For the purpose of carrying out section 3341—

''(A) for the last calendar quarter of fiscal year 2011, $3,750,000;

''(B) for fiscal year 2012, $15,000,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

''(6) WORLD TRADE CENTER HEALTH REGISTRY.—For the purpose of carrying out section 3342—

''(A) for the last calendar quarter of fiscal year 2011, $1,750,000;

''(B) for fiscal year 2012, $7,000,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.''.

TITLE II—SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

SEC. 201. DEFINITIONS.

Section 402 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in paragraph (6) by inserting '', or debris removal, including under the World Trade Center Health Program established under section 3001 of the Public Health Service Act, and payments made pursuant to the settlement of a civil action described in section 405(c)(3)(C)(iii)'' after ''September 11, 2001'';

(2) by inserting after paragraph (6) the following new paragraphs and redesignating subsequent paragraphs accordingly:

''(7) CONTRACTOR AND SUBCONTRACTOR.—The term 'contractor and subcontractor' means any contractor or subcontractor (at any tier of a subcontracting relationship), including any general contractor, construction manager, prime contractor, consultant, or any parent, subsidiary, associated or allied company, affiliated company, corporation, firm, organization, or joint venture thereof that participated in debris removal at any 9/11 crash site. Such term shall not include any entity, including the Port Authority of New York and New Jersey, with a property interest in the World Trade Center, on September 11, 2001, whether fee simple, leasehold or easement, direct or indirect.

''(8) DEBRIS REMOVAL.—The term 'debris removal' means rescue and recovery efforts, removal of debris, cleanup, remediation, and response during the immediate aftermath of the terrorist-related aircraft crashes of September 11, 2001, with respect to a 9/11 crash site.'';

(3) by inserting after paragraph (10), as so redesignated, the following new paragraph and redesignating the subsequent paragraphs accordingly:

''(11) IMMEDIATE AFTERMATH.—The term 'immediate aftermath' means any period beginning with the terrorist-related aircraft crashes of September 11, 2001, and ending on August 30, 2002.''; and

(4) by adding at the end the following new paragraph:

''(14) 9/11 CRASH SITE.—The term '9/11 crash site' means—

''(A) the World Trade Center site, Pentagon site, and Shanksville, Pennsylvania site;

''(B) the buildings or portions of buildings that were destroyed as a result of the terrorist-related aircraft crashes of September 11, 2001;

''(C) any area contiguous to a site of such crashes that the Special Master determines was sufficiently close to the site that there was a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or building collapses (including the immediate area in which the impact occurred, fire occurred, portions of buildings fell, or debris fell upon and injured individuals); and

''(D) any area related to, or along, routes of debris removal, such as barges and Fresh Kills.''.

SEC. 202. EXTENDED AND EXPANDED ELIGIBILITY FOR COMPENSATION.

(a) INFORMATION ON LOSSES RESULTING FROM DEBRIS REMOVAL INCLUDED IN CONTENTS OF CLAIM FORM.—Section 405(a)(2)(B) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in clause (i), by inserting '', or debris removal during the immediate aftermath'' after ''September 11, 2001'';

(2) in clause (ii), by inserting ''or debris removal during the immediate aftermath'' after ''crashes''; and

(3) in clause (iii), by inserting ''or debris removal during the immediate aftermath'' after ''crashes''.

(b) EXTENSION OF DEADLINE FOR CLAIMS UNDER SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001.—Section 405(a)(3) of such Act is amended to read as follows:

''(3) LIMITATION.—

''(A) IN GENERAL.—Except as provided by subparagraph (B), no claim may be filed under paragraph (1) after the date that is 2 years after the date on which regulations are promulgated under section 407(a).

''(B) EXCEPTION.—A claim may be filed under paragraph (1), in accordance with subsection (c)(3)(A)(i), by an individual (or by a personal representative on behalf of a deceased individual) during the period beginning on the date on which the regulations are updated under section 407(b) and ending on December 22, 2031.''.

(c) REQUIREMENTS FOR FILING CLAIMS DURING EXTENDED FILING PERIOD.—Section 405(c)(3) of such Act is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph:

''(A) REQUIREMENTS FOR FILING CLAIMS DURING EXTENDED FILING PERIOD.—

''(i) TIMING REQUIREMENTS FOR FILING CLAIMS.—An individual (or a personal representative on behalf of a deceased individual) may file a claim during the period described in subsection (a)(3)(B) as follows:

''(I) In the case that the Special Master determines the individual knew (or reasonably should have known) before the date specified in clause (iii) that the individual suffered a physical harm at a 9/11 crash site as a result of the terrorist-related aircraft crashes of September 11, 2001, or as a result of debris removal, and that the individual knew (or should have known) before such specified date that the individual was eligible to file a claim under this title, the individual may file a claim not later than the date that is 2 years after such specified date.

''(II) In the case that the Special Master determines the individual first knew (or reasonably should have known) on or after the date specified in clause (iii) that the individual suffered such a physical harm or that the individual first knew (or should have known) on or after such specified date that the individual was eligible to file a claim under this title, the individual may file a claim not later than the last day of the 2-year period beginning on the date the Special Master determines the individual first knew (or should have known) that the individual both suffered from such harm and was eligible to file a claim under this title.

''(ii) OTHER ELIGIBILITY REQUIREMENTS FOR FILING CLAIMS.—An individual may file a claim during the period described in subsection (a)(3)(B) only if—

''(I) the individual was treated by a medical professional for suffering from a physical harm described in clause (i)(I) within a reasonable time from the date of discovering such harm; and

''(II) the individual's physical harm is verified by contemporaneous medical records created by or at the direction of the medical professional who provided the medical care.

''(iii) DATE SPECIFIED.—The date specified in this clause is the date on which the regulations are updated under section 407(a).''.

(d) CLARIFYING APPLICABILITY TO ALL 9/11 CRASH SITES.—Section 405(c)(2)(A)(i) of such Act is amended by striking ''or the site of the aircraft crash at Shanksville, Pennsylvania'' and inserting ''the site of the aircraft crash at Shanksville, Pennsylvania, or any other 9/11 crash site''.

(e) INCLUSION OF PHYSICAL HARM RESULTING FROM DEBRIS REMOVAL.—Section 405(c) of such Act is amended in paragraph (2)(A)(ii), by inserting ''or debris removal'' after ''air crash''.

(f) LIMITATIONS ON CIVIL ACTIONS.—

(1) APPLICATION TO DAMAGES RELATED TO DEBRIS REMOVAL.—Clause (i) of section 405(c)(3)(C) of such Act, as redesignated by subsection (c), is amended by inserting '', or for damages arising from or related to debris removal'' after ''September 11, 2001''.

(2) PENDING ACTIONS.—Clause (ii) of such section, as so redesignated, is amended to read as follows:

''(ii) PENDING ACTIONS.—In the case of an individual who is a party to a civil action described in clause (i), such individual may not submit a claim under this title—

''(I) during the period described in subsection (a)(3)(A) unless such individual withdraws from such action by the date that is 90 days after the date on which regulations are promulgated under section 407(a); and

''(II) during the period described in subsection (a)(3)(B) unless such individual withdraws from such action by the date that is 90 days after the date on which the regulations are updated under section 407(b).''.

(3) SETTLED ACTIONS; AUTHORITY TO REINSTITUTE CERTAIN LAWSUITS.—Such section, as so redesignated, is further amended by adding at the end the following new clauses:

''(iii) SETTLED ACTIONS.—In the case of an individual who settled a civil action described in clause (i), such individual may not submit a claim under this title unless such action was commenced after December 22, 2003, and a release of all claims in such action was tendered prior to the date on which the James Zadroga 9/11 Health and Compensation Act of 2010 was enacted.

''(iv) AUTHORITY TO REINSTITUTE CERTAIN LAWSUITS.—In the case of a claimant who was a party to a civil action described in clause (i), who withdrew from such action pursuant to clause (ii), and who is subsequently determined to not be an eligible individual for purposes of this subsection, such claimant may reinstitute such action without prejudice during the 90-day period beginning after the date of such ineligibility determination.''.

SEC. 203. REQUIREMENT TO UPDATE REGULATIONS.

Section 407 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) by striking ''Not later than'' and inserting ''(a) IN GENERAL.—Not later than''; and

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

''(b) UPDATED REGULATIONS.—Not later than 90 days after the date of the enactment of the James Zadroga 9/11 Health and Compensation Act of 2010, the Special Master shall update the regulations promulgated under subsection (a) to the extent necessary to comply with the provisions of title II of such Act.''.

SEC. 204. LIMITED LIABILITY FOR CERTAIN CLAIMS.

Section 408(a) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended by adding at the end the following new paragraphs:

''(4) LIABILITY FOR CERTAIN CLAIMS.—Notwithstanding any other provision of law, liability for all claims and actions (including claims or actions that have been previously resolved, that are currently pending, and that may be filed through December 22, 2031) for compensatory damages, contribution or indemnity, or any other form or type of relief, arising from or related to debris removal, against the City of New York, any entity (including the Port Authority of New York and New Jersey) with a property interest in the World Trade Center on September 11, 2001 (whether fee simple, leasehold or easement, or direct or indirect) and any contractors and subcontractors, shall not be in an amount that exceeds the sum of the following, as may be applicable:

''(A) The amount of funds of the WTC Captive Insurance Company, including the cumulative interest.

''(B) The amount of all available insurance identified in schedule 2 of the WTC Captive Insurance Company insurance policy.

''(C) As it relates to the limitation of liability of the City of New York, the amount that is the greater of the City of New York's insurance coverage or $350,000,000. In determining the amount of the City's insurance coverage for purposes of the previous sentence, any amount described in clauses (i) and (ii) shall not be included.

''(D) As it relates to the limitation of liability of any entity, including the Port Authority of New York and New Jersey, with a property interest in the World Trade Center on September 11, 2001 (whether fee simple, leasehold or easement, or direct or indirect), the amount of all available liability insurance coverage maintained by any such entity.

''(E) As it relates to the limitation of liability of any individual contractor or subcontractor, the amount of all available liability insurance coverage maintained by such contractor or subcontractor on September 11, 2001.

''(5) PRIORITY OF CLAIMS PAYMENTS.—Payments to plaintiffs who obtain a settlement or judgment with respect to a claim or action to which paragraph (4)(A) applies, shall be paid solely from the following funds in the following order, as may be applicable:

''(A) The funds described in clause (i) or (ii) of paragraph (4)(A).

''(B) If there are no funds available as described in clause (i) or (ii) of paragraph (4)(A), the funds described in clause (iii) of such paragraph.

''(C) If there are no funds available as described in clause (i), (ii), or (iii) of paragraph (4)(A), the funds described in clause (iv) of such paragraph.

''(D) If there are no funds available as described in clause (i), (ii), (iii), or (iv) of paragraph (4)(A), the funds described in clause (v) of such paragraph.

''(6) DECLARATORY JUDGMENT ACTIONS AND DIRECT ACTION.—Any party to a claim or action to which paragraph (4)(A) applies may, with respect to such claim or action, either file an action for a declaratory judgment for insurance coverage or bring a direct action against the insurance company involved.''.

SEC. 205. FUNDING; ATTORNEY FEES.

Section 406 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in subsection (a), by striking ''Not later than'' and inserting ''Subject to the limitations under subsection (d), not later than'';

(2) in subsection (b)—

(A) by inserting ''in the amounts provided under subsection (d)(1)'' after ''appropriations Acts''; and

(B) by inserting ''subject to the limitations under subsection (d)'' before the period; and

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

''(d) LIMITATION.—

''(1) IN GENERAL.—The total amount of Federal funds paid for compensation under this title, with respect to claims filed on or after the date on which the regulations are updated under section 407(b), shall not exceed $8,400,000,000. Of such amounts, $4,200,000,000 shall be available to pay such claims during the 10-year period beginning on such date and $4,200,000,000 shall be available to pay such claims after such period.

''(2) PRO-RATION AND PAYMENT OF REMAINING CLAIMS.—

''(A) IN GENERAL.—With respect to the one-year period beginning on the date on which the first payment is made under this title for claims filed pursuant to the regulations updated under section 407(b), the Special Master shall examine the total number of such claims paid during such period and the amounts of the payments made for such claims to project the total number and amount of claims expected to be paid under this title during the 10-year period described in paragraph (1). If, based on such projection, the Special Master determines that there will be insufficient funds available under paragraph (1) to pay such claims during such 10-year period, beginning on the first day following such one-year period, the Special Master shall ratably reduce the amount of compensation due claimants under this title in a manner to ensure, to the extent possible, that—

''(i) all claimants who, before application of the limitation under the second sentence of paragraph (1), would have been determined to be entitled to a payment under this title during such 10-year period, receive a payment during such period; and

''(ii) the total amount of all such payments made during such 10-year period do not exceed the amount available under the second sentence of paragraph (1) to pay claims during such period.

''(B) PAYMENT OF REMAINDER OF CLAIM AMOUNTS.—In any case in which the amount of a claim is ratably reduced pursuant to subparagraph (A), on or after the first day after the 10-year period described in paragraph (1), the Special Master shall pay to the claimant the amount that is equal to the difference between—

''(i) the amount that the claimant would have been paid under this title during such period without regard to the limitation under the second sentence of paragraph (1) applicable to such period; and

''(ii) the amount the claimant was paid under this title during such period.

''(e) ATTORNEY FEES.—

''(1) IN GENERAL.—Notwithstanding any contract, and except as provided in paragraphs (2) and (3), the representative of an individual may not charge, for services rendered in connection with the claim of an individual under this title, more than 10 percent of an award made under this title on such claim.

''(2) LIMITATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of an individual who was charged a legal fee in connection with the settlement of a civil action described in section 405(c)(3)(C)(iii), the representative of the individual may not charge any amount for compensation for services rendered in connection with a claim filed under this title.

''(B) EXCEPTION.—If the legal fee charged in connection with the settlement of a civil action described in section 405(c)(3)(C)(iii) of an individual is less than 10 percent of the aggregate amount of compensation awarded to such individual through such settlement and the claim of the individual under this title, the representative of such individual may charge an amount for compensation for services rendered in connection with such claim under this title to the extent that such amount charged is not more than—

''(i) 10 percent of such aggregate amount, minus

''(ii) the total amount of all legal fees charged for services rendered in connection with such settlement.

''(3) EXCEPTION.—With respect to a claim made on behalf of an individual for whom a lawsuit was filed in the Southern District of New York prior to January 1, 2009, in the event that the representative believes in good faith that the fee limit set by paragraph (1) or (2) will not provide adequate compensation for services rendered in connection with such claim because of the substantial amount of legal work provided on behalf of the claimant (including work performed before the enactment of this legislation), application for greater compensation may be made to the Special Master. Upon such application, the Special Master may, in his or her discretion, award as reasonable compensation for services rendered an amount greater than that allowed for in paragraph (1). Such fee award will be final, binding, and non-appealable.''.

TITLE III—LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS; TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

SEC. 301. LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.

(a) IN GENERAL.—Section 894 of the Internal Revenue Code of 1986 (relating to income affected by treaty) is amended by adding at the end the following new subsection:

''(d) LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.—

''(1) IN GENERAL.—In the case of any deductible related-party payment, any withholding tax imposed under chapter 3 (and any tax imposed under subpart A or B of this part) with respect to such payment may not be reduced under any treaty of the United States unless any such withholding tax would be reduced under a treaty of the United States if such payment were made directly to the foreign parent corporation.

''(2) DEDUCTIBLE RELATED-PARTY PAYMENT.—For purposes of this subsection, the term 'deductible related-party payment' means any payment made, directly or indirectly, by any person to any other person if the payment is allowable as a deduction under this chapter and both persons are members of the same foreign controlled group of entities.

''(3) FOREIGN CONTROLLED GROUP OF ENTITIES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'foreign controlled group of entities' means a controlled group of entities the common parent of which is a foreign corporation.

''(B) CONTROLLED GROUP OF ENTITIES.—The term 'controlled group of entities' means a controlled group of corporations as defined in section 1563(a)(1), except that—

''(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein, and

''(ii) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

''(4) FOREIGN PARENT CORPORATION.—For purposes of this subsection, the term 'foreign parent corporation' means, with respect to any deductible related-party payment, the common parent of the foreign controlled group of entities referred to in paragraph (3)(A).

''(5) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as are necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provide for—

''(A) the treatment of two or more persons as members of a foreign controlled group of entities if such persons would be the common parent of such group if treated as one corporation, and

''(B) the treatment of any member of a foreign controlled group of entities as the common parent of such group if such treatment is appropriate taking into account the economic relationships among such entities.''.

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

SEC. 302. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 3 percentage points.

TITLE IV—BUDGETARY EFFECTS

SEC. 401. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that Mr. NADLER of the Judiciary Committee and Mr. CROWLEY of the Ways and Means Committee each control 6½ minutes of my time.

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

There was no objection.

GENERAL LEAVE

Mr. PALLONE. I also ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

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

I rise in strong support of H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010. This important legislation was reported by the Energy and Commerce Committee with bipartisan support on May 25 by a vote of 33–12. I would like to take a moment to thank the bill's sponsors, Representatives CAROLYN MALONEY and JERRY NADLER, as well as my colleagues from New York on the committee, ELIOT ENGEL and ANTHONY WEINER, for their tireless work on behalf of this legislation.

Beyond the immediate loss of life on September 11, today thousands of people are suffering debilitating illnesses from its aftermath. H.R. 847 would establish the World Trade Center Health Program, a program to screen, monitor, and treat eligible responders and survivors who are suffering from World Trade Center-related diseases, most commonly from the massive, toxic dust cloud that enveloped lower Manhattan. The bill also funds research to improve our understanding of the health effects of the exposures over time.

Federal spending for the World Trade Center Health Program is capped at $3.2 billion and is fully paid for. The version before the House today is more than $1 billion less expensive than that reported with bipartisan support from the Energy and Commerce Committee. Today is an important step towards ensuring that the appropriate resources are available to take care of those who risked their lives to save others on September 11.

I urge my colleagues to suspend the rules and pass the bill.

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

Mr. BARTON of Texas. Before I give my statement, I wish to yield 11 of the 20 minutes to the ranking member of the Judiciary Committee, Mr. SMITH of Texas, at the appropriate time.

The SPEAKER pro tempore. Without objection, the gentleman will control that time.

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, Republicans are not opposed to compensating the victims and the first responders of the World Trade Center attacks. We created a compensation fund within 11 days after the original attack back on September 11, 2001. The bill before us today, however, Mr. Speaker, creates a brand new entitlement program that could last an additional 21 years. It creates a special compensation system for hospitals in the New York City area at 140 percent of Medicare rates, provides special protections for trial lawyers, and creates a host of special programs and special protections. It also does not require any kind of a citizenship test, Mr. Speaker, to receive a benefit. It is, in fact, apparently a $7.4 billion new entitlement program.

We know there are innocent victims in New York City that still need treatment, and we know that there are perhaps some participants who have fallen through the cracks who have not received exactly the treatment that they need, but this bill, quite frankly, is not the answer.

In the markup in the Energy and Commerce Committee, Republicans offered a number of amendments that would have provided treatment, would have monitored benefits, and would have authorized funding for the existing program at the level requested by the President of the United States, President Obama. That amendment was rejected.

H.R. 847 caps the number of people that can be enrolled in the program. As I said earlier, it doesn't require those enrolled, however, to verify their citizenship. We also offered an amendment to verify citizenship. That amendment was not agreed to.

We also offered an amendment to means-test benefits based on income and assets. I think the amendment was at $1 million. That amendment was also rejected. So under this bill, somebody making millions of dollars is at least technically eligible for this program. I don't think that is fair when we have a budget deficit of $1.5 trillion.

We also offered an amendment in the Energy and Commerce Committee to pay for the program by using money that has not been spent out of an existing program. That amendment was also

rejected as not being what the majority wanted.

As I said earlier, the bill before us would reimburse hospitals in New York at 140 percent of Medicare. We think that is not fair to the rest of the country to give a special rate above Medicare rates for this particular program.

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

Mr. BARTON of Texas. I yield myself an additional 30 seconds.

And finally, last but not least, in the amended bill that was sent to the Rules Committee yesterday, Mr. Speaker, they have changed the spending profile. Under the bill before us this evening, the program, while it is a guaranteed entitlement, funding would be cut by two-thirds in 2019 and eliminated altogether in 2020. That is simply a budget gimmick and is patently unfair to the people, if it were to pass and become law, that would be depending on the program.

For those reasons, Mr. Speaker, we would ask for a ''no'' vote on the bill.

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

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL), one of the champions of this legislation.

Mr. ENGEL. I thank my friend from New Jersey for yielding to me.

Mr. Speaker, on September 11, 2001, I was never more proud to be a New Yorker. Many of my constituents rushed in to help, and within days of the attack over 40,000 responders from across the Nation descended upon Ground Zero to do anything possible to help with the rescue, recovery, and cleanup.

Sadly, many of my constituents were killed in the attacks on the World Trade Center. The people that rushed in to help their fellow human beings didn't put themselves first, they selflessly helped others. And the question is, should we now penalize these people who risked their lives?

Within minutes of the planes hitting the World Trade Center, New York's first responders mobilized to save those who were trapped or hurt. They thought the site was safe to work at and the air was safe to breathe. They never questioned their own safety when they ran in to help others because they put others in need ahead of themselves. And you know what? The statements that were given about the air being safe to breathe were false. Many became sick, and the illnesses from exposure to the toxins have developed to become severe and debilitating, and for some, deadly. These heroes deserve more.

New York was attacked because it is a symbol of our country. New York was attacked because the terrorists wanted to make a statement. The responsibility to help these sick first responders is not just a New York problem, it's an American problem, and we all have a responsibility to help those people no matter where we may live.

And let me say this to our Republican colleagues, please don't vote down the bill because it is on the suspension calendar or for any other excuse you may give. Whatever excuse you may give for voting ''no'' on this bill, the bottom line is that a ''no'' vote is a vote to turn your back on the first responders.

Please vote ''yes'' on the bill.

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Mr. BARTON of Texas. I yield 1½ minutes to the distinguished ranking member of the Health Subcommittee, the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Speaker, our committee can do great work when we work together. This is not one of our finest times—a new mandatory entitlement program at $7.2 billion. There is $130 million in the fund right now. The President asked for $150 million. This is, on average, $700 million a year. It is mandatory. We don't do this for our veterans, and we don't do this for our military. This is a mandatory program.

What this is is politics. What this is is enfranchising a whole bunch of New York City hospitals which will get paid 140 percent of Medicare rates when we are cutting hospital rates in the new health care law under part A. We can do this, and we can do this in a better manner than what we are doing here.

It is on the suspension calendar. Your leadership put it on the suspension calendar. Do you know why? Because they can't pass it under regular order. It is your leadership that put you in this position, not House Republicans, and I am embarrassed about this tonight.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members will be reminded to direct their remarks to the Chair, and not to others in the second person.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. So you are for the bill, but you won't vote for it. Nonsense.

Nine years ago, your country was attacked, and you're here quibbling about politics. You're here talking about permanent entitlements. Oh, how easy it is to come down here to this floor. I have seen it done time after time, Mr. Speaker—people proving how patriotic they are, determined to fight against the terrorists, to defend America, leave no soldier behind.

Well, where I come from, we are leaving soldiers behind. We have thousands of people, besides the ones who died, who are on the battlefield in our hospitals—who are dying every day, who are reaching out and gasping for the last breaths that they have.

You call that an entitlement.

I don't question your patriotism. I don't question your nationalism. I don't question your strategy or your tactics to take petty political advantage of this terrible situation. Sure, you're patriots. Sure, you have great oratory, but I have one question: Where is your decency?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members will kindly address their remarks to the Chair.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished ranking member of the Ways and Means Committee, the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Thank you for yielding.

Mr. Speaker, the tragic events of 9/11 will never be forgotten nor will we ever forget the heroic actions of the brave men and women who, without regard to their own well-being, rushed in to aid, rescue, and recover their fellow Americans. Theirs were acts of compassion and patriotism that would be repeated in the days and months that followed.

Today, many of those who were at and around the World Trade Center, the Pentagon, and Shanksville, Pennsylvania, in the aftermath of the terrorist attacks are still struggling physically and mentally.

While I have great sympathy for the intent of this legislation in providing assistance to those Americans, the legislation has been paired with a fundamentally flawed and job-destroying tax increase. Therefore, I will vote against it. To pay for this new health care entitlement, the majority has opted for a tax increase that has no chance of becoming law and with good reason. It taxes American jobs. It is in clear violation of our international obligations.

While the provision in question closely tracks legislation that has passed the House on a partisan basis, the Senate has repeatedly rejected it. Even the Obama administration has raised objections to the way this provision violates our carefully negotiated tax treaties. There is never a good time to raise taxes on employers and American workers, but given the continued weakness in the economy, now may be the worst time. Data from the Department of Labor confirms that:

Forty-seven States have lost jobs since the Democrats' stimulus passed;

Over 2 million jobs have been eliminated; and

Unemployment remains unacceptably high—over 13 percent in my home State of Michigan.

Mr. Speaker, the tax hike in this legislation is unacceptable. The hardships suffered by our first responders do not change that basic fact. I urge my colleagues to, again, reject these tax hikes and to vote ''no'' on the legislation.

Mr. PALLONE. Mr. Speaker, may I inquire as to how much time remains on our side?

The SPEAKER pro tempore. The gentleman from New Jersey has 3½ minutes remaining. The gentleman from Texas has 3 minutes remaining.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the other champion of this bill, a member of our committee, the gentleman from New York (Mr. WEINER).

Mr. WEINER. I thank the chairman.

Mr. Speaker, I would say to my colleagues who are talking about the pay-for and the tax and the fine print that this is a relatively simple matter. This is a noncontroversial bill. If you believe that we owe a debt to the people who have served our country, this is your moment to repay it.

You know, you talk as if you're giving them some kind of a benefit. What benefit has occurred for the people who went down on September 11, who helped pull their friends and neighbors out of the rubble and who now bounce their grandkids on their knees with a stew of toxic dust in their lungs? What benefit has occurred for them?

You are repaying a debt on this day, a debt to these people who deserve it—and not just on September 11 when we all came together and said that we were never going to forget that day. We formed a fund like this one and said, You know what? If you died that day, you died a hero. Well, my colleagues, there are people who are dying at this moment. Are they any less the heroes? Are they less deserving?

Now, there was one word I did hear used which was appropriate—that we are creating an entitlement. That's right. These people are entitled. They are entitled to our care. They are entitled to our indebtedness. They are entitled to what we are doing in this bill. The difference with this entitlement and others is that there are no more people. In fact, there are fewer and fewer every single day because they are dying. They are dying because they were heroes on behalf of this country.

This is the moment for an up-or-down vote. If you put your card in and press the ''no'' button, you are against health care for 9/11 workers. If you push the green button, you are finally doing 9 years later what has been long overdue. That is the plain and simple truth.

Don't be the party of ''no'' today.

Mr. BARTON of Texas. Mr. Speaker, I would like to inquire as to how much time will be remaining, which I will control, after Mr. STEARNS' 1 minute.

The SPEAKER pro tempore. The gentleman from Texas will have approximately 2 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to a member of the Energy and Commerce Committee, the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Let me say to my friends on this side of the aisle and to the people from New York City and from New York: Can anyone come down to this House floor and question this spending without being attacked on their character?

Mr. Speaker, there is no strategy or tactics we've developed here. We are just saying it's the CBO. The CBO has scored this at $11 billion. They said it's a template for future types of programs. They used the word ''entitlement.'' It creates another mandatory program. This is not the Republicans talking. This is the CBO. For you to come down here and question anybody who questions spending in this country of taxpayers' money and then to disparage our character is wrong.

It is ironic that the President has created a fiscal commission to look at debt spending and entitlements. Yet Congress is pushing ahead with yet another spending program. We can talk about this intelligently without your emotionalizing this issue. But Mr. Speaker, we don't need to create this entitlement. We should do a 5-year program with the standard reauthorization and appropriation process.

Why do you object to the standard appropriation process? It is a proper method for fiscal discipline. If we are to pay for this entitlement, it should also come by reducing the waste and fraud in this country. We are on your side. Show us how to eliminate waste and fraud, and we will pay for it through that.

□ 2030

Mr. PALLONE. Mr. Speaker, I yield the 2 minutes that I have remaining to the gentlewoman from New York (Mrs. MALONEY), the sponsor of the legislation who has worked so tirelessly like I've never seen on this legislation and is so proud to be here tonight for its passage.

Mrs. MALONEY. Thank you very much, Chairman PALLONE, and for your leadership.

This week the House approved billions in new funding for the war in Iraq and Afghanistan, but Congress has yet to fully address the impact of the event that caused the war in the first place, the 9/11 terrorist attack.

Today we will vote on a bill that provides guaranteed help for the survivors of 9/11 and the brave first responders who rushed to Ground Zero to save the lives of others.

I thank Congressmen NADLER and KING, my colleagues in the New York delegation, Speaker PELOSI, Leader HOYER for their dedication to the heroes and heroines and the survivors of 9/11.

On 9/11, roughly 3,000 people lost their lives, but thousands and thousands lost their health because they rushed in to save others.

To date, the Federal Government has identified more than 20,000 individuals who have health problems as a direct result of the attacks.

Caring for those who are suffering is a national responsibility. Every single State, 428 of the 435 congressional districts have someone enrolled in the Federal World Trade Center Health Registry because they were near Ground Zero or worked at Ground Zero.

The 9/11 Health and Compensation Act meets our moral responsibility to help those who were there to help us. It seems inconceivable to me that we would choose to spend hundreds of billions of dollars on wars in foreign lands and not spend this modest amount right here at home to help the warriors, the first people who were there, those who were there for us on 9/11 in the place where it all began. They were there for us; we need to be there for them.

This is the veterans of the war of 9/11, those who saved the lives of others. And 9/11 was a great tragedy, but it was also a great rescue effort, one of the greatest in history.

So I urge my colleagues to support the heroes, the heroines, the warriors right here at home, the first in the line of fire at Ground Zero where it all began.

Mr. BARTON of Texas. Mr. Speaker, I yield a very long 45 seconds to the gentleman from Buffalo, New York (Mr. LEE).

Mr. LEE of New York. No one will ever forget 9/11, where we were that day. It's ingrained in our memories.

We saw thousands of men and women rush into buildings, not caring about their own safety, caring about others. We've also seen other people come in and clean up this debris knowing that they were exposed to chemicals and toxins.

I was a cosponsor of this bill and believed in this bill. The problem is, it's where Washington gets it wrong. The pay-for for this bill is in job-killing taxes.

There were opportunities to solve this problem in a bipartisan way. That was missed. And it's an unfortunate situation when we have people who are getting put in the way of politics have got in the way of trying to help people who were brave and honest and doing the right thing for New Yorkers. And it's a sad state of affairs. And, unfortunately, I won't be able to support this bill.

Mr. NADLER of New York. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise today in support of the Zadroga 9/11 Compensation Act.

On September 11, 2001, Osama bin Laden orchestrated the deadliest terrorist attack in American history, killing almost 3,000 people and wounding thousands more. The attacks created an environmental nightmare as hundreds of tons of every contaminant known to man and woman came out onto the streets and canyons of Manhattan and Brooklyn. Into this toxic crowd ran firefighters and police and other first responders. First responders came from all 50 States to aid in the rescue and clean up in the subsequent days.

The Environmental Protection Administration, the EPA, despite ample evidence to the contrary, kept falsely proclaiming that the air was safe to breathe. It wasn't. The terrorists caused environmental catastrophe, but the Federal Government compounded the damage by telling people the environment was safe when it wasn't, and

now thousands of people are sick and in need of special care.

We have a moral obligation to treat those who became ill, and that's what this bill is all about. For 8 years, Representative MALONEY and I, supported on a bipartisan basis by the New York delegation and others, have worked to bring this bill to the floor. Now it's finally time to pass it.

Time and again, as we moved the bill through the legislative process, we have adjusted it, reduced its size and scope, limited its cost and made concessions to broaden the coalition and lower the cost. We worked with our colleagues on the other side of the aisle to reopen the Victims Compensation Fund in a responsible way in order to protect contractors from liability so they would not find they sacrificed their businesses to serve their country. We even agreed to cap attorneys' fees.

I know some Members are concerned about the cost of providing this assistance. Let me emphasize, this bill is fiscally responsible and balances the needs of our 9/11 heroes with fiscal constraints. It is completely paid for. We have achieved this by closing a tax loophole which allows foreign companies to evade U.S. taxes.

Second, we have capped the funding level, capped the number of people who can participate, and capped the number of years the program can continue. Just within the past month we have brought the cost of the bill down an additional $3 billion.

Now, let me appeal to my colleagues on the other side of the aisle. I understand that some of you may have a problem with the offset, even though it is not aimed at U.S. companies and is simply designed to improve withholding of taxes that are legally due. I understand that.

But I have to ask you this: just consider for a moment what we are talking about. Balance that tax break against the needs of our 9/11 heroes, needs that are so great, so raw and so obvious, and let our moral obligation to the heroes of 9/11, our obligation, as Lincoln said, ''to care for him who shall have borne the battle'' prevail. Let us do the honorable thing and vote for this bill.

To me, the choice is simple. I will be voting for the firefighters, for the police, for the first responders, for the survivors of the attacks. I urge every Member of the House to do the same.

And I want to thank Congresswoman MALONEY, the New York delegation, the Speaker, the majority leader, the chairmen of the various committees, FRANK PALLONE, and all the organizations like the International Association of Fire Fighters, the National Association of Police Organizations for supporting this vital bill.

Do the right thing. Do the moral thing. Do the only moral thing. Vote for this bill.

Mr. BARTON of Texas. I yield 45 seconds to the gentleman from The Woodlands, Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I appreciate and admire the fierce tenacity of Chairwoman MALONEY as she fights for her constituents in New York, but I have a real problem with the way the bill is paid for.

Looking at Texas Task Force 1 standing at Ground Zero, going through that rubble and their heroism, themselves, they went there to save survivors, not to raise taxes. And that's what this bill does. It kills American jobs. It raises taxes on companies that invest in America, that build American plants, that hire American workers, buy American equipment, pay American taxes. It punishes those companies that create U.S. jobs $7 billion.

Why would we use 9/11 as an excuse to harm American jobs? It makes no sense at all.

We can do better than this. We have to do better than this. This tax increase is absolutely inappropriate, and I urge its defeat.

Mr. NADLER of New York. I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, more than 70,000 Americans from every State descended upon Ground Zero to recover and rebuild after 9/11. They ran into burning buildings, they rescued trapped workers, they sorted through destruction.

And just as we provide medical care for our troops, we must care for the 13,000 who are now sick as a result of their heroic actions in a toxic environment. They disregarded their personal safety for our country. Surely this Congress will not disregard their dire health needs to protect foreign tax shelters.

Nearly all of us represent a responder and almost 9 years later have a responsibility to do what is right. Vote for this bill.

Mr. BARTON of Texas. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 30 seconds.

Mr. BARTON of Texas. Mr. Speaker, Republicans support helping the first responders and the victims of the World Trade Center attack. We support it at the President's request. We support it as an authorized program. We support it at paying existing Medicare rates. And, finally, we support it without raising taxes on the rest of the American people. This bill doesn't do that, so we would urge a ''no'' vote on this bill, and then perhaps we can work together on a bipartisan basis to do something that everybody in this Chamber can support.

Please vote ''no'' on this bill, and then let's work together to do it the right way.

□ 2040

Mr. NADLER of New York. I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, this bill presents a sensitive issue with regard to compensation for those who are suffering ailments as a result of recovery and cleanup efforts at the World Trade Center site. No doubt there are many with legitimate claims as a result of their efforts at Ground Zero.

But this legislation, as written, creates a huge $8.4 billion slush fund paid by taxpayers that is open to abuse, fraud, and waste. That's because the legislation creates an unjustifiable 21-year-long fund that leaves decisions on whether or not to pay claimants to the complete discretion of the special master. As Ken Feinberg, special master of the original 9/11 Fund, has stated, quote, ''No latent claims need such an extended date.''

The legislation also vastly extends the geographic scope of the fund to cover routes of debris removal. This will result in the potential for a huge number of additional claimants with tenuous connections between their medical problems and the cleanup efforts at Ground Zero. Additionally, the bill permits those who have settled their lawsuits to reopen their claims and seek additional taxpayer-funded compensation through the 9/11 Fund. This is contrary to both the terms of the original 9/11 Fund and to general legal principles regarding the finality of settlements.

The original 9/11 Fund was unprecedented in its expression of a Nation's compassion and generosity following the deaths of innocent people. It was designed to settle the claims of those covered once and for all. It may be that the fund should be reopened to first responders whose injuries were not evident until after the expiration of the initial deadline. However, if we are going to reopen the fund, we should do so in a manner that is much narrower, with far less discretion for the special master than is provided for in H.R. 847.

It's hard to explain spending billions of additional taxpayer dollars when Special Master Ken Feinberg himself has emphatically stated that the $1.5 billion in taxpayer money, charitable contributions, and insurance coverage currently available for distribution is, quote, ''more than sufficient to pay all eligible claims, as well as lawyers' fees and costs.''

Mr. Speaker, why do Democrats continue to overreach and consider the taxpayer to be their personal slush fund? I urge my colleagues to vote against this bill.

I reserve the balance of my time.

Mr. NADLER of New York. Mr. Speaker, I now have the distinct privilege of yielding 1 minute to the distinguished Speaker of the House.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding. And I thank him for giving us the opportunity to vote this evening on the James Zadroga 9/11 Health and Compensation Act. I thank you and Congresswoman MALONEY for your leadership on this issue, as well as the entire New York delegation.

Mr. Speaker, any time we enter a discussion of 9/11 we are entering sacred

ground. It is a place where there should be no disagreement as to our obligation to those who helped dig out and try to help clean up and recover at the scene of 9/11 at Ground Zero.

When 9/11 occurred, I don't think there would have been any question in anyone's mind that responding to it in this particular way was an emergency. It was an emergency. If there were ever an emergency in our country, responding to 9/11 was one. And so the objection that our colleagues make about paying for this, maybe we shouldn't pay for it. But we are. It's an emergency. It should be under emergency spending and investment.

But in order to say if we don't want to add to the deficit we will pay for it, there is a pay-for in the legislation that is about eliminating opportunities for tax evaders to avoid taxation, using the benefit of that to help make the people who came to the rescue and help rebuild and recover whole.

On September 11, 2001, again we enter this sacred ground, America stood in shock at the tragedy that unfolded at Ground Zero. In the days that followed, we stood inspired by the thousands of firefighters, rescue workers, first responders, medical personnel, and construction workers who traveled to the scene of the attack to help New Yorkers clean up and recover. Many spent days, weeks, or months doing the hard work our government asked them to do in the recovery effort.

Bound together by tragedy, their acts made them heroes. Their commitment reflected our unity as a people and a Nation. Their courage gave us hope that we would emerge from these dark days stronger and more resilient than ever. The whole country watched, the whole world watched, frustrated in our own inability to be at the scene and to be helpful, grateful to those who were so brave, so courageous to make that sacrifice, in a place that was uncertain in terms of its health aspects.

Today we must act to offer those who were so courageous the assistance they earned through their bravery and their sacrifice. Again I thank Congresswoman CAROLYN MALONEY, Congressman JERRY NADLER, and the entire New York delegation for their work to bring this legislation to the floor. The American people are looking to us to do the right thing for the men and women who answered the call of duty and continue to suffer from ill health effects on their service.

It is my understanding that the people affected by this live in 433 of the 435 congressional districts. Because people not only rushed in from New York and surrounding areas, they came and brought their expertise and their help from all over the country. And therefore, the consequences of their bravery are felt all over the country. And the impact on their health is an important part of the challenge that they face and that we owe them for.

This legislation fulfills our obligation to those Americans, helping those who jeopardized their health to rescue others secure necessary medical treatment, especially for the unique exposures suffered at Ground Zero, and ensuring survivors and victims' families can obtain compensation for their tragic losses through a reopened 9/11 Victim Compensation Fund.

My colleagues, you all remember that following 9/11 there was a compensation fund established for the families of those who lost their lives. Well, many of these people are losing their lives. They certainly have lost their health. And we owe them. This is not a time for any partisanship. This legislation is the least we can do to offer our gratitude and support to those heroes, those individuals who never asked for any recognition or accolades, who simply want the opportunity to live out their lives with health and happiness.

Americans will have a hard time understanding how any leader in Congress could oppose this critical assistance. Let's find a way to help these people, not let's look for ways not to. We must uphold our pledge to help every one of them. We must not desert them. We must join together as Democrats and Republicans to provide this critical assistance.

I urge all of my colleagues to vote ''aye'' on the James Zadroga 9/11 Health and Compensation Act. I thank our colleagues again in a bipartisan way in the New York delegation for giving us the opportunity to call attention once again to the bravery and courage of so many at that time. Words are totally inadequate. But by our deeds we can try to begin to express our gratitude. We owe them that.

□ 2050

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. KING), who is also the ranking member of the Homeland Security Committee.

Mr. KING of New York. I thank my from friend from Texas for yielding.

Mr. Speaker, I rise as an original cosponsor and in support of H.R. 847. I have seen too many police officers, firefighters, and construction workers who responded to 9/11 who have pulverized glass in their lungs and toxins in their bloodstream and are dying one by one.

But what we are doing tonight is a cruel hoax and a charade. Everyone knows that this bill will not get the two-thirds majority required on the suspension calendar. Everyone also knows that this bill would pass with a clear majority if the Democrat leadership would allow it to come to the floor under the regular procedures of the House.

The reason H.R. 847 is not being brought up under regular order is because the majority party is petrified of having its members face a potential vote on illegal immigration. You can blame it on the Republicans—and I've been strongly critical on the Republican position on this issue—but the reality is you could pass this bill if you wanted to. You are in control. You have the power. You have the responsibility. This bill should be more important than a campaign talking point. You could have passed it at any time during the past 3½ years, but you want political cover. Thank God for our country that the first responders of 9/11 didn't look for cover before they did what they had to do and lived up to their oath.

As Mayor Bloomberg, the mayor of New York City, said just today about the procedure we are following tonight, ''It's an outrage. A majority of people would vote for this bill but they know full well they will not get 66 percent. They know that. So this is a way to avoid having to make a tough decision. Our people who worked down at 9/11, whose health has fallen apart, did what America wanted them to do. This is an American problem and Congress should stand up. And I know it's a tough vote for some people. I don't have a lot of sympathy. They should bring this up and vote up or down on any amendments and vote up or down on the bill. And go on the record. And that incidentally is what the leadership should force.'' That was Mayor Bloomberg this afternoon.

They say they want Republican support, yet they never consulted even one Republican before they made the corporate tax increase as the pay-for. They say they want Republican support before they pass this bill, but they never applied that standard when they rammed through the stimulus, health care, cap-and-trade, or financial regulatory reform. No, you only apply it to cops and firefighters and construction workers.

What a sad and pathetic double standard. These heroes deserve better than they are receiving here tonight.

No matter what happens on this vote, I will continue to do all I can to pass this bill as soon as possible in the future.

Let me say, I look forward to continue working with CAROLYN MALONEY, who has always been honest, open, and direct.

Mr. Speaker, this is a sad moment for this body.

Mr. NADLER of New York. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. WEINER).

Mr. WEINER. It takes great courage to wait until all Members have already spoken and then stand up and wrap your arms around procedure. We see it in the United States Senate every single day when Members say, We want amendments. We want debate. We want amendments, but we're still a ''no.'' And then we stand up and say, Oh, if only we had a different process, we'd vote ''yes.''

You vote ''yes'' if you believe yes. You vote in favor of something if you believe it's the right thing. If you believe it's the wrong thing, you vote ''no.''

Mr. KING. Will the gentleman yield?

Mr. WEINER. I will not yield.

The gentleman gets up and yells like he does to intimidate people into believing he's right. The gentleman is wrong. The gentleman is providing cover for his colleagues rather than doing the right thing.

It's Republicans wrapping their arms around Republicans rather than doing the right thing on behalf of the heroes. It is a shame; a shame.

If you believe this is a bad idea to provide health care, then vote ''no.'' But don't give me the cowardly view that, Oh, if it was a different procedure.

I will not stand here and listen to my colleague say, Oh, if only I had a different procedure that allows us to stall, stall, stall and then vote ''no.'' Instead of standing up and defending your colleagues and voting ''no'' on this humane bill, you should urge them to vote ''yes,'' something the gentleman has not done.

Mr. SMITH of Texas. Mr. Speaker, two questions: One, I would like to know how much time the last speaker used; and I would like to know how much time remains on each side.

The SPEAKER pro tempore. The gentleman from New York consumed 1 minute.

The gentleman from Texas has 6 minutes. The gentleman from New York (Mr. NADLER) has 1½ minutes. The gentleman from New York (Mr. CROWLEY) has 6½ minutes.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), who happens to be the vice ranking member of the Judiciary Committee. And I hope the Speaker will use the same timepiece in judging Mr. GOODLATTE's time as he did in judging the gentleman from New York's time.

Mr. GOODLATTE. Mr. Speaker, everyone here is concerned about helping people who are suffering, including New York firefighters and policemen and emergency rescue workers and others affected by this, but I want to point out what Ken Feinberg, the special master of the September 11th Victim Compensation Fund said in an op-ed piece in The Washington Post entitled, ''9/11 fund. Once was enough.''

He said, ''Despite its success, the fund has not set a precedent. Congress has not authorized similar compensation for the thousands of victims of Hurricane Katrina, for those injured by other natural disasters, or for the families of those killed in such tragedies. Nor has Congress exhibited such generosity toward U.S. soldiers wounded or the families of those killed in Iraq and Afghanistan.

''The same is true of victims of terrorist attacks that took place before September 11, 2001. The Navy personnel who died in the suicide attack on the USS Cole and the victims of the Oklahoma City bombing received no such public compensation. Even the victims of the first terrorist attack on the World Trade Center in 1993 were denied.''

Feinberg said, ''Bad things happen to good people every day; Congress does not come to their financial rescue with generous, tax-free checks. In our free society, based on notions of limited government and equal protection of the laws, we simply do not expect the government to step in whenever misfortune strikes.''

When firefighters all across this country enter burning buildings, when rescue workers clean up toxic spills, people are injured, people are killed all the time. We do not have compensation funds for them. We have normal procedures, normal processes through which people receive assistance. Even the most recent compensation funds for the gulf oil spill and for the victims of the shooting at Virginia Tech were privately funded compensation funds. This is not the correct way to proceed.

And this fund, in particular, is bloated. It includes funding for more than 20 years, until 2031. It includes far more money than Ken Feinberg said was necessary.

I urge my colleagues to not support this approach to solving this problem.

□ 2100

Mr. NADLER of New York. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 1½ minutes.

Mr. NADLER of New York. Mr. Speaker, over 13,000 responders are sick and receiving treatment today. Nearly 53,000 are enrolled in medical monitoring; 71,000 are enrolled in the World Trade Center Health Registry.

We have created Centers of Excellence across the country as part of this program so that people who were at the World Trade Center and have gotten sick can go to someplace with the expertise and a diagnosis without coming to New York or New Jersey. All of this is dependent on its continuation on passing this bill.

Yes, we can do it through continued appropriations. We have had too many times where the hospitals had to send out notices to the people being treated that your treatment comes to an end June 30 because the appropriation hasn't come through. We cannot leave this to the vicissitudes of annual appropriations.

On the Victim Compensation Fund, this House, indeed this Congress, passed it almost unanimously a week or two after 9/11. Unfortunately, people who should have been compensated by that fund could not be because their sicknesses did not become evident till the fund closed. That's why Ken Feinberg, testifying before the Judiciary Committee, urged us to reopen the fund, which is one half of this bill.

This bill is necessary so that people in the future will know that you go and help people in a time of emergency. This is not a New York bill.

This was an attack on the United States and is a special moral urgency because many of the people wouldn't be sick today if the Federal Government, in the person of the EPA, had not lied, had not told them the air was safe to breathe when we knew perfectly well that it wasn't safe to breathe.

I remember telling people don't go back to school, don't go to work there. Don't go back to work in the Federal office building because the air was not safe to breathe. But the EPA was saying go to work. People went to work. They are sick. We owe them this bill. We owe them their health. We owe them treatment if we are going to get support in the future when we have another emergency.

I urge the passage of this bill.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I understand that we have 4 minutes left on this side. I would like to inquire again how much time remains on the other side, including both of the gentlemen from New York, Mr. NADLER and Mr. CROWLEY.

The SPEAKER pro tempore. Mr. NADLER's time has expired. Mr. CROWLEY has 6½ minutes remaining.

Mr. SMITH of Texas. Mr. Speaker, I will reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, who has the right to close?

The SPEAKER pro tempore. The gentleman from New York.

Mr. CROWLEY. Thank you, Mr. Speaker.

With that, I will yield 1 minute to the gentleman from New York representing Staten Island, Mr. MCMAHON, one of the hardest hit areas in terms of victims of 9/11 as well as where much of the debris was brought to the landfill in Staten Island.

Mr. MCMAHON. Thank you, Mr. Chairman.

Mr. Speaker, I rise this evening to tell the human side of this story, to tell the story of Lieutenant Martin Fullam from my district. Five weeks or so ago I got on a train in New Jersey to come down to work and Martin was there with his wife. They were coming down because there was going to be a meeting and a hearing over on the Senate side, and they wanted to be there.

You see, Martin was a 30-year veteran of the New York City Fire Department, and right after 9/11 he went and he work on the pile; and like so many others, he became sick, one of the first to be diagnosed with World Trade Center disease. He had to have a lung replaced or otherwise he would have died.

And when I asked him what does he think about, as he kind of fought for his breath sitting in that train station, he said the only thing I think about is making sure that my medical bills are paid so my family doesn't have to worry about it. That's all we are asking.

So I say to you that if this is an entitlement, you should have your mouth washed out with soap because you lie, Mr. Speaker. And if I say to you that you think this is some sort of tax gimmick and you want to protect offshore

corporations and because we want to close the loophole, then I say you should have your head examined because there is something wrong with you.

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

Mr. CROWLEY. I yield the gentleman 30 additional seconds.

Mr. MCMAHON. And if you say that you support this bill but because of process, because of procedure, you will not vote with us tonight, then I say to you, speak to your confessor, because your judgment day is coming. These people fought for us. They fought for America. It's time for you to stand up on that side and fight for them and their families and give them peace of mind.

This is not an entitlement. It is paid for, and it is limited. And yet you hide behind this substitute.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members must address their remarks to the Chair and not to the colleagues in the second person.

Mr. MCMAHON. Mr. Chairman, as I said, that's what you should do on that chair. You should understand what this is about, human lives. Stand up and be counted.

I urge my colleagues to vote tonight for the heroes of 9/11, all-Americans.

Mr. SMITH of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. DANIEL E. LUNGREN) who is the ranking member of the House Administration Committee and a senior member of the Judiciary Committee.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman.

Mr. Speaker, I am one of those who supported the section of the bill that we had in the Judiciary Committee and attempted to convince others on my side to support it, because I believe we ought to expand it to include those people who assisted and those people who found that they had health problems after the time originally envisioned.

But I don't have to go to my father confessor, as someone suggested, to say that I cannot support this bill.

I did not believe that it was going to have attached to it a job-killing provision which is going to hurt jobs in my district and throughout California.

I did not know we were going to have the open-ended type of program that was in title I.

I fully thought that we would come to the floor with a bill that was bipartisan in nature and that was, in fact, what I envisioned when I voted for it and spoke for it on the Judiciary Committee.

I am saddened, frankly, by having this bill presented the way it is today. I am not going to be here and complain about procedure. What I am going to do is complain about the result that's before us.

We can and we have done better in the past when we have been confronted with very difficult issues on a bipartisan basis, when the Republicans were in charge, when the Democrats were in charge in the past, and we have been able to come up with legislation that got the support of this House.

The unfortunate thing here is that this bill will not pass today; and yet we could have a bill that does, in fact, carry out all of the sentiments expressed on this floor today, but we are not going to have that chance, and I am saddened by that, not angered by that.

Mr. CROWLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. TONKO).

Mr. TONKO. I thank the gentleman.

I stand here this evening in strong support of H.R. 847. I want to commend my colleagues, Representatives MALONEY, NADLER, CROWLEY and the entire delegation from New York in a bipartisan way for working on this bill.

It is so essential. Just hours, days after the attack on America, 9/11, I was at the time serving in the New York State Assembly. The Speaker of the State Assembly and a delegation of representatives from the House traveled to that site to show support to the workers.

I can still recall the pain and the anguish that surrounded that site. I can still see the determination in the eyes of the workers. I can still understand the sense of character, the efforts made, the strength, the courage, the bravery, the resilience of those workers.

If, in fact, we believe 9/11 is an attack on America, then we as an American public need to respond to the workers who showed the strength and the bravery to aid us in that very, very dark moment.

So I stand in support of H.R. 847 and ask that everyone in this House show support to the workers. They deserve our respect, our resources, and let's support this measure.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, how much time do we have left?

The SPEAKER pro tempore. The gentleman from New York has 4 minutes remaining.

Mr. CROWLEY. I yield 1 minute to the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Mr. Speaker, I rise in support of the 9/11 Health and Compensation Act tonight. I am from Pennsylvania, northwest Pennsylvania, almost 450 miles away from New York City.

During my first months in office, in 2009, I met with a constituent named Laura DiPasqua, the director of emergency services for the American Red Cross in Erie.

NOTICE

Incomplete record of House proceedings.

Today's House proceedings will be continued in the next issue of the Record.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, THURSDAY, JULY 29, 2010 No. 113

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Holy, holy, holy, Lord God of hosts, speak to our lawmakers and fill them with bright memories, holy commitments, and deep resolve. May their bright memories remind them of the way You have guided and protected this Nation throughout the seasons of its history. May their holy commitments prompt them to be true to their duties to stand for right though the heavens fall. May their deep resolve motivate them to not become weary in doing Your will. Lord, remind them that without Your power, human efforts are useless.

Today, bless the women and men of our armed services. Place Your shield of protection around them and their loved ones.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 29, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURE PLACED ON THE CALENDER—S. 3663

Mr. REID. Madam President, it is my understanding that S. 3663 is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for a second time.

The bill clerk read as follows:

A bill (S. 3663) to promote clean energy jobs and oil company accountability, and for other purposes.

Mr. REID. Madam President, I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar under rule XIV.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will resume consideration of the small business jobs bill. There will be an hour of debate prior to a rollcall vote on a motion to invoke cloture. The hour will be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each. The final 10-minute block is reserved for the two leaders, with the majority leader controlling the final 5 minutes. Senators should expect a cloture vote around 10:40 this morning.

BIPARTISANSHIP

Mr. REID. Madam President, both parties claim they are friends of small business. This bill gives Members of both parties the opportunity to prove it. This is not just talk. Listen to what this bill has in it.

This bill is called the Small Business Jobs Act of 2010. There is a small business access to credit provision. SBA estimates the loan limit adjustments will increase lending to small business by $5 billion within the first year of its enactment. This is a bipartisan provision: Landrieu-Snowe.

Small business trade and export promotion: It is believed this will save and create as many as 50,000 jobs this year.

Small business contracting: Increasing contracts to small business by 1 percent could create more than 100,000 jobs. This is bipartisan: Snowe-Merkley, Landrieu-Snowe, Landrieu-Crapo-Risch.

Small business management and counseling will create or save more than 10,000 jobs in 2011. It is bipartisan: Snowe-Landrieu.

Small business disaster loan improvements: This is also supported by Landrieu and Nelson of Nebraska. This is not bipartisan, but everyone knows these two Senators work on a bipartisan basis on virtually everything they do.

Small business regulatory relief: This is bipartisan: Snowe-Pryor.

Exclusion of capital gains tax: This allows investors in small businesses to take a 100-percent exclusion from capital gains tax on small business investments made this year. It is bipartisan: Kerry-Snowe-Menendez.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Increased deductions for startups: Temporary increase in maximum deduction for business startup in 2010–11. This would increase the limits to $10,000. It is bipartisan: Merkley-Alexander.

Extension of section 179: Extends small business expensing. This is supported by Senator SNOWE; it is her provision. It extends section 179 expensing provisions.

Tax equity for self-employed: Allows self-employed taxpayers to deduct health care costs for payroll tax purposes on their 2010 tax returns. Bipartisan: Bingaman-Hatch-Landrieu.

Extension of ARRA: That is the stimulus bill bonus depreciation. Bipartisan: Baucus-Grassley-Brownback-Inhofe-Johanns-Menendez.

Small business penalty relief: Makes a penalty for failing to disclose listed transactions proportionate to the tax savings. This is bipartisan: Baucus-Grassley-Crapo.

Remove cell phones from listed property: Delists cell phones and other telecommunications devices from the category of ''listed property'' for tax purposes. Bipartisan: Kerry-Ensign.

S corporation holding period: Reduces the asset holding period for converted S corporation from 10 to 5 years: Snowe.

General business credits not subject to AMT limits: Allows small business to use all types of general business tax credits to offset the AMT liability: Grassley.

Carryback up to 5 years: Allows sole proprietorships, partnerships and nonpublic trading corporations with less than $50 million in average gross annual receipts for the prior 3 years to carry back unused credits for 5 years: Grassley.

Small business lending fund: Bipartisan: LeMieux-Landrieu. This is the one that has created all the interest all over the country, a program level of $30 billion, which by conservative estimates would lead to $300 billion in small business lending. It is not related to TARP. There are no TARP-like restrictions.

Utilizing predictive modeling to fight health care fraud: That is bipartisan: LeMieux-Landrieu.

Export promotion: Klobuchar-LeMieux, LeMieux-Landrieu. Very well accepted in the business community.

We have agriculture disaster relief. Bipartisan: Lincoln-Chambliss.

State small business credit initiative, bipartisan—developed with the support of 28 Republican Governors.

That is the bill. How could we have anything more bipartisan? That is why 80 different organizations support this legislation, including many Governors. The majority of the Governors support this legislation. Those who don't are maybe not familiar with it. But there are so many organizations that support this legislation.

Naming just a few, there are some 80 of them: Marine Retailers Association, people who sell boats; National Restaurant Association; Community Bankers for a number of States; National Small Business Association; Small Business Majority, and 76 other organizations. This is about as fair as it can be.

My friends on the other side of the aisle have indicated they want to offer some amendments. We say go ahead and do that. They can't take yes for an answer. I hope those Republicans who voted with the Landrieu-LeMieux amendment on Thursday would do so again on cloture. This is a bill that will help businesses all over America.

This bill is literally on the verge of final passage. My friends on the other side of the aisle have said the only thing standing between us and their support for final passage is giving them the opportunity to vote on their amendments. Here are the amendments they said they wanted: Grassley amendment on biodiesel; Hatch amendment on research and development; Johanns amendment on corporate reporting requirements. We said: Fine, go ahead and offer those. We will have our alternatives to those, as we do here. That is how it works. I propounded a consent that gave the Republicans votes on all three of these amendments along with the Democratic alternative.

So I wish to close by expressing my appreciation—I think I can say this without any reservation—the appreciation of the country, small businesses in America. We would not be where we are but for the work of Senator LANDRIEU and Senator LEMIEUX. Others have joined in. I had phone calls late last night with one of the most deliberate Senators. She has impressed me for so long. I got a call from Senator LANDRIEU. At her home was Senator CANTWELL, who is a truly good legislator, and the two of them worked late into the night trying to come up with support for this legislation. But it wasn't only last night. Senator LANDRIEU, as chairman of the Small Business Committee, has been tireless. I had a conversation with her today. I have been so proud of her work on the floor—great speeches that she has gotten people to give in support of this legislation.

I can remember when she was a brandnew Senator and she was working on a military issue, and the headline in a Louisiana newspaper had ''Military Mary'' because she was fighting so hard for the troops. She hasn't stopped fighting for the beleaguered State of Louisiana, which has had so many problems. But for her aggressive work on behalf of her State, that State would not be where it is today. It was doing so well when the oilspill came. But who has been out in front on the oilspill? MARY LANDRIEU.

So I am proud of her being in the Senate. She has great lineage. I have such fond feelings for her father who was a legend in his own time, but that legend has been caught by his daughter, MARY LANDRIEU. So Moon is very happy, I am sure, with her legislative skills, as he should be, and as her mom is.

So anyway, thank you very much. I see my friend, the chairman of the Small Business Committee, is here. I would ask that the Record be pretty clear that there be an hour from now until the cloture vote. So I ask unanimous consent that be the case.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SMALL BUSINESS LENDING FUND ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 5297, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

Pending:

Reid (for Baucus-Landrieu) amendment No. 4519, in the nature of a substitute.

Reid amendment No. 4520 (to amendment No. 4519), to change the enactment date.

Reid amendment No. 4521 (to amendment No. 4520), of a perfecting nature.

Reid amendment No. 4522 (to the language proposed to be stricken by amendment No. 4519), to change the enactment date.

Reid amendment No. 4523 (to amendment No. 4522), of a perfecting nature.

Reid motion to commit the bill to the Committee on Finance with instructions, Reid amendment No. 4524 (the instructions on the motion to commit), to provide for a study.

Reid amendment No. 4525 (to the instructions (amendment No. 4524) of the motion to commit), of a perfecting nature.

Reid amendment No. 4526 (to amendment No. 4525), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour for debate prior to the cloture vote on amendment No. 4519, with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the final 10 minutes reserved for the two leaders or their designees, with the majority controlling the final 5 minutes.

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I wish to begin by thanking Leader REID for his very kind comments regarding the work that is going into this bill. It has been my pleasure and honor to help lead a team, actually, which the Presiding Officer has been a part of, as well as Ms. CANTWELL, the Senator from Washington; Senator MURRAY;

Senator LEMIEUX from Florida; and many others. Senator CARDIN, who I know is on the floor, is an outstanding member of the Small Business Committee and a long-time advocate of small business, serving many years in the House of Representatives, and now brings his expertise to the floor of the Senate. I like having bulldogs on my committee and he is one of them and I greatly appreciate his support.

Let me be very clear that in 1 hour, we will come to the end of a very long, important public and open debate on the best way we can help Main Street.

This bill is not about Wall Street. We have had enough of those. This bill is not about big corporations; they take up 80 percent of the agenda in this place on any given day. This bill is about the 27 million small businesses that need the Members of the Senate to stand up for them today. If we can stand up for small businesses today, they will stand up for us and lift this country out of the worst recession since the Great Depression. I want to repeat that. It will not be the big banks that do this. It will not be the big international firms that do this. As it always has been since the beginning of America, since the first small business, the first enterprise, it will be small businesses that create jobs.

For 1½ years, this debate has been going on—not 1½ weeks, not last month, but for 1½ years we have been debating, as we should as Senators, about the best way to do that. There have been differences of opinion. There have been two primary committees focused on building this package, including the Finance Committee, which has put forward in a completely bipartisan fashion a $12 billion tax cut package for small business. The leader just spoke about some of those provisions this morning. The chairman of that committee, MAX BAUCUS, has been to the floor on several occasions to explain the extraordinarily significant tax cuts I will mention. I will mention only one.

For a decade, Members on both sides of the aisle have been trying to get the self-employed in America to have parity with other businesses when it comes to health care. Madam President, the Chair knows that her State of New York is full of self-employed people. Do they get the same tax break as General Electric? No. Do they get the same tax break as General Motors? No. These individuals who are self-employed pay more for their health care than big corporations. Is that right? No. We tried to help them in the health care bill, and we could not. We didn't give up the fight. They are in this bill—a $2 billion tax cut for the self-employed. That is just one of the good tax provisions.

Senator REID read off the list, and I will share it with you because I know there are going to be critics coming to the floor, and unfortunately some people will vote against cloture. I hope most people are smart enough not to. If some of them do, I want them to know we have widely distributed this red line document to every news outlet in the country. We have distributed it to many, many organizations. There are over 70 organizations supporting this. This is what we call our red line document. So there is no confusion, the most wonderful thing about this document is that it is just four pages. It is very easy to read. There are not 40 pages. It is not 4,000 pages. There are no special deals. It is all here, and it is all bipartisan.

I am going to read some of the names associated with the bill: Kerry-Snowe-Menendez; Snowe; Merkley-Alexander; Snowe; Bingaman-Hatch-Landrieu; Grassley; Baucus-Grassley-Brownback-Inhofe-Johanns-Menendez; Baucus-Grassley-Crapo; Kerry-Ensign and 72 bipartisan cosponsors equally divided between Democrats and Republicans; Snowe; Grassley; Grassley.

If somebody comes to the floor and says this bill doesn't have bipartisan support, they might want to answer why their names are here: Landrieu-Snowe; Snowe; Snowe-Landrieu; Snowe-Merkley; Landrieu-Snowe; Landrieu-Crapo-Risch; Snowe; Landrieu-Nelson; Snowe-Pryor; Snowe.

I don't know how many more items a Senator can have in a bill. Senator SNOWE wrote lots of pieces of this bill. LeMieux-Landrieu; LeMieux; LeMieux-Landrieu; Klobuchar-LeMieux; LeMieux-Landrieu; Cantwell-Boxer-Murray. That lists just a few.

So we bring a bipartisan bill to the floor, and then we have a 12-hour debate on one amendment, the first amendment, which is a Republican amendment by Senator LEMIEUX and myself—it is LeMieux-Landrieu-Nelson. Both Senators from Florida have been extraordinary in their advocacy for this. We had a public, open vote, and we got 60 votes. So now the small business lending provision is in this bill, which makes it even better, even greater, and equally bipartisan. If some people aren't happy with that—I don't write the rules of the Senate. I showed up, and that is what the rules were. If you got 60 votes, you got your amendment on the bill.

There are other Members who are coming to speak. I want to just say this has been a very vital debate. This is the time for us to say yes to Main Street. There are literally millions of business owners who not only want this package to pass, they need it to pass. If it passes now, they might be able to hold on. They might be able to create the jobs that are necessary. It is now our chance to deliver a bipartisan bill that will help 27 million small businesses on Main Street.

In conclusion, we have spent a lot of time helping big auto manufacturers from Detroit. Today, we can help that repair shop in our neighborhood. This is about corner stores. This is about small banks. Are we going to vote for them or are we going to leave them high and dry?

I see the chairman from the Finance Committee, who I think is scheduled to speak. I also see the Senator from Maryland. I will soon yield to the Senator from Maryland, a member of the Small Business Committee, to say a word, and then we have the time under our control. I am sorry, the Senator from Washington is here. I didn't see the Senator. I was blocked. I apologize. I see the Senator from Washington and the Senator from Montana and the Senator from Maryland.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I believe I was next.

Ms. LANDRIEU. I thought we had the first half hour and the Senator's side had the second, but I understand now that it is back and forth.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I rise to express my frustration and disappointment with the decision of the majority leader yesterday that seems to have effectively precluded Republicans from offering amendments to the small business lending bill that is before us today.

Let's understand one thing. Since the health care bill, we have not marked up one bill in the Finance Committee. That is just not right. These bills have been brought to the floor through a rule XIV parliamentary procedure without the impetus and agreement of all of us who are on the Finance Committee. I am not going to blame anybody for that other than to say I don't think that is the proper way to do things. Then we get here on the Senate floor and the majority leader fills up the amendment tree so that neither Republicans nor Democrats have a chance to amend this bill.

Having said that, let me say that the majority leader has put forward this small business lending bill in an ostensible effort to help the economy create more jobs. Of course, this is what every Senator on both sides of the aisle wants to see happen. This is what every American wants to see happen. Yet once again we are faced with an ''it is my way or the highway'' attitude in dealing with this legislation.

Let me be clear. The small business lending bill before us includes many positive provisions. I commend those who have put them in there. It has a number of tax provisions that I fully support and that Republicans and Democrats alike believe would be helpful to small business growth.

Yet, I do not believe that any Member in this Chamber truly believes that this bill would do enough to solve our job creation problem. This is because it ignores the main problems that are afflicting the economy and preventing the kind of job creation that we need right now.

This is exactly why Republicans want to improve this bill. Many parts

of the bill are fine as far as they go. But, again, they do not go nearly far enough.

One of the amendments the Republican leader was trying to get permission to offer to this bill is a motion I would like to make to commit this bill to the Finance Committee with instructions to report it back to the Senate with an amendment to address the biggest problem facing small businesses at this time. And that problem is the threat of the largest tax increase in history that is due to hit this country like a monster tsunami in just 155 days.

In just over 5 months from now, on January 1, a good share of America's most prolific potential job creators—small businesses that generally employ between 20 and 500 workers—are going to face large tax increases unless Congress acts to stop them. The problem is that President Obama and many of his allies in Congress have already made it clear that they have no intention of stopping these increases.

The President called on the Senate yesterday to pass this legislation to help small businesses so they can create jobs. But, ironically, he and his supporters just cannot seem to see that their support for allowing these massive tax increases to hit these fastest growing small businesses will do far more harm than the good that could come from this bill as it now stands.

The bill before us, while well intentioned, misses the boat.

The real problem that this bill does not address is that the threat of these tax increases, combined with the other business unfriendly changes this Congress has recently passed, have created such an atmosphere of uncertainty in this country, that no one wants to take the jump and risk their capital on new business ventures or expansions. These other changes include the recently enacted financial regulation bill, the tragically misguided health care bill from earlier this year, and the menace of a monstrous climate bill that still hangs over our heads.

Let us briefly review what it takes to create a private sector job in our economy. First, we need an entrepreneur—a risk taker. Second, we need an idea. Third, we need some capital. Finally, we need some certainty so that the risk the entrepreneur is facing is manageable.

We have plenty of entrepreneurs in our economy. America has always had these, and they are a big part of what has made this country great. We also have lots of good ideas for new businesses. This is another area in which our Nation has never lacked.

We also have lots of capital in our economy. Studies indicate that banks are flush with money and corporations have more cash on their balance sheets that at any time in the past 50 years. Investors have money too and are just waiting for the last ingredient.

And that last ingredient is what is missing. A degree of certainty that the business climate will begin to improve, or at least not get any worse. This means stable tax rates, a manageable level of regulation, and customers who are not worried about the future.

But if we have a situation, as we have now, where the investors and entrepreneurs cannot see any real stability, risk taking freezes up. Everyone decides to stand on the sidelines and wait it out and see how things look in a few months, or next year.

The result of this inaction is that the new expansion to the manufacturing plant is put on hold, the bank loan is not extended, and the new equipment is not ordered. The result, of course, is that the new job is not created, and everyone stands and waits.

Many of my friends on the other side of the aisle and in the administration seem to be puzzled as to why the economy has not yet started to create the jobs we so desperately need. After all, the huge stimulus bill that they pushed through last year was supposed to solve these problems.

A very big part of the reason for this lack of jobs is this terrible uncertainty, which has a corrosive effect on the economy. We need to add the lubricating oil of lower taxes, fewer regulations, and certainty to the engine of economic growth.

Instead, we have been adding the acid of uncertainty to the engine—uncertainty about higher taxes, uncertainty about a worse regulatory climate, and uncertainty of what might come next. It is small wonder that the engine is not working as it should.

What little certainty that might have existed in the recent past has surely been evaporating because of the President's broken pledge to not raise taxes on those making less than $200,000 per year and the Democratic leadership's obvious willingness to allow these huge tax increases to go into effect for millions of Americans.

This attitude is often excused by the misguided belief that the ''rich'' are not paying their fair share of taxes and need to contribute much more to the Treasury.

Many of our colleagues forget that a high percentage of new and small businesses, where most of the new jobs are created in a recession, pay their taxes as individuals. This means that attempts to make the so-called rich pay more will backfire and harm the very people our liberal colleagues are trying to help—those who desperately need employment.

This is not so much a question of fairness as it is of economic reality. If we raise the top rates on individuals, we raise tax rates on small and growing businesses and stifle them from fulfilling their job-creation potential.

According to the Joint Committee on Taxation, tax increases on those making more than the limits the President has pledged to protect will attack one-half of all small business income. Owners of these small businesses, as well as those who want to invest and start new enterprises, are frozen on the sidelines. They are not going to take the risk as long as these tax increases are hovering on the horizon. As long as they do not act, they will not create those jobs.

Let us look at the calendar. We simply do not have the time to pass small Band-Aid bills when the patient—our underperforming economy—needs a blood transfusion. We need to address the real problems facing our economy, not play around at the edges. Our first job should be to reduce the uncertainty that is throwing sand into the cylinders of the job creation engine of small businesses, and the first step of this is to remove the threat of these huge tax hikes.

Let us assure investors, entrepreneurs, lenders, and other players in the job creation machine that we will not raise taxes in 5 months. Let us dispel these clouds of uncertainty and let the private sector do what it does best—innovate and create and put America to work.

Having said all that, it is important for me to add to this discussion a few other points.

Dr. Christina Romer, Chair of the President's Council of Economic Advisers, in last month's issue of the ''American Economic Review'' said this:

> . . . tax increases appear to have a very large, sustained, and highly negative impact on output.
>
> . . . [T]he more intuitive way to express this result is that tax cuts have very large and persistent positive output effects.

Senator KENT CONRAD, our great Budget Committee chairman—and he is also on the Finance Committee—had this to say:

> As a general rule, you don't want to be cutting spending or raising taxes in the midst of a downturn.

That was in the Wall Street Journal on the 23rd of this month.

He also said:

> In a perfect world, I would not be cutting spending or raising taxes for the next 18 months to 2 years. This downturn is still very much with us, unfortunately.

He said that on CNN on the 26th of this month.

Senator BEN NELSON from Nebraska ''supports extending the expiring tax cuts at least until the economy is clearly recovering and supports addressing them before the fall elections.''

Senator EVAN BAYH had this to say:

> And so raising taxes right now—

The ACTING PRESIDENT pro tempore. The Senator has consumed 10 minutes.

Mr. HATCH. Madam President, I ask unanimous consent that I be given 1 more minute.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BAUCUS. I object unless—it is off his time. Fine. I do not object.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Senator EVAN BAYH said:

And so raising taxes right now would be the wrong thing to do because it would dampen consumer demand and lessen business investment.

''We're not creating jobs, and raising taxes now would not be a great idea,' Rep. Michael McMahon, a New York Democrat, said this week.''

This is a quote from the Wall Street Journal on July 21:

Martin Vaughan and John McKinnon: ''Bush Tax Cuts Split Democrats.''

''Rep. Bobby Bright, a Democrat facing a tough reelection race in Alabama, said tax increases, even if limited to the wealthiest families, could imperil the recovery.''

This is a quote from The Hill newspaper on July 22:

Alexander Bolton: ''Democrats may stop Bush-era tax cuts for wealthy from expiring.''

''I think the recovery is sufficiently fragile that we ought to leave tax rates where they are,' said Rep. Gerry Connolly, a freshman Democrat from Virginia. Connolly said Democrats should not allow the 2001 Bush tax cuts to expire for anybody.''

Again, a quote from The Hill newspaper on July 22:

Alexander Bolton: ''Democrats may stop Bush-era tax cuts for wealthy from expiring.''

The leader of the Federal Reserve, Dr. Ben Bernanke, said: ''In the short term I would believe that we ought to maintain a reasonable degree of fiscal support, stimulus for the economy . . . There are many ways to do that. This is one way.''

I do not blame the distinguished chairman of the committee because we have not marked up these bills. I blame the leadership here for not realizing that is why we have a Finance Committee, to mark up these bills and let both sides have a chance to make them better if they can.

We all have an interest in spurring small businesses and getting the economy going. Bringing these important bills right to the floor and bypassing the Finance Committee, and then doing what has been done on every bill since the health care bill and even before—locking up the parliamentary tree so we cannot have a reasonable shot at even putting up some amendments—is not the way to do business. It is not what creates the bipartisanship we need right now in our Senate.

I wanted to make that point and hope we can change our ways so the Senate will be what it ought to be—the greatest deliberative body in the world.

I thank my colleague from Montana for granting me additional time. I appreciate him as leader of the Finance Committee. I enjoy working with him, and I enjoy working with my colleagues on the other side. But my gosh, let's stop this business of locking up the tree on everything and not debating the way we should, not giving people half a reasonable shot of bringing up their amendments, and, above all, let's start marking up these very important bills in the Finance Committee.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, I know other Senators have risen before me, so I will be very brief. I will take a minute. The Senator from Washington is next. I thank her for her indulgence in letting me take 1 minute.

This is very clear: The American people want us in Congress to do their work. They want us to do something that is reasonable and makes sense. Most Americans are not way off on the left side, and they are not way off on the right side. They are basically in the middle and do a good job.

Most Americans would want us to help small businesses in a good way, in a solid way—maybe not in the exact way each American would want but in a good, solid way. This bill clearly does that. It does what the American people want.

Small businesses generate jobs. They are the small engine of growth. We need to help small businesses. This bill does that. It cuts taxes for small businesses. It gives lending authority for small businesses. There are many other provisions I do not have time to explain that help small businesses.

This is not some small Band-Aid bill. This is a bill that makes sense for small businesses. It provides certainty to small businesses. It helps them. We cannot solve all the world's problems in one bill, but we can certainly help small businesses in this bill.

I can say—and I am pleading, frankly, with a few Republican Senators who have not quite decided how they are going to vote on this cloture vote—this is a good bill, a solid bill, a start in the right direction. Let's pass it. Let's not get hung up on who said what to whom, caught up on debating points, and come across like kids in a sandbox. Let's pass this bill. It is a good bill. It is good for America.

We can deal with other issues, such as the expiring tax cuts, another time in the future. But right now this is small business. It is solid. It is getting done. It is going to help people. That is what people want us to do. They want us to do the right job. I urge us to pass this bill.

I yield 5 minutes to my good friend from Washington.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Madam President, on Tuesday, I came to the floor to voice my support for this bill by telling the stories of small business owners in every corner of my State who have struggled so hard to get credit since this recession began.

I talked about people who were driven by their passions, who want to grow their businesses, who want to hire, but who have been stymied by the lack of credit flowing from our banks.

I talked about the drivers of our economy and job creation. But if small businesses are the driver of our economic recovery, then our community banks are the engine. Right now we all know that engine is in neutral. That is because for far too long, our community banks have been ignored in our economic recovery.

Since this recession began, we have seen banks fail one after another, lending dry up to our small businesses, and job growth suffer. While Wall Street institutions, such as AIG and Goldman Sachs, were deemed ''too big to fail,'' the collapse of our community banks has apparently been ''too small to notice.''

Last year, I introduced the Main Street Lending Restoration Act which would have directed $30 billion to help jump-start small business lending. That is why I have spoken with Secretary Geithner and President Obama about this directly and why I have been pushing so hard to make small business lending a priority.

I have felt very strongly that we have to focus more on our community banks if we want to make progress and bring true recovery to our Main Street businesses. It is why I am so proud to stand here today and support this bill. I thank Senator LANDRIEU and others for working with us in creating the Small Business Lending Fund and the State Small Business Credit Initiative.

This Small Business Lending Fund takes the most powerful idea from my Main Street Lending Restoration Act and sets aside $30 billion to help our local community banks—those that are under $10 billion in assets—to help them get the capital they need to begin lending to our small businesses again. It is going to reward the banks that are helping our small businesses grow by reducing the interest rates on capital that they get under this program, and it will help our small support business initiatives run by our States across the country that are struggling because of local budget cutbacks. And, as Senator LANDRIEU has told us, it will save taxpayers an estimated $1 billion.

It is a bill that should have broad support and, in fact, it does from small business groups of all stripes, community bankers, and so many others across this country who have found common cause with this bill.

Once again we are finding ourselves faced with opposition from the other side. Once again a commonsense bill that will save taxpayers money is being held hostage by political calculation. I think an editorial in yesterday's Seattle Times on this bill summed up some of the frustration in living rooms and communities across the country very well on the obstruction we see every day.

The editorial first noted the importance of this bill we are considering by saying:

Economic recovery is all about jobs. And American consumers, who help power the economy, are spending less in the shadow of a shaky employment market. Small banks lending to small businesses puts people to

work. Access to credit is key. Helping Main Street rekindles hiring, boosts consumer confidence in overall economic conditions, and fuels the recovery.

That is how the editorial started. It went on to say this is ''part of a larger package of legislation for small business and Main Street America that has attracted scant Republican interest or support.''

Then the editorial briefly, but very accurately, summarized what I think so many in our country are thinking when they return home from pounding the pavement, looking for work only to turn on their TV to see that a bill such as this is blocked from consideration. It said:

Nothing should be more nonpartisan than putting people back to work.

It is a line that speaks volumes in this Chamber because it is a line that truly represents how so many of our constituents feel. This is a nonpartisan bill. This is a bill that puts credit back into the hands of our small business owners. It puts people back to work. And nothing should be more nonpartisan than putting people back to work.

I urge all of our colleagues to listen to the voices of their constituents and small business owners. Support this cloture motion. Let's get this sent to the President.

Quickly, I do want to say that I worked very hard to include funding in this bill to help save over 130,000 teacher jobs. Again that effort has been blocked by Republican obstruction.

I remind all of us, every day we see more reports about the continuing wave of layoffs affecting our school districts. This is not just about school districts. It is about losing teachers, and it may be the only teacher who touches a child in their classroom. It is about kids in every one of our States. We need to be sure we do not lose focus of this issue.

I am going to continue to fight to ensure that our teachers return to the classrooms and our kids have the best instructors in September.

Again I thank Senator LANDRIEU for her tremendous work on this bill.

Ms. LANDRIEU. Madam President, how much time is remaining on our side?

The ACTING PRESIDENT pro tempore. There is 8 minutes 36 seconds remaining.

Ms. LANDRIEU. The Senator from Maryland has been on the floor for almost an hour. May he have the next 3 minutes? I see the Senator from Maine who could then speak after him.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Madam President, I thank Senator LANDRIEU for her incredible leadership and work in regard to the Small Business Jobs and Credit Act of 2010. This is the work of the Small Business and Entrepreneurship Committee and the Finance Committee.

As Senator LANDRIEU pointed out, it has been the work of Democrats and Republicans working together on many important provisions to help the small business community. It truly is a bipartisan bill. It is a critically important bill. I, quite frankly, do not understand why there are those who want to oppose us getting this done.

It contains many provisions that have been brought to us by the small business community that we need to get done. We all profess and understand that the growth engine of America is in small business. That is where new jobs are created. Sixty-four percent of the net nonfarm new jobs are created by small businesses.

Innovation is the way for America to stay on the cutting edge. More patents and more copyrights are created through small businesses per employee than a larger company.

This bill is about creating jobs for Americans who desperately need them. This legislation combines many bills reported out of the Small Business Committee. I say congratulations to Senator LANDRIEU and Senator SNOWE. These are bills that both of them worked on together that are important for us to get done.

Let me just summarize some of the important bills that came out of our committee that are included.

We helped small businesses with international trade, leveraging $1 billion of export capital. This alone will affect 40,000 to 50,000 jobs. We deal with government contracting. We have had hearings—I had a hearing in the State of Maryland on behalf of the Small Business Committee—where small business companies pointed out how difficult it is for them to access the government procurement system. So our committee went to work.

Thank you, Senator LANDRIEU; thank you, Senator SNOWE. We went to work and reported out a bill that is incorporated that deals with the abuses of bundling. Bundling is when the agency puts together a lot of small contracts into a large contract where a small company can't compete for it. We have taken action to correct that in this bill so that small companies can access government procurement in an easier way.

We started to attack what is known as prime contract abuse, where prime contractors don't pay their small contractors on time or abuse their small contractors, which are more likely to be small businesses. That is dealt with in this legislation.

We deal with gender equity by investing in the Women's Business Center. As Senator LANDRIEU has pointed out, working with the Finance Committee, we deal with tax equity. Business owners can deduct the cost of health care for their families in calculating the self-employment tax. This is a matter of fairness for small business owners to be treated equally with larger companies; to be able to increase the amount of startup costs that can be deducted from $5,000 to $10,000.

These are all important issues. If you are a small business owner struggling to make payroll or to keep your doors open, this help could be the difference between hiring another employee or not.

Lastly, Madam President, it deals with credit. It extends credit to small businesses. We all talk about that.

The ACTING PRESIDENT pro tempore. The Senator has consumed 3 minutes.

Mr. CARDIN. I ask unanimous consent for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. The credit provisions are critically important. We make permanent the SBA guarantee programs—90 percent guarantees, the cost reductions, the 7(a) limits from $2 million to $5 million, the 504 limits from $1.5 million to $5.5 million, the microloans. We boost lending, by that alone, in the first year by $5 billion. Then, as our chairman has talked about, the State programs are funded as well as the community bank programs.

I want to mention one additional point, if I might. I am disappointed the surety bond extension is not in this bill. I will work with the chairman of the Small Business Committee and the Finance Committee to make sure we find a way to include that in the American Recovery Act. We increase that from $2 million to $5 million. It deals with small construction companies.

It is very important because for State and Federal contract projects over $100,000, you need to have a surety bond. If you are a small business owner, what you need to pledge in order to get that surety bond can deny you credit in the market. We have to extend that to the $5 million that was included in the Recovery Act, and I feel confident, after talking to the chairman, that we will find a way to get that done.

The bottom line is this is a critically important, well-balanced bill that will help small businesses. This is our opportunity to vote for it. In half an hour, we will have a chance to decide whose side we are on. Are we on the side of small business owners, to help this economy recover, or are we just going to continue this partisan division in the Senate? I hope my colleagues will vote on the side of small businesses.

With that, Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. SNOWE. Madam President, all I can think of, in listening to the Senator from Maryland, is if we could have limited this legislation before the Senate to the provisions we agreed to on a bipartisan basis—in fact, many of which passed unanimously in the Senate Small Business Committee—clearly, we would be in a far better position than we are today. That is the regrettable dimension to the situation we are facing procedurally in the Senate.

I know from the majority side there is not an inclination to accommodate

the rights of the minority, but that is the tradition in the Senate. The majority rules, but you accommodate the rights of the minority. That is the essence of what the institution of the Senate is all about.

I regret we are where we are today in the Senate on this issue that I have been championing since January of this year. It seems to me we are all worried about the legislative train running out of the station. If we are all concerned about the limited time we have available to address the issues of small business and job creation, which are the foremost issues in the United States of America, I would have suggested—and I did and I asked and I pleaded—that we should have addressed this issue in January, at the outset of the legislative session, not, at the end of July, when we are about to recess for August.

So everybody is worried about the recess. We only have 1 week left. Well, that is right. What do we know today that we didn't know earlier? Jobs and the economy are the foremost issues facing the country, facing Americans. If it took several months to address those issues, then we should have taken several months to address those issues. But now we are faced with a procedural impasse because we are being denied the opportunity to offer some amendments to this legislation.

Now, you would think we ran out of time. We didn't run out of time. We didn't run out of time. We had 81 days this year—81 days—in which we did not have rollcall votes; 81 days excluding weekends and Federal holidays, all through yesterday, when we didn't have any recorded votes. We could have addressed this issue long before now, given it the attention it deserved, rather than treating it as a mere afterthought in the legislative process that we have to ram through here and deny the minority the opportunity to offer a few amendments. That is all we are asking.

Now, you think we just dropped this bill on the floor of the Senate yesterday? This bill was on the floor more than 3 weeks ago. How many amendments have we been able to offer on this bill on our side? Zero. I will give them the lending facility that was offered by Senator LEMIEUX. But, obviously, that was an amendment the majority wanted. I recognize the Chair here, and that was one of her major issues, an area in which I disagreed in creating a $30 billion lending facility. But we have not been able to offer any amendments.

We have had this bill on the Senate floor for 3 weeks. We have had three substitutes—three substitutes. No amendments. No amendments. Then yesterday, no votes on anything. We could have been finished with this bill by now, if you had given the minority the right to offer a few amendments. We are shutting down this process, Madam President, denying the opportunity to debate the foremost issue facing America—creating jobs. We have a 9.5-percent unemployment rate. We need to create jobs in America.

As illustrated last month, only 83,000 jobs were created in the private sector, and we are saying we don't have time to address this issue? It is not only frustration, Madam President, it does a disservice to the American people. They know better. We have had plenty of time to address this issue. This bill has been on the floor of the Senate for 3 weeks and we have had three substitutes and 81 days that we have had no rollcall votes. We had no rollcall votes yesterday. Then, suddenly, what appeared last night was that we have a substitute and we have side-by-sides, or alternatives, to Republican amendments. No opportunity to review them, no opportunity to have a discussion or to reach a true unanimous consent.

The majority has said we have a unanimous consent agreement, but actually it is an ultimatum to the minority—take it or leave it. So we had no opportunity to review these alternatives because they were just filed. Actually, the amendments were not even filed. The majority leader posed them in his unanimous consent agreement that we either had to accept or reject. There was no opportunity to have a discussion yesterday. How could we reach an agreement, maybe on several amendments that would be important to this legislation, Madam President?

So we had four amendments that were filed on the majority side, and now we are faced with a cloture vote today at 10:40. Why are we rushing to a cloture vote? Why don't we spend more time talking to each other to get the policy right? Is it something that we are not familiar with anymore—how to sit down and talk to one another, to discuss the issues?

What are the alternatives the majority provided in the unanimous consent agreement that wasn't a consent agreement because nobody talked to anybody about it? Well, it is adding issues that were in the supplemental. It is basically taking the supplemental, the tax extenders bill, fiscal assistance to the States, education funding, and agricultural appropriations disaster funding that is actually in the new substitute that was filed. Those are the alternatives that have been offered to this bill.

So this has become a mega bill. It is a mega supplemental, it is a mega tax extender bill, it is now an agricultural disaster bill on the small business bill. So if we were to take the issues that we agreed to on a unanimous and bipartisan basis in the Senate Small Business Committee, we could have had 75 to 80 votes. But that wasn't sufficient for the majority. It wasn't sufficient.

So here we are today with a cloture motion—take it or leave it—because we only have 1 week left. Well, why do we have 1 week left? Why don't we take as long as it requires to do what is right, to try to get the best policy to create jobs in America instead of facing this figurative legislative brick wall that is artificially contrived? It is all political theater. It is not about legislating anymore. It is all political theater. It is scoring political points. It is all for the next election, which is coming very shortly. It is not about getting the right policy for America—for small businesses that are suffering, for the 8 million who have lost their jobs, the nearly 15 million who are a part of that, with the underemployed who are desperate and who need certainty.

The House is adjourning tomorrow. So where is this legislation going? This was supposed to be a jobs agenda legislative session. That is what we were told by the majority. That is what we were told by the President of the United States. I said back in January—I sent letters to the President, to the Small Business Administrator, to the majority—saying let's do it now. I had a major initiative that I filed in early March, and I was asked by the majority leader to defer because he said we were going to be addressing this on the floor of the Senate before the April recess.

Well, according to my calendar, we are at the end of July, and here we are. We are not even going to get done before the August recess because the House is adjourning tomorrow. So we have to get this done. So we are going to ram it and jam it and take it or leave it, but we are not going to be able to offer any amendments on this side. We are not going to be allowed to offer any amendments because the majority is going to dictate the will of the minority on a few amendments.

Madam President, this is unacceptable. I regret this. I deeply regret this, as one who has worked across the political aisle. I wish more would do it on both sides—look at the policy and see what is right and what works. Now we are talking about these side-by-sides offered by the majority last night—the night before a cloture vote. We filed a cloture vote on the third substitute that has disallowed any amendments to be offered by the majority; the third substitute in the third or fourth week this bill has been pending. The third substitute was filed on Tuesday and we are having a cloture vote at 10:40 this morning, Madam President, with no amendments because the majority is going to tell us what amendments we can offer. But they are going to offer plenty of amendments that aren't even related to the small business bill.

Enough is enough. This has been anything but a jobs agenda. The American people are suffering. I suspect we will all go home and talk to our constituents. What do you think is happening on Main Street? Yet here we are, all for jobs. Oh, but by the way, we are going to offer the supplemental that we dropped last week.

Last week, before we voted on the lending facility amendment, I deferred my remarks on the lending facility out

of deference to one of our colleagues on the other side. I never made my final arguments because we went to the supplemental. They stripped everything and sent it to the House. Now they are taking all the rest of it and putting it in this package on top of tax extenders, the fiscal assistance and education funding? They are talking billions and billions. $40 billion here, $20 million there, all that added to the small business bill.

For what purpose? Is that the way we legislate? Well, the American people know. They know it. They can see through this masquerade. They see it all the time. They know it. That is why they have lost confidence. That is why we are at a historic low, Madam President, in terms of public approval. It is a disgrace for this institution. It is a disgrace and a shame, and I am speaking as one who has worked mightily across the political aisle for more than 30 years, in both the House and the Senate. My career and my legislative record is replete with examples of bipartisanship. I think this is nothing but a disgrace and a shame and I regret that—more than anything else, for the people who are suffering in America in every one of our communities. We all know better.

We had no votes yesterday. It was possible to sit down and talk and see what unanimous consent request could be agreed to between the minority leader and the majority leader. But, no, we decided we are going to forgo all that. We are going to play a political game. Isn't this nice, offer these side-by-sides so the American people should know there are so-called alternatives to whatever the majority would allow us to offer. It is a sad commentary because two-thirds of the American people disagree with the direction we are going.

But more than anything else, they need jobs to support their families. I supported the unemployment benefit extension, much to the consternation of the minority leader and others on this side, because they wanted to pay for it and I would have preferred to also, but I knew that would not be acceptable on that side. But I was willing to do it because I didn't want to put people in the terrible position of making a choice in their lives about how they are going to put food on their table. I have talked to people in Maine. I talk to my constituents and I listen, so that is why I supported it, because I thought it was important to do it for the American people, and I hope there could be some reciprocity here, to do what is right for America.

I yield the floor.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. The Senator from California.

Mrs. BOXER. Madam President, what the American people want from us is for us to work together. They don't want partisan political attacks. Here is what is so strange about this particular partisan attack we have just heard. The Senator from Maine said she wants a chance for her side to have ''just a few amendments.''

I ask unanimous consent to have printed in the RECORD the offer made by the majority leader to allow that. Any of the amendments they wanted, the other side wanted, matched by amendments we wanted. I ask unanimous consent to have that printed in the RECORD.

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

Leader: Mr. President, I ask unanimous consent that the pending motion to commit be withdrawn, and all pending amendments be withdrawn except #4519, and that the following amendments be the only amendments in order to amendment #4519, with no motions to commit or motions to suspend the rules in order during the pendency of H.R. 5297; that all amendments included in this agreement be subject to an affirmative 60 vote threshold; and that if the amendment achieves that threshold, then it be agreed to and the motion to reconsider be laid upon the table; that if it does not achieve that threshold, then it be withdrawn; that any majority side-by-side amendment be voted first in any sequence of votes; further that debate on any amendment included in this agreement be limited to 60 minutes each; with all time equally divided and controlled in the usual form:

Baucus amendment re: information reporting provisions health care as a side-by-side to the Johanns 1099 reporting amendment; Johanns amendment 1099 reporting; Murray/Harkin amendment re: education funding; Republican side-by-side amendment re: education funding; Hatch amendment re: R&D; Reid amendment re: FMAP/Cobell funding Grassley amendment re: biodiesel.

That upon disposition of the listed amendments, no further amendments be in order; that the substitute amendment, as amended, if amended, be agreed to; the bill, as amended, be read a third time, and without further intervening action or debate, the Senate proceed to vote on passage of the bill; finally, that once this agreement is entered, the cloture motions on the substitute and bill be withdrawn.

Mrs. BOXER. Madam President, I also work across the political aisle. I worked with Senator SNOWE on the Passenger Bill of Rights. I worked with the former Senator Smith on guns in the cockpit. I worked with Senator ENSIGN on afterschool, I worked with Senator INHOFE on highway bills, on WRDA bills. We all work across the aisle and I too compliment the Senator from Maine for standing with us on some very tough votes. But I have to say—she is asking for a bipartisan bill?

Let me read the sections of this bill and I ask unanimous consent to have this printed in the RECORD.S

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

H.R. 5297 – Small Business Jobs Act of 2010: SBC Provisions		
Proposal	**Description**	**Underlying Provisions**
Small Business Access to Credit	• Increases limits on SBA 7(a) loans from $2 - $5 million, 504 loans from $1.5 - $5.5 million, and microloans from $35,000 - $50,000; allows 504 loans to be used to refinance short-term commercial real estate debt into long-term, fixed rate loans; extends SBA-ARRA provisions to provide a 90 percent guarantees on 7(a) loans and fee waivers for borrowers on 7(a) and 504 loans until 12/31/10. • SBA estimates the loan limit adjustments will **increase lending to small businesses by $5 billion** within the 1st year of enactment.	**Bipartisan:** Landrieu-Snowe (S. 2869) Snowe (S. 3103) *S. 2869 Passed SBC 17-1*
Small Business Trade & Export Promotion	• Improves the SBA's trade and export finance programs, elevates the Office of International Trade, expands the export finance specialist counseling program, establishes a State Export Promotion Grant Program (STEP), and strengthens coordination between federal/state export agencies and SBA resource partners. • Leverages more than $1 billion in export capital for small businesses, creating/saving as many as **40,000 - 50,000 jobs in the U.S.** in 2010.	**Bipartisan:** Snowe-Landrieu (S. 2862) Snowe (S. 3103) *S. 2862 Passed SBC 18-0*
Small Business Contracting	• Establishes stricter federal contract bundling requirements, ensures prompt payment of subcontractors, requires an aggressive review of SBA size standards every five years, and allows small businesses to team to compete for large federal contracts. Also places all federal restricted competition contracting programs on equal footing and clarifies that no program has priority over any other, and establishes a Mentor Protégé Program for the HUBZone program. • Increasing contracts to small businesses by 1 percent could create **more than 100,000 jobs.**	**Bipartisan:** Snowe-Merkley (S. 1489) Landrieu-Snowe (S. 2989) Landrieu-Crapo-Risch (S. 3190) *S. 2989 Passed SBC 18-0*
Small Business Management & Counseling	• Allows SBA to waive or reduce the non-federal share of a WBC's or Microloan Intermediary's funding requirement for a period of up to 1 year, through FY12. • SBA estimates that the microloan program **will create or save more than 10,000 jobs** in FY11.	**Bipartisan:** Snowe (S. 3103) Landrieu-Snowe (S. 3165)
Small Business Disaster Loan Improvements	• Allows small aquaculture businesses to receive SBA Economic Injury Disaster Loans (EIDL) if no other Federal disaster assistance is available.	**Democrat:** Landrieu-Nelson (S. 2731)
Small Business Regulatory Relief	• Requires Federal agencies to officially respond to regulatory comments filed by the Chief Counsel of the SBA's Office of Advocacy and also establishes the Office of Advocacy as a line item in the SBA's annual budget.	**Bipartisan:** Snowe-Pryor (S. 3024) Snowe (S. 3103)

H.R. 5297 – Small Business Jobs Act of 2010: Tax Provisions

Proposal	Description	Underlying Provisions
100% Exclusion of Capital Gains Tax	• Allows investors in small businesses to take a 100% exclusion from capital gains taxes on small business investments made in 2010. **Cost: $517 million.**	**Bipartisan:** Kerry-Snowe-Menendez (S. 78) Snowe (S. 3103)
Increase Deduction for Start-Up Expenditures	• Temporarily increases the maximum deduction for business start-up expenditures in 2010 and 2011 from $5,000 to $10,000, subject to a $60K threshold. **Cost: $230 million.**	**Bipartisan:** Merkley-Alexander (S. 1402)
Extension of Sec. 179 Enhanced Small Business Expensing	• Extends the Sec. 179 expensing provision that allows small businesses to immediately expense up to $500,000 (up from $250K) for tangible personal property and up to $250K for improvements to leasehold property and retail property. **Cost: $2.2 billion.**	**Republican:** Snowe (S. 3103)
Tax Equity for the Self-Employed	• Allows self-employed taxpayers to deduct health care costs for payroll tax purposes on their 2010 tax returns. **Cost: $1.96 billion.**	**Bipartisan:** Bingaman-Hatch-Landrieu (S. 725) Grassley (H.R. 5297)
Extension of ARRA Bonus Depreciation	• Extends ARRA provisions that allow businesses to immediately write-off 50% of the cost of capital expenditures for 1 additional year for qualifying property purchased and placed into service in 2010. • Extends ARRA bonus depreciation provisions that include a modification allowing long-term contractors that use the percentage-of-completion method of accounting (PCM) to elect bonus deprecation on property whose depreciation term is less than seven years. **Cost: $5.5 billion.**	**Bipartisan:** Baucus-Grassley-Brownback-Inhofe-Johanns-Menendez (S. 3515)
Small Business Penalty Relief	• Would make the penalty for failing to disclose"listed transactions" proportionate to the tax savings for the transaction. **Cost: $176 million.**	**Bipartisan:** Baucus-Grassley-Crapo (S. 2771)
Removes Cell Phones from Listed Property	• Delists cell phones and other telecommunications devices from the category of "listed property" for tax purposes. **Cost: $411 million.**	**Bipartisan:** Kerry-Ensign (S. 144) *72 bipartisan cosponsors*
S-Corp Holding Period	• Temporarily reduces the asset holding period for converted S-Corporations from 10 years to 5 years. **Cost: $70 million.**	**Republican:** Snowe (H.R. 5297)
General Business Credits Not Subject to AMT Limits	• Allows small businesses to use all types of general business tax credits to offset AMT liability. **Cost: $1 billion.**	**Republican:** Grassley (H.R. 5297)
Carryback Up to 5 Years 2010 General Business Credits	• Allows sole proprietorships, partnerships and non-publicly traded corporations with less than $50M in average gross annual receipts for the prior 3 years, to carryback unused credits for 5 years. **Cost: $107 million.**	**Republican:** Grassley (H.R. 5297)

H.R. 5297 – Small Business Jobs Act of 2010: LeMieux-Landrieu Amendment		
Proposal	**Description**	**Underlying Provisions**
Small Business Lending Fund	• Establishes a voluntary capital purchase program under which Treasury purchases equity in small banks under $10 billion. • Banks repay at a dividend rate that decreases as their small business lending increases; the decreased dividend rate can be as low as 1%. • Not at all related to TARP, and there are no TARP-like restrictions. • Program level is $30 billion which by conservative estimates, will lead to $300 billion in small business lending.	**Bipartisan:** LeMieux-Landrieu (H.R. 5297)
Utilizing Predictive Modeling to Fight Health Care Fraud	• Utilizes similar technology that the credit card industry uses to prevent fraud from taking place. • Credit card companies often call customers after a purchase that appears out of the ordinary. This is done to prevent payment of a fraudulent transaction from taking place. • The same process would be implemented in fighting Medicare and Medicaid fraud.	**Bipartisan:** LeMieux (S. 2128) *15 Bipartisan cosponsors* LeMieux-Landrieu (H.R. 5297)
Export Promotion	• Small Business Export promotion bill that enhances export assistance programs operated by the Department of Commerce. • Adds 80 U.S. and Foreign Commercial Service Officers. • Temporarily increases funding for the Rural Export Initiative (REI), ExportTech program, Market Development Cooperator Program (MDCP). • Requires that small businesses be receive priority consideration for awards made through the Manufacturing Extension Partnership (MEP) & Technology Innovation Program (TIP). • Encourages collaboration between the Department of Commerce and state export assistance agencies. • Requires a report on tariff and non-tariff barriers for small businesses seeking export opportunities in Colombia, Panama and Korea.	**Bipartisan:** Klobuchar-LeMieux (S. 3084) LeMieux-Landrieu (H.R. 5297)

H.R. 5297 – Small Business Jobs Act of 2010: Other Provisons

Proposal	Description	Underlying Provisions
Agriculture Disaster Relief	• Provides assistance for any agricultural losses on crops that occurred in 2009, including specialty crops, livestock, sugar, aquaculture, cottonseed, and poultry. • Would distribute $1 billion in supplemental direct payments to producers with minimum 5-percent losses in production, including: $42M in cottonseed assistance; $25M in aquaculture assistance; $21M to a Hawaiian sugar cane cooperative; $75M to poultry producers; $50M for livestock producers; and $300M for specialty crop producers. • Any state that has a county that was declared a primary disaster county in 2009 is eligible.	**Bipartisan:** Lincoln-Chambliss

State Small Business Credit Initiative	• Provides $1.5 billion in grants to States to support small business lending programs. States apply for the funds to be used for approved programs that leverage private lenders to extend up to $15 billion in credit to small businesses and manufacturers.
	• Allows States to build upon successful models for state small business programs, including capital access, loan participation, collateral support, State-run venture capital, and credit guarantee programs:
	  • **Capital Access Programs (CAPs):** CAPs, which are already up and running in over 20 states, are loan portfolio insurance programs, where states provide a matching contribution to bank loan loss reserves when lenders extend credit to qualified small businesses. These reserve enhancements allow lenders to take slightly more risk in expanding credit to new borrowers.
	  • **Collateral Support Programs:** Help businesses struggling to get credit because the value of the collateral they hold has fallen. These programs, which set aside funds to augment collateral the borrower already holds – provide banks greater confidence in extending credit to these borrowers.
	• Funds are allocated to the States using formulas based on certain State employment and unemployment rate data.
	• States have nine months to apply for the program and if a state does not apply, the largest municipalities of a state can apply.
		Bipartisan:
		Developed with the support of 28 Republican and Democratic Governors
		Warner-Levin

Mrs. BOXER. The first amendment written by Landrieu-Snowe; the second, Snowe-Landrieu; the third one, Snowe-Merkley; the fourth one, Snowe-Landrieu; the next one, Landrieu-Nelson; the next one, Snowe-Pryor—and on and on.

The next section: Merkley-Alexander. We all know Senator HATCH worked with Senator BINGAMAN on many of these. Senator GRASSLEY is involved in this, Senator BROWNBACK is involved.

I have to say, of all the bills we have taken up, this is the most bipartisan. I think that to make a process argument now is a shame.

Let me read some of the groups that support this bill, even though the Senator from Maine doesn't like it. Let me tell you where you are. The U.S. Chamber of Commerce: Pass this bill; National Federation of Independent Businesses: Pass this bill; the U.S. Hispanic Chamber of Commerce: Pass this bill; the Black Chamber of Commerce: Pass this bill; the National Association for the Self-Employed; the Small Business Majority—and on and on.

I ask unanimous consent to have the entire list printed in the RECORD.

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

SUPPORTERS OF THE SMALL BUSINESS LENDING FUND (SBLF)

American Apparel and Footwear Association; American Bankers Association; American International Automobile Dealers Association; Arkansas Community Bankers; Associated Builders & Contractors; California Independent Bankers; Community Bankers Association of Alabama; Community Bankers Association of Georgia; Community Bankers Association of Illinois; Community Bankers Association of Kansas; Community Bankers Association of Ohio; Community Bankers of Iowa; Community Bankers of Washington; Community Bankers of West Virginia; Community Bankers of Wisconsin; Conference of State Bank Supervisors; Fashion Accessories Shippers Association; Financial Services Roundtable; Florida Bankers Association; Governors of Michigan, Ohio, Colorado, Connecticut, Illinois, Massachusetts, Pennsylvania, New Mexico, New York, North Carolina, Oregon, Washington, West Virginia.

Heating, Air conditioning & Refrigeration Distributors International; Independent Bankers Association of Texas; Independent Bankers of Colorado; Independent Community Bankers Association of New Mexico; Independent Community Bankers of America; Independent Community Bankers of Minnesota; Independent Community Bankers of South Dakota; Indiana Bankers Association; International Franchise Association; Louisiana Bankers Association; Maine Association of Community Banks; Marine Retailers Association of America; Maryland Bankers Association; Massachusetts Bankers Association; Michigan Association of Community Bankers; Missouri Independent Bankers Association; National Association for the Self-Employed; National Association of Government Guaranteed Lenders; National Association of Manufacturers; National Automobile Dealers Association.

National Bankers Association; National Council of Textile Organizations; National Marine Manufacturers Association; National Restaurant Association; National RV Retailers Association; National Small Business Association; Nebraska Independent Community Bankers; Pennsylvania Association of Community Bankers; Printing Industries of America; Small Business California; Small Business Majority; Tennessee Bankers Association; Travel Goods Association; Virginia Association of Community Banks; Women Impacting Public Policy.

Mrs. BOXER. Madam President, the Senator from Maine is right when she says we have to move to help this economy, and this bill is one of the answers. That is why it has such broad support. Republicans and Democrats across the country support this, Independent voters support this, small businesses support this. The only group that is filibustering this bill happens to be the Republicans in the Senate. I am telling you, if they say no again, they are hurting this economy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Ms. LANDRIEU. I understand the leadership has 5 minutes each, equally divided.

The ACTING PRESIDENT pro tempore. The time remaining currently belongs to the Republican leader. There is 5 minutes, followed by the majority leader.

Ms. LANDRIEU. That is fine. Thank you. I would like the minority leader to go ahead. It is his 5 minutes, and I will reserve the last 5.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, I had the opportunity to hear the distinguished Senator from Maine, a few moments ago, speak on the measure before us and how it has seemed to become completely enmeshed in the political agenda of the other side. I commend her for her efforts to get this bill right. Senator LEMIEUX was on the floor earlier, another one of our colleagues on the Republican side who worked long and hard to get this bill across the finish line.

But I must say, it takes a lot of effort to make a partisan issue out of a bill that should have broad bipartisan support. You have to go out of your way, as Senator SNOWE pointed out, to make a small business bill controversial, but our friends on the other side have managed to pull it off.

They have outdone themselves. We got this bill in late June. This is July 29. Since then, the Democrats have set it aside six separate times to move on to something else. So, from the beginning, this bill clearly was not a priority to them until they realized they didn't have anything to talk about when they go home in August. I think one Democratic Senator put it best when he suggested this week that a midterm campaign that revolves around his party's agenda and that of the White House is a losing proposition for the majority.

He was summing up their strategy on this bill. They knew they could not run on a record of job-killing taxes, burdensome new regulations, massive government intrusions and record deficits and debt. So what do they do? What do they do? They create an issue where there is none. That is what this debate is all about.

It was clear from the beginning there was a path for this bill to pass with a very broad bipartisan majority. Instead, we are standing here this morning looking at a third version of a bill and we have yet to engage in any substantive amendment process. They have been adding either controversial or completely unrelated matters to the bill—all to avoid any real debate and to avoid voting on Republican amendments.

This bill now has over $1 billion in agricultural spending in it. It has $1 billion in agricultural spending in a small business bill, in the core bill—the most recent version of the core bill. As I said, we have been on this since June 29.

Republicans have asked for a total of eight amendments. That is about two votes a week if we had been on this bill. That is not too much to ask.

It is obvious what is going on. They wanted to make this an issue so they have something to talk about other than their failed economic policies. The President made that clear 2 weeks ago when he accused Republicans of blocking this bill, a statement every single fact checker in town has shown to be false. So they can try to deflect attention all they want, they can manufacture a legislative impasse—and that is what has happened here, a manufactured legislative impasse—but the American people know what is going on. Nearly every major piece of legislation this Congress has considered has had painful consequences for small business. Nearly every major piece of legislation this Congress has considered has had painful consequences for small business. Attempting to create a controversy is not going to hide that from anyone.

Hopefully, if cloture is not invoked, we can return to the original intent of this bill, strip it of its controversial add-ons and pass a small business bill that attracts broad bipartisan support and helps American small business owners. Given the legislative record of this Congress, they could certainly use the help.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. We have 5 minutes left; is that right?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I yield 4 minutes to my friend from Louisiana.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I would like to respond directly to the minority leader because I wish to make clear that there are no extraneous provisions in this bill other than disaster relief for farmers. The last time I checked, they were small business owners, many of them. They are running a

different kind of business. It is not a hardware store, it is not a restaurant—they go out and actually get their food out of the ground. The last time I checked or thought about it, they were small businesses.

If the minority leader is suggesting there is not bipartisan support for agricultural disaster relief, I urge him, at his next available opportunity, to file an amendment to repeal it because I think his side would have strong objection to that. That was put in at the request of Senator LINCOLN and Senator CHAMBLISS from Georgia, and he very well knows that—through the Chair to the minority leader.

There were only two arguments made this morning against this bill because it was just a political advertisement that the minority leader outlined, so I will not even respond to him, to the Senator from Kentucky, but I will respond, in closing, to Senator SNOWE and Senator HATCH.

Mr. HATCH came to the floor, the Senator from Utah, and said we couldn't possibly pass a $12 billion tax cut for small business today unless we could, as a Senate, in the next few hours, make final decisions on whether to extend the entire tax package passed by George Bush when he was President 8 years ago. I think that is a big lift for the Small Business Committee. We want to give $12 billion of tax cuts today. I hope people will vote for them.

Second and finally, Senator SNOWE does deserve the last reference on this because she is an outstanding Senator, one of the finest I have ever worked with, but this issue is a public debate between those of us who support the Small Business Lending Fund and those who do not. She does not support it. She has made excellent arguments. Her arguments are given merit. We voted on it, but we got 60 votes.

Senator REID, I know, has the last minute and he has been outstanding in this, but, please, there are only two legitimate arguments. We cannot solve extension of all the tax cuts in the next 2 hours. Our small businesses have picked up enough weight. They cannot handle that weight. If we don't give them some help now, today, many of them are not going to be here, I want the Senator from Kentucky to know, when we show up in September.

I yield the last minute to the leader.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, let me bring all of the Senators up to date as to where we are.

A member of the minority indicated that that Senator would vote for cloture if we took out a provision we put in, the agricultural disaster relief. So after having conferred with a number of Senators on both sides of the aisle, I have agreed we will take that out. With that provision not in the bill it got 60 votes on Thursday night, that same provision. But even to show good faith, which I am not sure it is necessary, but to show we are going to go the extra mile, I will not only agree to take out that extra provision but also have the same amendments we asked for yesterday; that is, the three amendments the Republicans wanted, which are the Johanns, Hatch, and Grassley amendments. I will be more specific on the legislative language in a minute. So we would take the agricultural disaster relief out and have the same amendments we had yesterday and offer the same amendment we had.

I don't know how we could be more fair. In fact, a number of my Members think we should go ahead with this, but we are willing to do that.

Madam President, I ask unanimous consent that Title 4, part 3, under substitute B, be stricken; and that the pending motion to commit be withdrawn, and all pending amendments be withdrawn except No. 4519, as amended, and that the following amendments be the only amendments in order to amendment No. 4519, with no motions to commit or motions to suspend the rules in order during the pendency of H.R. 5297; that all amendments included in this agreement be subject to an affirmative 60-vote threshold; and that if the amendment achieves that threshold, then it be agreed to and the motion to reconsider be laid upon the table; that if it does not achieve that threshold, then it be withdrawn; that any majority side-by-side amendment be voted first in any sequence of votes; further, that debate on any amendment included in this agreement be limited to 60 minutes each, with all time equally divided and controlled in the usual form:

Baucus amendment regarding information reporting provisions health care as a side-by-side to the Johanns 1099 reporting amendment; Johanns amendment 1099 reporting; Murray/Harkin amendment regarding education funding; Republican side-by-side amendment regarding education funding; Hatch amendment regarding R&D; Reid amendment regarding FMAP/Cobell funding; Grassley amendment regarding biodiesel; that upon disposition of the listed amendments, no further amendments be in order; that the substitute amendment, as amended, if amended, be agreed to; the bill, as amended, be read a third time, and without further intervening action or debate, the Senate proceed to vote on passage of the bill; finally, that once this agreement is entered, the cloture motions on the substitute and bill be withdrawn.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object, let me first compliment my friend the majority leader. I think we are beginning to make some real progress here toward making a bill that was initially bipartisan bipartisan again. This doesn't quite get back to where I had hoped we could get, but I think we are making progress.

Therefore, I would encourage my Members to oppose cloture on the vote, but we are going to continue the discussion. This is only 11:30 on Thursday. I think we are getting closer to getting where we may be able to do some business and get this bill out of here, but there will have to be some amendments on our side. Actually, I think our friends on the other side knew it would have to be more than three. I appreciate the movement in the direction with the three, but that would not be enough, at least for this juncture right now, to be satisfactory. Therefore, I object.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. My frustration is pretty high. I cannot possibly understand how my friends on the other side of the aisle could vote against cloture. We have agreed to take out the provision dealing with agricultural disaster—take it out. We have agreed to have the amendments they have indicated they have wanted for days. We have agreed to do that. It is unreasonable.

Some people said, Well, why don't you talk to Senator MCCONNELL. I have talked to Senator MCCONNELL. It is obvious that no one on the other side of the aisle wants this bill to pass. I am so disappointed.

We are going to have this cloture vote in a minute. I hope Senators on the other side of the aisle understand the good faith we have engaged in. This is not a victory for Democrats or a defeat for Republicans; it is an effort to help small business. It is an effort to help small business. I went over line by line what this does for small business. It is miraculous. Hundreds of thousands of jobs—not tens of thousands—will be created with this legislation.

I appreciate the chairman of the Small Business Committee leading this effort. I understand that I said Lincoln-LeMieux; of course I meant Landrieu-LeMieux when I spoke earlier. I am not going to mention Republicans by name, but there are some Republicans who have stepped forward, and I appreciate it very much. Again, it is not for my appreciation, it is for the appreciation of the American people. Look what this message will send. We have at least 80 groups, entities, which support this legislation. Major small business conglomerates support this legislation. This is all they have. We shouldn't leave here and not complete this legislation. It would be too bad. This should not be partisan.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Madam President, we turned to this bill initially on June 24. We have left it six times over the

last month. There is widespread agreement on a bipartisan basis that we should pass a small business bill. We are finally making some progress. It has become less a political instrument and more the initial bill, as Senator SNOWE has been asking us to do for quite some time. I think we should continue to discuss it after the vote.

It is only 11:30 on Thursday. I think there is a chance we may be able to make some significant progress very soon. In the meantime, we should go ahead and have the vote. The majority leader and I can continue to try to unsnarl this problem and see if we can move forward.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. There is nothing to unsnarl. We have agreed to take out the offending provision that Senators on the other side of the aisle said they wanted out. I took it out. They wanted to offer amendments. I have agreed to let them offer amendments. There is nothing snarled. There is only an effort to stop passage of this bill.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Madam President, the majority leader is graciously giving us three amendments. What I am saying is three amendments is not enough, and he knows that. So we are not expecting to have an unlimited number of amendments, but three amendments will not suffice.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, could I ask the minority leader a question, please. Will he yield?

Would the minority leader be willing to say how many amendments might be enough? The Senator from Maine, the ranking member, said a few. The Senator from Florida—if I could finish—the Senator from Florida, Mr. LEMIEUX, said he thought it would be fair if there were four or five. We have offered three. Is there any sort of possibility—because that would help us get even further.

Mr. MCCONNELL. Is that a question?

Ms. LANDRIEU. Yes.

Mr. MCCONNELL. I will tell my friend from Louisiana that is the sort of thing the majority leader and I work on every day, is to try to determine the number of amendments, and we ought to continue to try to do that.

Ms. LANDRIEU. Madam President, let me press for a minute on this question, because with all due respect to the minority leader, until we can finally agree on that number, it is going to be hard to figure out a path forward. So my question to the minority leader is, so we can do this in a more public way——

The ACTING PRESIDENT pro tempore. The Senate has a cloture vote at this time.

Mr. MCCONNELL. Regular order.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Reid-Baucus substitute amendment No. 4519 to H.R. 5297, the Small Business Lending Fund Act of 2010:

Harry Reid, Max Baucus, Edward E. Kaufman, Amy Klobuchar, Mark R. Warner, Jeff Merkley, Jack Reed, Jon Tester, John D. Rockefeller IV, Dianne Feinstein, Daniel K. Akaka, Sherrod Brown, Barbara A. Mikulski, Patty Murray, Jeff Bingaman, Debbie Stabenow, Bill Nelson, Carl Levin.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4519, offered by the Senator from Nevada, Mr. REID, to H.R. 5297, the Small Business Lending Fund Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 58, nays 42, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—58

Akaka	Gillibrand	Murray
Baucus	Goodwin	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Dorgan	Lincoln	Webb
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	
Franken	Mikulski	

NAYS—42

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brown (MA)	Graham	Reid
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kyl	Voinovich
Cornyn	LeMieux	Wicker

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Madam President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Madam President, I ask unanimous consent that the cloture motion on H.R. 5297 be withdrawn.

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

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, we have had a very enlightening debate this morning on the floor that started at 9:30. It has been continuing until now. The good news about this debate is that although we did not win on this vote—cloture was not invoked—Main Street is still winning and we are alive. We are still standing. Earlier this morning, the two leaders came to the floor and said—basically agreed—that if we can have a few more amendments, what I heard the minority leader say, the Senator from Kentucky—the minority leader said a few more amendments, we could then bring some help to Main Street.

Main Street has been waiting for a year and a half. We have had bill after bill, amendment after amendment. What I heard this morning from the minority leader was very positive. He said: All we need is just a few more amendments. I asked what ''a few'' was. Was that two or three or four or five? That answer never came. I am assuming that ''a few'' is a few, and if we work hard over the next few hours and come up with a few, Main Street could win because this bill is about Main Street and businesses on Main Street. It is not about Wall Street. It is not about big banks. It is about small community banks and the small businesses in our country that are desperate for help.

This bill has $12 billion in tax cuts for small business, not big business. This bill has a $30 billion lending program that is voluntary, with no restrictions for small banks, not big banks. This bill is supported by over 70 organizations. I would like my colleagues on the other side to know that the chamber of commerce and the National Federation of Independent Business are supporting this bill. Chambers and community bankers all over America are supporting this bill. And we are two votes from passage.

Mrs. BOXER. Madam President, will the Senator yield for one question?

Ms. LANDRIEU. I very much would like to yield to the Senator from California for a question.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I am just asking a question through the Chair. This is the time of the Senator from Louisiana.

I have watched the Senator from Louisiana make a case for this bipartisan bill day after day, and I have heard her lay out why we should come together, Republicans and Democrats, to do something right for small businesses that create 62 percent of all jobs. It is astounding to me that we could not get even one Republican to join with us today. But I do have hope. As we speak, we see the majority leader and the minority leader discussing amendments.

I want to ask my friend two questions. The Senator from Maine gave a very impassioned speech saying that the Democrats were the ones who were stopping this legislation. She said all we needed to do was offer ''a few'' amendments to the Republicans.

My first question: Is it not true, I say to my friend who is managing this bill, that, in fact, the majority leader, HARRY REID, did offer the other side a few amendments—clearly did before this cloture vote? And the second question is whether my friend would be willing to share with our colleagues and the people who are engaged in this debate how this bill is perhaps the most bipartisan bill ever to come out of any committee. I know my friend gave me that information—title after title after title containing the names of Republicans and Democratic Senators.

So if she would answer those two questions, No. 1, when the Senator from Maine says that our leader did not offer a few amendments to the other side; isn't she incorrect? And, No. 2, isn't this one of the most bipartisan efforts to come out of any committee?

Ms. LANDRIEU. I would like to answer the Senator from California by saying the record will speak for itself because that vote we just took, there were 59 Senators, all on this side of the aisle, who pushed a green light, and there were 41 on the other side who pushed a red light. So it is very clear who is trying to move forward and who is trying to stop this bill. It is very clear.

I don't think there is anyone, even in the press, confused about that because this debate, amazingly, has been so open. So much of it has gone on on the Senate floor that they can actually follow it. These deals are not being done in back rooms; they are being done right here on the Senate floor, and they are following it. They know there are 70 organizations, and they know this bill is bipartisan.

I am just going to read the names, not the provisions, that the Senator was asking about: Landrieu-Snowe, Snowe-Landrieu, Snowe-Merkley-Landrieu-Crapo-Risch, Snowe-Landrieu, Landrieu-Nelson, Snowe-Pryor.

And let's continue: Kerry-Snowe-Menendez, Merkley-Alexander, Snowe, Bingaman-Hatch-Landrieu-Grassley, Baucus-Grassley-Brownback-Inhofe-Johanns-Menendez, Baucus-Grassley-Crapo, Kerry-Ensign—there are 72 cosponsors that Senators KERRY and ENSIGN put on this bill—SNOWE, GRASSLEY.

For the ranking member to come and suggest that there are not enough bipartisan amendments, let me continue. There are more: There is LeMieux-Landrieu, NELSON is on this one, LeMieux-Landrieu-Nelson-Klobuchar.

This bill came out of the Finance Committee and the Small Business Committee with bipartisan support. One of the things we couldn't agree on was the Small Business Lending Fund. I understand the rules; I have been around here 14 years. So we had a vote on it. You know what. It got 60 votes. The Small Business Lending Program got 60 votes on the floor of the Senate after it passed the House of Representatives.

When I was in school, I learned that once a bill was passed, it comes to the Senate, they pass it, and it goes to the President for signature. Maybe there are some people who don't want that provision to go to the President for signature. I understand that. But we got 60 votes on the bill, as the Senator from California knows.

So here we are. The other side is very good about hiding behind pages. They bring out these big pages of bills and they say: We don't know what is in it, and we can't tell. So I sent the four pages in my hand to all the press organizations today. It is just four pages. Anyone can read this. They are on my Web site and lots of other Web sites. There are just four pages. That is all that is in the bill—all small business items.

There was an agricultural provision that was in the bill that I actually support. Senator LINCOLN put it in the bill, along with Senator CHAMBLISS. But you heard the minority leader say this morning that he didn't think farmers were small businesspeople. I will let him explain that to the farmers in Kentucky. But he said he did not think the provision for the farmers had anything to do with small business. Maybe he hasn't been in a seed store lately, or maybe he hasn't been where people purchase hay and supplies. Maybe he hasn't been to a John Deere dealership, but they sure are all over Louisiana and Arkansas.

Mrs. BOXER. Would the Senator yield?

Ms. LANDRIEU. I yield for a question.

Mrs. BOXER. Of course. I just have one more question for my friend.

We hear every Senator—Democratic, Republican, Independent—say the biggest issue before us, the biggest one is jobs—jobs, jobs, jobs. When my friend goes home, I know she has to deal with the oil disaster and still rebuilding after Katrina. In California, we have our series of deep problems in tough, tough times. But she knows that whatever we do here we have to push forward with policies that create jobs, and we have to keep our eye on the deficit.

So my friend has brought forth a bill, along with Senator BAUCUS and many Republicans—because she just went through the many bipartisan provisions—that will leverage $30 billion into $300 billion from the private sector. If we turn that into jobs, we are talking thousands and thousands of jobs created by the innovators, the small businesspeople who have gotten no help. That is why my friend has the sign ''Main Street.'' We have to help Main Street.

So I want to ask in the form of question, and then I will leave the floor at that point: Isn't this a bill that is desperately needed by our small businesses? Aren't our small businesses the creators of jobs? Is this bill not paid for? And won't this bill deliver the kind of policy that will allow for job growth through growth of small businesses that are solid, with community banks that are solid? Isn't this bill just what we need to do before we leave to go home and be with our constituents in August?

Ms. LANDRIEU. Absolutely, the Senator is correct. I am glad I have this chart to answer her question because she has been representing the State of California beautifully for so many years. She knows this without me showing it, but 81 percent of the jobs lost in America are from small business.

So when the other side complains and complains and just flaps and flaps and flaps all day long about it is a jobless recovery, we have a bill on the floor to create jobs from small business and they say no. That vote today was a ''no'' vote to give help to small business. They can color it, paint it any way they want. That is what it was.

We know this recovery is having a hard time with jobs. I am going to yield in a minute because there are eight other Senators on the floor who want to speak on different subjects, so I will conclude with this. This isn't MARY LANDRIEU information. This comes from the monthly national employment reports from 2008 to 2010—the job losses with small business.

That crew over there on the other side of that aisle can't run fast enough to help big business, to help Wall Street. But when it comes to voting to help small businesses that are bleeding jobs, they want to run and hide off the floor.

The minority leader said a few amendments. I would like to know how many is a few? Is it three, is it four, is it five, is it six? Let's get a deal done today. I would just as soon do it here, out in the open, but I guess that is not the way things are done here.

So I will yield the floor and let other Senators speak about judges and other things that have to be done because there are other problems in the world. This isn't the only one. This is a big one, but it is not the only one.

I will end with this sign because this is what this debate is about. It is about Main Street. You are either for it or you are against it. It is about as simple as that.

When I became chair of this committee, I said: We are going to fight hard for small business, and I asked the chamber the other day: How many of your members are small businesses? They said: Senator, you would be surprised. It is 96 percent of the members of the chamber.

I asked: Are you all standing up for this bill? They said: Yes, we are. So I thank the chamber and I thank the NFIB. I feel like I am Alice in Wonderland. Most of the time they are on that

side, but this time they are on our side, and we can't get the Republicans to vote.

Finally, the Senator from Utah came to give a feeble argument this morning. He said he could not vote for it because we haven't debated the entire extent of the Bush tax cuts. That is a big debate that we need to have, but we don't have to have it on this bill. These people can't take any more waiting. They have had enough. We can handle that debate on another day, on another bill, but not on this one. So I would suggest to the Senator from Utah that he has quite a few amendments on this bill, and of the few amendments we might have, he may have two.

Mr. DURBIN. Will the Senator yield for a question.

Ms. LANDRIEU. I will yield.

Mr. DURBIN. I see the Senator from Florida is here, but I wanted to ask a question through the Chair.

Is it my understanding that we have been debating this small business bill, which has come out of the committee the Senator from Louisiana chairs, for quite some time now? Isn't this the second week, or maybe even longer? Is it true the other side objected to a provision in the bill because it related to agricultural disaster assistance in a few States?

Ms. LANDRIEU. Yes.

Mr. DURBIN. The Senator from Louisiana argued that farmers are small businesspeople too. So it is not unreasonable to include it. But we decided, in an effort to get a bipartisan agreement on the bill, that we would remove the section they objected to. Then they came in with a list of three amendments and said they wanted to offer these three amendments, which have maybe a loose connection with small business but not much more of a connection, and we said: Fine, you can offer those three amendments, and we will offer three amendments, and let's go and get this done. Then they came back and objected again.

So isn't it correct that right now we are trying to get to a point where we are providing credit to small businesses all across the United States through good sound banks, and that credit will help these small businesses survive and hire more employees, and we are being stopped by the Republicans in our effort to help small business? Is that what is happening?

Ms. LANDRIEU. That is exactly what it looks like. The Senator from Illinois has described it accurately. If anybody believes he has not described it accurately, let them come to the floor because he has described the truth. He has said the truth.

So I am going to yield right now because others wish to talk, but I thank the Senator from Illinois. This battle is going on, and we intend to win it for Main Street. I hope the other side will get their short list of a few amendments together pretty quickly.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, before the Senator from Louisiana leaves the floor, I just want to say that this issue is very simply characterized as Main Street versus Wall Street. It is a question of whether we are serious about reviving this economy and getting money into the hands of small business through community banks. Anybody voting no on a motion to invoke cloture to go to a bill that is ready to be embraced is inexcusable.

This legislation is critical to getting small businesses back on their feet. That is certainly the case in my State of Florida. It gets the credit flowing again on Main Street through the community banks.

The statistics about small business and jobs is all too familiar. Small businesses create most of the jobs in this country. In the last 15 years, they have created 12 million jobs or two-thirds of the American jobs that have been created. When the economy falters, guess who takes it on the chin the hardest? Small business does. Over the past couple of years, small firms have accounted for between 64 and 80 percent of net job losses. So it is time for us to step up and help them.

For example, in Florida, small businesses play an even bigger role in the local economy. According to the Small Business Administration, small business employers account for 99 percent of the State's employers and provides for nearly half of the State's private sector jobs. Just when it looked as though things could not get worse for small businesses—and especially so in our State—along came the tragic explosion of the Deepwater Horizon platform, and our seasonally adjusted unemployment was 12 percent, representing in our State 1.1 million people out of work in a labor force of 9 million.

We have not yet gauged the full impact of that oil spill on Florida's economy, but there is ample evidence that it is the small businesses that are the ones that have been hurt the worst and the ones who have had to lay off the jobs as a result of that oil spill.

There was a study done by Dun & Bradstreet that found that the impact of the spill on Florida tourism, boating, and fishing industries—these businesses located along the gulf coast—is going to affect 46,000 businesses, with almost 300,000 employees and $14 billion in sales volume. One of the key features of this legislation and another main reason why we need to pass it is that Small Business Lending Fund. It sets up the voluntary capital investment program, under which the Treasury Department can purchase up to $30 billion in equity from small banks, those whose total assets fall under $10 billion. Although the fund is set at $30 billion, conservative estimates indicate it will lead to $300 billion in new small business lending. This is the economic shot in the arm that so many States need, including ours. I cosponsored the amendment that was added to this overall small business bill that put the lending facility back in the bill.

It is an overlooked feature of the legislation that it actually provides $56 billion in tax relief for small businesses over the next couple years. Upfront tax relief comes in the form of early tax writeoffs for investments in new equipment, new machinery, and new construction. That is all a part of this small business bill. Together with the tax breaks, the targeted tax incentives, and the lending fund, we have a package that is exactly the type of relief small businesses need today. We need to jump-start them and that is what this bill accomplishes.

Obviously, as the Senator from Louisiana has already said, this bill has very wide support. I underscore the Independent Community Bankers of America, and 29 State community banking associations have urged approval of this plan. So does the American Bankers Association, the National Small Business Association, the National Association for the Self-Employed, the Small Business Majority, the National Bankers Association, and the Conference of State Bank Supervisors.

I have heard from many constituents—including small business owners, bankers, chambers, entrepreneurs—who believe this legislation is needed. I am proud to cosponsor it.

I ask unanimous consent to join as a cosponsor of the Baucus-Landrieu substitute amendment because I think it is the right thing to do and the right thing for our State.

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

Mr. NELSON of Florida. It is my hope we can pass this substitute amendment without further opposition as we are continuing to see.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. LEMIEUX. Madam President, it has been my privilege to work on the measure that is before the Senate, the small business bill that has been championed by my friend from Louisiana, Senator LANDRIEU, that Ms. CANTWELL, the Senator from Washington, has been so instrumental working on, as well as my friend, Senator KLOBUCHAR, with whom I worked on the export portion of this bill.

To the American people at home watching this, this must be a rather confusing process. Why is it that there is a piece of legislation, a Small Business Promotion Act, that has bipartisan support—why is it not being voted on today? Frankly, there are a lot of things around here we cannot agree on—the majority of things, it seems. But this is something we can agree on. It is going to be good for America. I was pleased to sponsor the amendment along with my friend from Louisiana, the LeMieux-Landrieu amendment, which is the lending facility. It is a provision that will bring

money to local community banks to loan money to the people on Main Street—not Wall Street bankers but the bankers you see at Rotary or Kiwanis or at church or synagogue who loan to the auto mechanic, to the dentist, to the hair stylist, to the people working in your local communities.

In my home State of Florida, that is the vast majority of our businesses—nearly 2 million small businesses in Florida, small businesses that are struggling in the worst economy anyone can remember, the worst economy in Florida since the Great Depression.

Today I saw a report out of Florida Trend, one of our leading business magazines, saying that for the first half of the year, Florida now leads the country in home foreclosures. We are No. 1 behind on payments on our mortgages. Our unemployment rate is 11.4 percent, but that does not truly capture how bad the situation is because that unemployment rate is a moving average over time, and after a certain period of time when you have been out of work, you are no longer counted as unemployed because those who make these statistics believe you are not actively in the job market anymore. The truth of it is, if you walk down the street in my home State of Florida, you have a 1-in-5 chance, if you see an able-bodied adult, that they are unemployed or underemployed. Twenty percent is the real number of people who don't have a job or don't have enough of a job.

The people in my State are hurting. This is a bipartisan bill and it should pass. I am hopeful our leaders, Leader REID and Leader MCCONNELL, who are meeting right now, are going to come to an agreement on amendments.

Let me break this down for the American people so they can understand what is going on. Our friends on the other side of the aisle, the Democrats, are in the majority. They have 59 votes. They can control the agenda. We, here on the Republican side, want to offer amendments to bills, but we can only offer amendments by agreement. The majority that is in charge only lets us offer amendments if they agree to it, so we have little bargaining power. But we believe we should have the opportunity to make bills better.

So we are going to have some amendments to this bill, and we should have some amendments to this bill. You know what. If they are good ideas, the power of our ideas will prevail and the other side will agree to them and if they are not, they will not. If the American people, later on, think we have better ideas, maybe they will send more of us here and if they don't, maybe they will send more of them. But we should have the opportunity to offer our amendments.

On the other side, they are going to have some amendments, too, and that is fine, but they should be relevant to this bill. They should not be leftover appropriations on issues that have nothing to do with small business just because this is the train leaving the station and some Members of this body want to see their stuff put on it. I understand why they want to get things done, but this small business bill should pass, it should pass with relevant amendments from both sides, and we should do it today. We should do it today and pass it and send it over to the House so the House can pass it and send it to the President and he could sign it.

I say that as a Republican because, before I am a Republican, I am a Floridian and I am an American, and this bill is good for our country and it is especially good for my State.

I was pleased that the leader, Leader REID, came down and made some changes in his proposal. I am heartened he is meeting with Leader MCCONNELL right now. I hope they can work this out, because if they cannot work this out, shame on us. Shame on us if we cannot get this done when there is bipartisan support for this bill, a bill that will cut taxes for small businesses providing much needed credit and lending for local community banks to lend to small businesses without increasing taxes and without increasing the debt or deficit. When do we get to do that around here? Not too often—we do not.

I have tried to work in good faith with my friends on the other side to facilitate the negotiations today to get us to a place where we can have reasonable amendments, where the rights of the minority will be protected and in the same vein we can still get this bill passed and I hope we can do so because we have good people on the other side of the aisle who I know want to get this done.

I remain hopeful. I thank Senator LANDRIEU and Senator CANTWELL. I see my friend from Rhode Island, whom I also thank for his good work on this bill, and I hope today we will get this done with a reasonable accommodation so we can help the American people.

Mr. WHITEHOUSE. Will the Senator yield for a question?

Mr. LEMIEUX. I am pleased to.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Through the Chair, if I can inquire of the junior Senator from Florida, is it not true that if one Member of his caucus, just one, had voted with us just a few moments ago on this vote, we would actually be on this bill and we could begin to move to amendments and consider the bill; is that not correct?

Mr. LEMIEUX. That reminds me, my friend, if I may, reminds me of the saying that half the truth is no truth at all. Yes, that part is true. But the rest of the story, as Paul Harvey would say, is if this bill were not loaded with all these appropriations bills that have nothing to do with small business, we would be on this bill right now and it would be passed.

The keys to the kingdom lie with the majority. This deal could be done right now and we could get to this bill.

The PRESIDING OFFICER. The Senator from Colorado.

JUDICIAL NOMINATIONS

Mr. UDALL of Colorado. Madam President, I rise on an important matter that affects all of us, Senators and citizens of our States alike, and that is the shortfall in the process of confirming nominations to the Federal bench. In particular, I wish to talk about one outstanding nominee from my home State of Colorado, William Martinez. Bill has an inspirational story. I will tell you more about it in a minute, but first I wish to explain why there is such an urgency to confirm this fine nominee.

The situation in the Colorado District Court is dire—and I do not use that word easily or casually. There are currently five judges on our court and two vacancies, both of which are rated as judicial emergencies by the Administrative Office of the U.S. Courts. These five judges have been handling the work of seven judges for nearly 2 years, and it has been over 3 years since our court had a full roster of judges.

But there is more to the story. In 2008, based on the significant caseload in Colorado, the Judicial Conference of the United States recommended that an eighth judgeship be created. So you could argue we are actually three judges down from what we should have.

I ask unanimous consent to have printed in the RECORD a letter from Chief Judge Wiley Daniel to Leaders REID and MCCONNELL, explaining the profound impact this vacancy is having on the courts of the District of Colorado.

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

UNITED STATES DISTRICT COURT,
DISTRICT OF COLORADO,
Denver, CO, May 6, 2010.

Hon. HARRY REID,
Hart Senate Office Building,
Washington, DC.
Hon. MITCH MCCONNELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS REID AND MCCONNELL, I write this letter in my capacity as Chief Judge for the District of Colorado. As more fully detailed in this letter, our court has suffered multiple judicial vacancies for years. Presently, we are down two district court judges. It is important that you understand that these vacancies have caused a profound impact on the court's ability to discharge its important obligations to the citizens within the State and District of Colorado in a timely and efficient manner.

As you are aware, President Obama nominated William Martinez to be a judge on the court several months ago. Within the past several weeks, he was voted out of the Senate Judiciary Committee and is presently on the Senate floor awaiting a vote. I urgently ask the two of you, in your capacities as Senate Majority and Senate Minority Leaders, to reach a ''Time Agreement'' so that a Senate vote on Mr. Martinez's nomination can occur. As I am sure you understand, this is a critical resource issue for me as it is my responsibility to ensure the adequacy of judicial resources to handle the business of the court.

The court is presently authorized seven judgeships. At this time, the court has five

active judges and the assistance of five senior judges with each senior judge having various levels of a partial workload.

A history of vacant judgeships continues to impede the public service of the court to the citizens of Colorado and to those outside of the state who depend on the court for timely judicial rulings. For more than three years, the court has not had a full complement of authorized judges.

In March, 2007, Judge Phillip S. Figa underwent medical treatment necessitating extended periods of absence from the court. Following nine months of intermittent service, Judge Figa, unfortunately, passed away on January 5, 2008. During the time of Judge Figa's illness, the majority of his caseload responsibilities were covered by other judges. Following his untimely death, his cases were permanently reassigned to other judges resulting in an average ten percent increase in per judge workload, and the number of active judges went from seven full-time active judges down to six full-time active judges.

Shortly thereafter on March 31, 2008, Judge Walker D. Miller elected to take senior status, and on April 4, 2008, Judge Lewis T. Babcock took senior status. As senior judges, each exercised their discretion to assume reduced caseloads. With the unfortunate death of Judge Figa, and the taking of senior status by two active judges, the number of full-time active judges was reduced to four full-time active judges, a judge vacancy rate of 42.8%.

In July, 2008, the Judicial Conference of the United States conducted a scheduled biennial judgeship need survey. The survey reviews the caseloads of all district courts throughout the nation applying a workload formula to determine the need for additional judges. The survey indicated, and the Judicial Conference subsequently approved, the need for an eighth authorized Article III judge for the District of Colorado. At the time of the survey, the court was attempting to address a workload requiring eight judges with only four full-time active judges.

In October, 2008, two of the three vacant judgeships were filled with the appointments of Judge Philip A. Brimmer and Judge Christine M. Arguello. As a result, the court's judgeship vacancy numbers were reduced from three to one. The court was now staffed with six full-time active judges; however, the overall workload numbers continued to justify a need for eight judges.

On October 29, 2008, Judge Edward W. Nottingham elected to resign from the court. The court was again down by two judges, with five full-time active judges and two vacancies. Over 200 civil and criminal cases formerly assigned to Judge Nottingham were reassigned drastically increasing per judge caseload assignments. From that date to the present, the vacancies have contributed to a growing case backlog within the court.

Before leaving his senatorial office, Secretary of Interior Ken Salazar worked with a local committee of legal experts to identify possible nominees for the vacant two judgeships. In a January 16, 2009 press release it was reported that then Senator Salazar was asking Senator Mark Udall and Senator-Designee Michael Bennet to continue to urge the early appointment of qualified judicial candidates to fill the two vacant positions. In a reported letter to Senator Udall and Mr. Bennet, Senator Salazar wrote ''Over the last thirty years, the U. S. District Court has often been plagued with vacancies that have prevented the court from functioning at its full capacity.''

Though the court has the continued assistance of well qualified senior judges, and has also been relying on visiting judges from other courts to assist with heavy workloads, having a fully staffed cadre of authorized judges is the most effective method by which the court can address the needs of those depending on its vital services.

In that the U. S. District Court for the District of Colorado has been subject to lengthy periods of judicial vacancy, I believe it is in the best interest of the court, and the public it 2 serves, that the judicial nomination and appointment process proceed at a responsible pace designed to yield qualified judges within a reasonable period of time. Reasonableness to me means that the two of you agree, without further delay, to set a date certain for a vote on Mr. Martinez's pending nomination.

As the work of the court continues to grow, the court needs judicial officer resources sufficient to conduct the business of the court in a timely and efficient manner. The overall integrity of the federal judicial process can best be maintained by having a sufficient number of judges to address the disputes of our citizenry without unnecessary delay or expense.

In closing, I appreciate your consideration of my viewpoint as to the judgeships urgently needed by the court. Until the two judicial vacancies are filled, it is impossible for the court to possess the judicial resources that are necessary to effectively discharge the business of the court. Scheduling a vote on Mr. Martinez's nomination is the next critical step in this important process. I await your response to this letter including your indication of the date on which the Senate will vote on Mr. Martinez.

Sincerely,

WILEY Y. DANIEL,
Chief Judge.

Mr. UDALL of Colorado. Judicial understaffing in Colorado and in the home State of the Presiding Officer and all the Senators has a real effect on residents and businesses. As the caseload increases for each judge, more and more time must be devoted to criminal cases. That is because the Constitution guarantees a speedy trial. But as time and energy shifts to the criminal docket, the civil docket in turn suffers. It continues to become increasingly difficult to schedule a trial as these backups grow longer and longer.

This increased caseload I am referencing also has a huge impact on our rural and tribal communities around the State as well. Our Federal District judges are all located in Denver, but they often have to travel to other parts of the State for hearings or trials. The geography in Colorado makes travel a little more complicated than in some other States. We have a big State with the Rocky Mountains running right through the middle of our State, and I can tell you from my own experience getting around the mountainous areas of Colorado during the snowy winter months is not easy. As a result, all over the State, residents on the Western Slope and down in the valleys, my tribal constituents, they have a more difficult time accessing the Federal judicial system—as plaintiffs, defendants, even as witnesses.

As pressing as this situation is in Colorado, I know it is not unique. Of the nearly 100 current judicial vacancies, 42 are considered judicial emergencies—almost half. I understand our Senate has confirmed only 24 nominees so far this year and 36 total since President Obama was elected. That is a historic low.

I don't wish to turn my comments on these nominations to a partisan affair, but the Senate has not kept up with the pace of past Presidents' judicial nominees.

In fact, last year the Senate confirmed the fewest judges in 50 years—50 years.

Bill Martinez, the man whom I spoke of when I began my remarks, was nominated in February of this year, had a hearing in March, and was referred favorably by the Judiciary Committee in April. Today, his nomination has been sitting on the Senate Executive Calendar—on that calendar—for 105 days. Here is the question: Can we set aside our partisanship and support the people who need our system of justice and those who work in our system of justice? The people of Colorado want us to vote on Bill Martinez and help us reduce the workload on the Federal District Court of Colorado.

Senator BENNET has joined me, and I know he is going to speak in a few minutes.

Last year, we convened a bipartisan advisory committee so that we could have the best candidates put forward. It was ably chaired by Denver lawyer Hal Haddon, a well-known figure, and former Colorado Supreme Court Justice Rebecca Kourlis. The committee interviewed numerous candidates, and based on his life experience, his record of legal service, and his impressive abilities, we both recommended, on the advice of the committee, Bill Martinez for a Federal judgeship.

I know I was very impressed with Bill. In addition to being an accomplished attorney and a true role model in his community, Bill has a personal story which captures what is great about America and highlights what can be accomplished when you have focus, discipline, and you work hard.

Bill was born in Mexico City and lawfully immigrated to the United States as a child. He worked his way through school and college and toward a career in the law. He received undergraduate degrees in environmental engineering and political science from the University of Illinois and earned a law degree from the University of Chicago. As a lawyer, he is an expert in employment and civil rights law. He currently practices in those areas. He previously served as the regional attorney for the U.S. Equal Opportunity Commission in Denver.

I believe—as we all do, I think—in strong, well-balanced courts that serve the needs of our citizens. Bill Martinez brings that sense of balance because of his broad legal background, professionalism, and outstanding intellect. I am pleased to have been able to recommend Bill, and I am certain that once he is confirmed, he will make an outstanding judge.

I was going to ask for unanimous consent that we move to consider Mr.

Martinez's nomination. I am going to hold back on that request for the time being, but I want those who watch the Chamber to know that a group of us who are going to speak to this backlog are going to ask, at the appropriate time, for that to be considered.

Whatever happens today in these unanimous consent requests—and I would hope they would be granted—I am not going to give up. I am going to continue to work with people on both sides of the aisle, as well as any Senator who might have reason to block Bill Martinez's nomination, to find a reasonable solution so we can fully stock our courts and we can deliver justice and services to our citizens, who deserve courts that are up and running fully.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Madam President, I also rise today in support of Bill Martinez's nomination to serve on the Federal district court in Colorado.

Before I talk about that, I wish to take a moment to address this small business bill that is before the Senate because people are watching this in my State, and they are saying to themselves: We have spent 18 months with credit frozen—longer than that for small businesses—and Washington cannot seem to do anything for us.

Today is the day Washington could do something for small businesses in my State and across the country. And it is not a case of Democrat against Republican; this feels to me like a case of Washington politics against the rest of the country. So I lend my voice to the Senator from Florida and say that I hope the leadership can get it together.

I wish to add my push today for the unanimous consent request of the senior Senator from Colorado to consider this nomination of Bill Martinez. We need him confirmed so he can begin serving our State.

Bill appeared before the Judiciary Committee in March, where I had the privilege of introducing him. His nomination passed the committee with votes to spare in April. The Martinez nomination, like so many others, has gotten stuck because of the obstructionist tactics of a few.

So this man with a breadth of public and private sector legal experience that makes him more than qualified to serve on the Federal bench is being held up month after month.

Like my senior Senator, I am frustrated with the secret delays in this body. The purposeless shelving of nominations such as this one and even of important legislation affects real lives and poisons the atmosphere in the Senate.

There are 99 vacancies in the Federal court right now. To date, the President has nominated 39 individuals to fill these vacancies. For the sake of judicial efficiency and ensuring fair access for all of our people to our courts, I think it is time to move ahead on outstanding nominees who have cleared the Judiciary Committee easily. For the nominees, careers and families are being put on hold. If a nominee is unqualified or unfit for office, then let's have those concerns registered for public consumption.

Like far too many Coloradans, I am so frustrated with our broken politics. Instead of making sure qualified candidates are confirmed to key government posts, the Senate has secret holds and stall tactics. It is painful to watch, and it is painful to the American people to live through.

Bill Martinez, for one, has earned better treatment through a lifetime of professional achievement. He has a stellar reputation and credentials in Denver and possesses rare intangibles too. His career spans the legal profession and represents a true immigrant success story on which this country is founded. Bill was the first in his family to attend college. His experience is an inspiration to all Coloradans.

Is there any reason this attorney with an expertise in employment law and civil rights, coupled with years of courtroom experience, should not receive an up-or-down vote? I, for one, would like to know, as would the people of Colorado. I ask my colleagues to end the delay of consideration of Bill Martinez. Let's have an up-or-down vote on Bill Martinez and then move forward and go through other remaining nominees being needlessly upheld.

HEALTHY, HUNGER-FREE KIDS ACT

With the indulgence of my colleague from Minnesota, I wanted to mention one last thing. While I am here, I would also like to call attention to another priority that languishes as the Senate wastes time wrangling over nominees and partisan politics: the Healthy, Hunger-Free Kids Act, a fully paid for, bipartisan bill that unanimously passed out of committee last March. This bill will make a tangible difference in the lives of millions of children.

It is high time the Senate begin doing the people's business again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I rise today to address the need to move quickly and to confirm several qualified judicial nominees—I would say many qualified judicial nominees. You are going to hear about a number of them today. I am going to talk specifically about the highly qualified nominee for the District of Minnesota who was unanimously voted out of our Judiciary Committee more than a month ago.

Our failure to confirm Susan Richard Nelson quickly has consequences for my State. The judge she has been nominated to replace took senior status as of last October and is stepping down from the Federal bench altogether in a couple of weeks. That means a smaller number of judges will be doing the same heavy workload until she is confirmed, which is not fair to my State or many of the States you will hear from today.

This nomination is important to our district. Our district's caseload has increased significantly in recent years. In fact, as of June 2008, our district had the second highest number of case filings per judgeship in the entire country—the second highest in 2008 in the entire country. Yet, if she is not confirmed after coming through our committee unanimously, we will be down a judge even though we have this high caseload. Even as of December 2009, we were still in the top 10 most overloaded districts in the country. From 2008 to 2009, the district saw a 54-percent jump in the number of civil cases filed. That is over 5,000 civil cases currently pending and only 6 judges on a full-time status to deal with these cases, not to mention the docket of criminal cases on top of that. The district needs Judge Nelson to be confirmed quickly. Delay is not an option.

It is worth noting that by this time in President Bush's administration, we had confirmed 61 judicial nominees. By contrast, we have only confirmed 36 of President Obama's.

When a vacancy arose on the Federal district court in Minnesota, I convened a judicial selection committee to consider mainly highly qualified candidates. From this fine pool of applicants, I recommended Susan Richard Nelson to the President. President Obama formally nominated her for this position, and I appreciate the work of Senator LEAHY and Senator SESSIONS, who is also here, in making sure she had a speedy nomination hearing. However—this is a familiar story for several nominees—after Susan Richard Nelson received a unanimous vote in the committee, her nomination stalled on the Senate floor.

There is no reason to hold up this nomination. Susan Richard Nelson is exactly the kind of person you would like to see sitting in a judge's seat. She has been a magistrate judge for the District of Minnesota for the last 8 years, where she has earned the respect of litigants, lawyers, and judicial colleagues alike. She has the judicial temperament, personal integrity, and keen legal mind that are absolute prerequisites for this job. Throughout her tenure, she has gained a reputation as a fair but stern magistrate judge, one who is thorough and prepared. She has been described as a judge ''who favors neither plaintiff nor defendant, who listens carefully to both sides of every matter she hears, and who can be relied upon to give articulate, well-reasoned explanations for her decisions.'' The ABA Standing Committee on the Federal Judiciary unanimously gave Judge Nelson their highest rating.

I believe she will make a fine Federal judge, and that is why I rise to speak today. But this is not just a Minnesota issue; this is a national issue. As a

former prosecutor, I know what happens when you have an overloaded judiciary, when you do not have the players in place, either the prosecutor, the public defender, or the judges. When you do not have judges available to hear cases, judges whose time is spread too thin, cases do not get heard, victims do not get justice, and litigants do not get their problems solved. In other words, it slows down the wheels of justice when you do not have the people in place to actually hear the cases.

It is my hope again that we can end this waiting game and confirm these nominees. I truly appreciate the bipartisanship work on our committee to get these judges through to the floor. But now is the time to get the work done.

I know we will be asking for unanimous consent for a group of the judges whom we are addressing. I know Susan Richard Nelson's name will be included at that time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Madam President, I rise to today in support of Louis Butler's nomination to be District Court Judge for the Western District of Wisconsin. Justice Butler is an accomplished lawyer whose career has been distinguished across the board as an advocate, trial court judge, Wisconsin Supreme Court justice, and professor. He is supported throughout Wisconsin and I am confident that he will be an excellent Federal judge.

For 30 years, Justice Butler has dedicated himself to public service. He began his career fighting for the rights of indigent defendants as a public defender. He was the first public defender in Wisconsin history to argue a case before the U.S. Supreme Court.

As a trial court judge, he earned a reputation for being a tough but fair jurist and was recognized as a top Milwaukee judge. For more than 10 years, Justice Butler has shared his expertise and knowledge by training judges as a faculty member of the National Judicial College.

Justice Butler served with distinction on the Wisconsin Supreme Court for 4 years. There, he participated in hundreds of cases, many of, which were decided by a unanimous or near-unanimous court. During his 4 years on the bench, he proved himself to be a hard-working, thoughtful and consensus building jurist.

Throughout his career, Justice Butler has been a judge who upholds the rule of law in an impartial and deeply respectful manner. He possesses all the best qualities that we look for in a judge: intelligence, diligence, humility, and integrity. In addition to Justice Butler's impressive legal background and solid record as a judge, he is a fine man. He is deeply committed to his family, to his community, and to public service.

Justice Butler's nomination proves once again that the process we use in Wisconsin to choose federal judges and U.S. attorneys ensures excellence. The Wisconsin Federal Nominating Commission has been used to select Federal judges and U.S. attorneys in Wisconsin for 30 years, through Republican and Democratic administrations and the tenure of Senators from both parties. Through a great deal of cooperation and careful consideration, and by keeping politics to a minimum, we always find highly qualified candidates like Justice Butler.

I along with Senator FEINGOLD are confident that the people of Wisconsin will be enormously proud of him and that he will serve them well.

So, it is clear that this upstanding and well-qualified nominee should be promptly considered by the Senate. Justice Butler has been pending for far too long and a vote on his confirmation is overdue. Someone like this deserves an up or down vote. I understand that some of my colleagues may oppose his nomination, and I accept that, but let us take an up or down vote as soon as possible.

Mr. FEINGOLD. Madam President, I am pleased to support the efforts of my colleagues to call attention to the refusal of Republicans in the Senate to allow confirmation votes on judicial nominees. We have all heard the numbers only 9 circuit and 27 district judges confirmed so far in this Congress, 7 circuit and 14 district judges now awaiting floor action, with 15 of those nominees having been reported by the Judiciary Committee before the end of May. This is an inexcusable blockade of justice in America for wholly political reasons, and it needs to stop.

I am pleased also to join the senior Senator from my State, Mr. KOHL, in specifically seeking consent to debate and vote on Justice Louis Butler's nomination to be a U.S. District Judge for the Western District of Wisconsin. Justice Butler, who was the first African American to serve on Wisconsin's Supreme Court, was first reported by the Judiciary Committee on December 3, 2009. He has essentially been waiting for the full Senate to take up his nomination for more than 7 months.

Justice Butler is the product of a system for picking Federal judges and U.S. attorneys in our State that has been used since the late 1970s. A nominating commission interviews and considers applicants and presents a slate of candidates to the Senators. We then send our recommendations to the President drawn solely from the commission-approved slate. This process has yielded highly qualified nominees under both Republican and Democratic presidents, and the nominees have had the support of both Republican and Democratic Senators.

Justice Butler clearly has the experience and the qualifications needed to serve with distinction as a U.S. District Court judge. First, he has experience as a judge on both the trial court and appellate court levels in Wisconsin. He understands the difference between following precedent and making precedent. Handling criminal trials is probably the biggest job of a Federal trial judge, and Justice Butler has a great deal of criminal experience both as a judge and as a public defender in his early days as a practicing lawyer. He is well versed in Wisconsin law, which as we know is often applied in diversity jurisdiction cases in the Federal courts.

Justice Butler is widely admired for his intellect and his judicial temperament. In 1997, Milwaukee Magazine named him the top municipal judge in the city. He has been a law professor. In short, he has a depth of experience that is unusual for a nominee to the district court.

Justice Butler has been a trailblazer in our State. As I mentioned, he was the first African American to serve on the Wisconsin Supreme Court, and he would be the first African American to be a judge on the Western District. He is a man of great distinction and achievement.

Justice Butler is a thoughtful and conscientious judge. I know I will not agree with every decision he makes, just as I do not necessarily agree with everything he has said or done thus far. But I know he will be conscious of the judicial role, and that he will make his decisions based on the facts and the law and do his very best to carry out his responsibilities with dignity and care, as he has done throughout his career.

Now I understand that Justice Butler's nomination is opposed by some Members of the Senate and a number of outside organizations. The Republicans on the Judiciary Committee voted against the nomination. They have every right to do so, and I respect their positions. I believe the arguments against him are misguided and unfair. But I am prepared to have that debate on the Senate floor and live with the result, if only the Republicans will allow the debate to take place.

It is time for the delay of Justice Butler's nomination and the other nominations that have been pending for months to end. Let's have a debate and a vote. I thank Mr. KOHL and my other colleagues for shining a spotlight on this issue, and I hope we can look forward to debating and voting on the pending judicial nominations soon. Such delay, particularly for a district court nominee, is unprecedented. I urge my colleagues to consider Justice Butler's nomination forthwith.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I rise to join Rhode Island's senior Senator JACK REED and other colleagues to call attention to the recurring Republican roadblock of qualified nominees to circuit and district courts. On the circuit courts, I spoke some time ago about Albert Diaz and James Wynn to sit on the fourth circuit in North Carolina. I know the Presiding Officer has a

keen interest in those two. These two were reported out of the Judiciary Committee on January 28, 2010, 6 months ago yesterday. Albert Diaz was voted out 19 to 0. James Wynn was voted out 18 to 1. That means a combined score of 37 to 1 for these two candidates whom the two Senators from North Carolina had agreed on, a Republican Senator and a Democratic Senator. I came to the floor 3 months ago, given that background, on April 20 to ask unanimous consent for their confirmation. Senator KYL, who voted for both of these nominees in committee, objected on behalf of his colleagues. That is the environment we are in.

Unfortunately, that environment has filtered down to district judges. Consider the four district court nominees currently on the Executive Calendar, voted out of committee by a party-line vote, who are ahead of our Rhode Island nominee and who have to be cleared before we get to our Rhode Island judge. Lewis Butler is a former Wisconsin Supreme Court justice. Ed Chen and Benita Pearson are long-serving and well-respected Federal magistrate judges in San Francisco and Akron, OH. Bill Martinez is a well-known and well-respected attorney in Colorado. Each nominee had the full support of both of their home State Senators. Each nominee would bring proper expertise, judicial temperament, and great diversity to the bench. Each nominee would be confirmed, if we could simply get them voted on by the Senate. The way these nominees have been treated stands in stark contrast to the way district court nominees were treated in the Bush administration. In 8 years, only one district court nominee during the Bush administration was reported by the Judiciary Committee on a party-line vote. That nominee got a vote and was confirmed on this floor 51 to 46.

Why is it that nominees of President Obama are being held to a different, new standard than applied to the nominees of President Bush? Why have we departed from the longstanding tradition of respect to the views of home State Senators who know the nominees best and who best understand their home districts? Is disregard for the views of home State Senators the standard Republicans want to live by during the next Republican Presidency? Is that the new precedent we wish to set here in the Senate? I ask this because we have a highly qualified nominee in Rhode Island, Jack McConnell, who was reported by the Judiciary Committee on June 17. It was a bipartisan vote, 13 to 6, with the support of Senator LINDSEY GRAHAM. Jack McConnell is a pillar of the legal community in Rhode Island. He is a pillar of the community generally in Rhode Island, serving with great generosity and distinction on numerous boards that help communities in Rhode Island. The Providence Chamber of Commerce has praised Jack McConnell as a well-respected member of the local community. Political figures from across our political spectrum have called for his confirmation, one of them being my predecessor as Rhode Island attorney general, Republican Jeffrey Pine. The Providence Journal, our hometown paper, has endorsed his nomination by saying that Jack McConnell, in his legal work and community leadership, has shown that he has the legal intelligence, character, compassion, and independence to be a distinguished jurist.

Notwithstanding the support of Senator REED and myself, the two Senators from Rhode Island, notwithstanding that this is a district court nomination, notwithstanding the powerful support across Rhode Island from those who know Jack McConnell best, special interests from outside the State have interfered in his nomination. The U.S. Chamber of Commerce, not the Rhode Island chapter, the U.S. Chamber of Commerce has attacked Jack for having the temerity to stand up to big business, to the asbestos industry, to the lead paint industry, to the tobacco industry, and to have devoted his career to representing the rights of the powerless. In doing so, the U.S. Chamber has created a cartoon image of Jack McConnell that bears no relation to the man Senator REED and I know as a great lawyer, as a great Rhode Islander, and somebody who will be a great judge.

I ask my colleagues—I see the distinguished ranking member of the Judiciary Committee here on the floor with us today, the distinguished Senator from Alabama—do we want to let powerful out-of-State interests trump the better informed views of home State Senators about district court nominees? That is not the tradition of this body. I again ask my colleagues: Is this the tradition they want to set? If they open the door to out-of-State special interests trumping the considered judgment of home State Senators on district court nominees, will they ever get that door closed again? I submit it is a mistake for this body to go that road. I urge colleagues on the other side to reconsider what I think is a terrible mistake, which is to allow out-of-State special interests to prevail over the considered judgment of home State Senators when they agree on the best qualified nominee for district court in their home State.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Rhode Island.

Mr. REED. Mr. President, I join my colleague from Rhode Island who, with eloquence and passion, has clearly highlighted a disturbing phenomenon taking place in this Chamber. Well-qualified individuals who have received the support of the Judiciary Committee—in many cases, unanimous support—are being denied a final confirmation vote by the full Chamber. This is a break from our history. At the end of the first Congress, during President Reagan's first term, 88 Circuit and District Court nominees were confirmed. At the end of the first Congress during President George H.W. Bush's term, 72 Circuit and District Court nominees were confirmed. At the end of the first Congress under President Clinton, 126 Circuit and District Court nominees were confirmed. At the end of the first Congress during President George W. Bush's first term, 100 Circuit and District Court nominees were confirmed. As of now, if nothing else is done, President Obama, at the end of this Congress, will have only 36 Circuit and District Court nominees confirmed by the Senate, in contrast to 88 for President Reagan, 72 for President George H.W. Bush, 126 for President Clinton, and 100 for George W. Bush.

Something is going on here. What is going on is a deliberate attempt by the minority to frustrate the traditions and precedents of the Senate where, as Senator WHITEHOUSE suggested, there is a long-held view that Senators have more insight into the skills, ability, and integrity of nominees from the Senators' home State than national special interest groups, whose major goal seems to be the generation of controversy for the purposes of contributions.

We in Rhode Island have an extraordinarily competent and capable individual. As Senator WHITEHOUSE indicated, Jack McConnell is an accomplished attorney. He is a plaintiff's lawyer. He takes cases of individual Americans, who have been harmed, and he fights the good fight for them. He has been very successful doing it. He has received the bipartisan support of members of the bar, judges of both political parties, and the Providence Journal, our major Statewide newspaper, which has a reputation of being very sensitive to the legitimate concerns and needs of our business community. He is supported because he is an outstanding attorney and because he is an outstanding individual. He is someone who knows the law and knows the court. I am always kind of interested when someone who has spent a long time as a corporate counsel for a big corporation is suddenly—and in most cases—very quickly confirmed as a District Court Judge, even though that individual may or may not have had a lot of experience in a trial court. Here, we have an individual who actually has spent his life in trial court, both Federal and State courts.

Jack McConnell is a fair and good man, and he understands that a judge must hear the facts, apply the law, and indicate clearly to all plaintiffs and defendants who come before the court that there is no bias and that the case will be decided fairly on the merits within the bounds of the law. That is something all of my colleagues in Rhode Island, Republicans and Democrats alike, recognize that Jack McConnell will do.

There is something else about this individual. He is an extraordinarily decent person. That counts for something too. There is no one in our State who is more generous, not only with his money, but with his time. There is no one in our State who is more committed to helping people, not to gain notoriety, but because it is the right thing to do. Those qualities are important. Ultimately, I believe one of the major criteria that should be met by a Judge is that when someone goes before the court, whether it is a big corporation or a person who has been harmed, they know they will be treated fairly. Frankly, Jack McConnell passed that test with flying colors. As Senator WHITEHOUSE pointed out, he passed the Judiciary Committee on a bipartisan vote. I thank Senator LINDSEY GRAHAM, who has used his experience as a lawyer fighting for individuals as well as corporations. He was able to recognize these talents, these skills, and these qualities in Jack McConnell and support him. I appreciate that. But we are here now in a situation where not only Jack McConnell, but 21 other nominees are pending. We have to do more. We have to get them to a vote here in the Senate, and I will insist upon that vote as best I can.

Again, the numbers don't lie. They suggest there is something going on here, something that was not at work during the Reagan administration, the George H.W. Bush administration, the Clinton administration, and the George W. Bush administration, regardless of which party was in the majority or the minority. Particularly, when it came to District Court Judges, if they had cleared the Judiciary Committee, if they had the support of the two Senators from the home State, there would be at least an opportunity, an obligation, to bring their nomination to a vote and let the Senate, as a whole, decide.

I urge that we return to what has been a dependable practice, one the Senate has embraced for good reasons, that we let these gentlemen and ladies come to the floor for a vote, and that we vote.

That is all we ask. I think if that is agreed to, it will provide for not only the disposition of these nominations, but it will continue a tradition of thoughtful, appropriate practice by this Senate.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I join my colleagues who are expressing our frustration on the inability of the Senate to take up for confirmation judges who have been approved by the Judiciary Committee. You have heard our colleagues from Colorado, Minnesota and Rhode Island and there are many others who have come down and given similar circumstances about their judges being held up from a final vote.

I know next week we will be considering the nomination of Elena Kagan to the Supreme Court of the United States and that will get a lot of attention and rightly so. It should get a lot of attention.

Let me point out the facts. The Supreme Court will issue less than 100 opinions in a given year; whereas, our circuit courts of appeals will issue many more opinions that will have a direct impact on the lives of the people of this Nation. Most Americans who have contact with a court are going to have contact with the district court and the circuit court, where the cases are heard, where the juries are convened in trials. So there is a great interest in making sure we have confirmed judges for our intermediate appellate courts and our district courts.

Here is the problem. The vacancies in these judgeships today are about 11 percent of the court. More than 1 out of every 10 judicial spots is vacant currently in the United States. My colleagues have told you about the backlog. So let me try to put it in, I hope, terms that those listening to this debate will understand as to why we are so frustrated by the obstructionist tactics being taken by our Republican colleagues.

Most nominees for judicial vacancies, once they have cleared the Judiciary Committee, are brought forward under unanimous consent; that is, if they have the support of their home State Senators, if there has not been controversy in their nomination, if the Judiciary Committee has approved them by a bipartisan vote, they will come to the floor of the Senate by unanimous consent and will be handled that way.

Well, we are not able to do that because Republican Senators are objecting to that process. So we go to the next level. We say: OK, if we need to have debate on the floor, how much debate time do you need—1 hour, 2 hours, 4 hours? Well, we cannot get consent to the number of hours in order to debate the nominee and then vote on the nominee in an up-or-down vote. The majority leader said we could have that time, but they will not allow us to bring the nomination to the floor.

So then the only course the majority leader has will be to file a cloture motion. A cloture motion takes several days, and we have 100 vacancies on our district and appellate courts. Obviously, we do not have enough time.

So let me give you an example on the Fourth Circuit: Judge Barbara Keenan. I chaired her confirmation hearing. I chaired that confirmation hearing on October 3 of last year. The Judiciary Committee reported her out by a voice vote on October 29. That was October 29 of last year. It took us until March of this year to be able to get her nomination to the floor, and then it was not by unanimous consent. It was not by a consent as to the amount of time necessary to consider this nominee on the floor and then a vote afterwards. It came to the floor through a cloture motion the majority leader had to file—a cloture motion—because we could not get consent to bring up her nomination almost 5 months after the committee acted on her nomination.

What happened with the cloture motion? It was approved 99 to 0 on the floor of the Senate, and she was ultimately approved as an appellate court judge by a 99-to-0 vote.

My point is simple: These were dilatory actions in order to slow down the process of the confirmation of judges which my friends on the Republican side have used. That is why we had these huge numbers. As my colleague from Rhode Island pointed out, the numbers tell the facts. There were twice as many judges confirmed by this time when a Republican controlled the White House than there are today. In other words, we are working at less than one-half the pace than when the tables were turned. That is wrong.

My friend from Rhode Island, Senator WHITEHOUSE, talked about two vacancies we want to fill in the Fourth Circuit. The Fourth Circuit includes the State of Maryland. The two vacancies we want to fill are the North Carolinian spots, in which the two Senators—one a Democrat, one a Republican—have recommended their confirmation: James Wynn and Albert Diaz.

Well, we held that confirmation hearing—and I chaired that also—in December of last year. The committee reported them out in January of 2010. In Mr. Wynn's case, the vote was 18 to 1; and in Mr. Diaz's case, it was 19 to 0. Both of these judicial candidates were considered ''well qualified''—the highest rating by the American Bar Association—and they would add greatly to the diversity on the Fourth Circuit, a circuit that is not known for its diversity. James Wynn would be the third African American to serve on the Fourth Circuit and Albert Diaz would be the first Latino.

It is time—well past time—for these nominees to be confirmed by the Senate. I do not think anyone doubts, once this issue is taken up, both these individuals will be confirmed. Look at the votes in committee.

For noncontroversial judicial nominations, it has taken, on average, 2 months, after the Judiciary Committee has acted, for a district court nominee to be considered by the full Senate; and over 4 months for a circuit court of appeals nominee. That is not doing the work the Senate should do. There have been dilatory actions in order to slow down the process, and that is not what we should be doing as Members of the Senate.

So I urge my colleagues, as my friends who have taken the floor today have done, let's get on with the process of confirming these noncontroversial judicial nominees. Let's give the people what they deserve; that is, a full complement of their judges. We should do better than we have done in the past. I urge us to put aside our partisan differences. This is not a tactic that should be used. It is time we move forward on the confirmation process.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I thank the Senator from Colorado, Mr. UDALL, and his staff for arranging this opportunity for us to speak on what is a far more important issue than I would have imagined, oh, 20 years ago.

Before I came to the Senate, in 2001, I was privileged to serve as Governor of my State for 8 years. I ran for that position in 1992, and my opponent was a very good man named B. Gary Scott. During the course of our campaign for the Governorship of Delaware, we had something like 30 or more joint appearances. All kinds of questions were raised by the audience members at those joint appearances, and we would respond to the questions that were raised.

I do not recall one question in any of those joint appearances related to what kind of criteria we would use to consider nominees for the judgeships in the State of Delaware. As it turns out, some of the judgeships in Delaware, some of the courts in Delaware, have national importance, national prominence—the Court of Chancery, the Delaware State Supreme Court. That was an issue that never came up.

When I was fortunate enough to win, in 1993, I ended up, for the next 8 years, actually spending a lot of time thinking about the qualities we should look for in the candidates for judgeships I would nominate to all our courts and ask the Delaware State senate to confirm. I am grateful to the State they confirmed them all.

I came to the Senate in 2001. I ran against a wonderful man, Bill Roth, who had been our Senator for a long time. During our campaign, no one ever raised with us, to my recollection: What kind of qualities would you look for if you were in a position, as senior Senator, to recommend judges to the President of the United States for our courts, either for our district court or for the Third Circuit Court in which we are a part?

But I had thought for years about the qualities I would look for, and the qualities look something like this: I concluded that my job in nominating people as Governor and in recommending people to this President or other Presidents is that we ought to look for somebody who is bright, smart, who knows the law, somebody who also embraces what I call the Golden Rule, treats other people the way he or she wants to be treated; that when they come before the court, the judge will treat all sides the same; that they will not go into a hearing or a proceeding having made up their mind; that they will show no favoritism to either side.

I think it is important to nominate folks who have a strong work ethic and who will work hard to find the right decision, that they will have the ability to make a decision. Sometimes folks have a hard time making decisions. They should not be judges. We need judges who can make a decision and often the right decision.

That is sort of the criteria I used in my last job, and it is the criteria I have used in my current position as I have suggested people—now twice—to this President to consider for filling vacancies on the U.S. district court in my State.

We have four district court judges in our State at most times; we have that many judgeships. For several years, we have been down to three. As of tomorrow, we will be down to two, with the retirement of Judge Joe Farnan, who will step down for his well-earned retirement.

But last year, I was pleased to provide to our President the names of three highly qualified Delawareans for him to consider for nomination to the U.S. District Court in Delaware. I said at the time—and I say here today—the talent pool from which I selected those three names was the strongest pool I have seen in my 8 years as Governor and during the time I have been here as a Senator. At least a half dozen of the people who applied for that judgeship to be a Federal judge would make us all proud. I could only select three and I selected three terrific candidates and submitted those to the administration last year.

After careful deliberation, in March of this year, the President selected one name, and he sent to the Senate the nomination of U.S. magistrate Len Stark for a seat on the Delaware District Court.

Following his nomination in March, I was honored to introduce Len at his confirmation hearing before the Senate Judiciary Committee in April. Ironically, the hearing was chaired by committee member Ted Kaufman from Delaware. Judge Stark was well received by the committee at that hearing and was unanimously approved by the committee in May of this year.

So far so good. But since that time, for the last almost 3 months now, that nomination has basically been held up. We have not had an opportunity to debate it. We have not had an opportunity to vote on it, through no fault of Judge Stark.

I think the lack of a U.S. district court judge in almost any State, large or small, is a problem. When you happen to have a court with four judgeships, and you are down to three, the workload does not go away. The workload is the same. The judges have to work harder. That is fine for a while. We go out and we literally borrow district court judges from other States to come in and sit with our court in Delaware to try to deal with the workload. That works for a while, but it is sort of robbing Peter to pay Paul. They have work to do in their own States in their own courts.

When you go from three to two, and you have two judges trying to do the work of four, it does not work. It is not fair, and it means we delay, in too many cases, the justice that is needed. I do not recall who it was who said—I want to say it was William Gladstone, a former British Prime Minister, who once said: Justice delayed is justice denied. My fear is, if we find ourselves, next week, with two judges—with two judges—in our district court, justice will be delayed and justice will be denied.

Not everybody in this Chamber has a real understanding of who Len Stark is and what kind of person he is. I wish to take a few minutes to sort of introduce him to those who do not know him. Len Stark is a fellow University of Delaware graduate. Unlike most people who graduate—they maybe get an undergraduate degree with one major—when he graduated, in 1991, he earned an undergraduate degree in economics and an undergraduate degree in political science and he earned a master's degree in history, all at the same time. He was an extraordinary student at the University of Delaware. As a student there he received a full scholarship as the Eugene du Pont Memorial Distinguished Scholarship. Following graduation, he was twice honored by his fellow students and alumni by serving as their commencement speaker.

Immediately upon graduating from the University of Delaware, Len Stark was elected a Rhodes Scholar. He studied at Oxford University. He has authored numerous academic and scholarly publications, including a book on British politics which he wrote—listen to this—in his spare time during his studies at Oxford. After Oxford, Len then went on to earn his law degree at Yale Law School where he served as senior editor of the Yale Law Journal.

Len launched his legal career as a clerk for one of the most distinguished judges to come out of Delaware in the last century—Walter Stapleton—on the Third Circuit Court of Appeals, and after that he practiced as a corporate litigator for the law firm of Skadden Arps.

Len began his public service as an assistant U.S. attorney for Delaware, where from 2002 until 2007 he handled a wide variety of Federal, criminal, and civil matters. Currently, Len Stark serves the U.S. District Court of Delaware as a magistrate judge. In this position he has already done much of the same work as a district court judge. His docket consists of civil cases that are referred to him by the three active district court judges—at least three active as of today, not after tomorrow. On these referral cases, a great many of which are patent infringement actions, Judge Stark handles all types of pretrial matters, and in certain cases even presides at trial, just as he would if he were confirmed as our new district court judge.

If I were half as accomplished as Len Stark is and half as smart as he is, my colleagues wouldn't want to be in the same room with me. But Len Stark is as humble a person as I know. He is a dedicated public servant. He has a

great family. He is a dedicated husband, father, and person of great integrity and character. In every facet of his life he has performed with distinction, earning the highest praise from his colleagues and many of the most prestigious awards given to legal scholars and public servants.

I can sum this up by simply saying that Len Stark has the heart of a servant. He has a big heart. A little State, Delaware, but we have a guy with a heart as big as Texas. Judge Stark's position as magistrate on the U.S. district court clearly provides him with the skills to be not just an adequate district court judge, he will be an outstanding district court judge.

Len's legal acumen, his tireless work ethic, and his experience as a Federal magistrate judge, as assistant U.S. attorney and litigator, have prepared him well for this seat on the U.S. district court in Delaware.

I will be honest with you. It is hard to think of anybody who would be a better candidate, a better choice to serve in this position. With that having been said, we all know there are a bunch of good candidates like Len Stark—Maybe not just like Len Stark, but people who are equally qualified who should be serving in vacancies around the country, and they ought to be confirmed.

I will close with this, before yielding to Senator KAUFMAN. I wish to close with this: I have just come from a Bible study group. We meet every Thursday for about a half an hour off the Senate floor with our Senate Chaplain. It is sort of like an adult Sunday school class. Democrats, Republicans there, people of different faiths.

One of the things Chaplain Barry Black is always reminding us to do is to treat other people the way we want to be treated. He urges us to live our faith. I don't care what faith we subscribe to, almost every faith, that idea of treating other people the way we want to be treated is a fundamental, basic tenet. It should be a fundamental, basic tenet with the way we behave in the Senate, whether the Democrats are in the majority or the Republicans are in the majority; whether the President is a Democrat or the President is a Republican.

When we have somebody as good as this man is, Len Stark, and we have such a dire need for a district court judge in the district court in Delaware, I would just ask my Republican colleagues to put themselves in our shoes to see if they can't find it in their hearts to give us the opportunity to vote up or down on this nomination.

Thank you very much. I am pleased to yield the floor for my colleague and friend from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KAUFMAN. Mr. President, I rise to echo the comments of my colleagues and object to the tactics being used by the minority in the Congress to block and delay confirmation votes for President Obama's judicial nominees.

I support this body's—I really do—I support this body's longstanding tradition of respecting the rights of the minority. I think it is one of the most important characteristics of the Senate. I am not one of those who wants to change the filibuster rule. I think it is important that we have a filibuster rule and that political minorities in the Senate are respected and that their rights are respected.

However, I think this practice of indiscriminately blocking nominations serves no legitimate purpose. I don't see the time created by the delay being used to meet with the nominee, to check the nominee's credentials, or to review the nominee's scholarship, speeches, or written opinion. This is delay for delay's sake.

Of the 27 district court nominees confirmed during this Congress, only 1 has received a ''no'' vote so far, and even she was confirmed by a vote of 96 to 1. Not a single member of the minority objected to 26 out of the 27 of these nominees. Yet someone forced them to wait for weeks or months for an up-or-down vote.

The minority may say this is simply the way things are done in the Senate, but that demonstrably is not the case. As this chart shows, during the first Congress of the Bush administration, President Bush's district court nominees waited for an average of 25 days to be confirmed after being favorably reported out of the Judiciary Committee. This pace was set when Democrats were in the majority party for most of the 107th Congress and reflects a willingness to cooperate with President Bush in a bipartisan manner.

In contrast, President Obama's district court nominees have been pending for 74 days, on average, after being favorably reported out of committee. This wait only seems to be getting longer. Sharon Coleman of the Northern District of Illinois, the only judicial nominee to be confirmed so far this month, waited almost 3 months to be confirmed 86 to 0.

This is unacceptable. These nominees are good men and women who have agreed to put their lives on hold and submit to the scrutiny of the Senate in order to serve our Nation. This body owes more to these nominees for their sacrifices than to use them as instruments of delay and obstruction. As long as the minority continues to stall these nominees, then the American people will be deprived of the fair and efficient administration of justice. We now have nearly 100 judicial vacancies and more than 40 of them have been declared judicial emergencies. One of these emergencies is located in the district of Delaware.

After tomorrow, the district will be operating at half capacity with only two out of four district judges confirmed to the bench. With this concern in mind, I join with my senior Senator, TOM CARPER, and urge my colleagues to agree to consider the nomination of Leonard P. Stark to the district court of the district of Delaware without delay.

Judge Stark was nominated on March 17 of this year. He received a nominations hearing on April 22, and the Judiciary Committee reported him out by a unanimous vote on May 14. Ranking Member SESSIONS has called him ''a fine nominee'' whom he would support. As of today, no Senator has raised any public objection to his nomination. So I am confident that Judge Stark will be confirmed by an overwhelming margin, perhaps unanimously, when he receives a final vote. However, he has remained on the Senate Executive Calendar for 2½ months now without justification or explanation.

Judge Stark has all the qualities required to be a successful district judge. Since 2007, he has dutifully served the district of Delaware as a magistrate judge and previously spent 5 years serving in the district as an assistant U.S. attorney. In his career, he has established himself as a talented, dedicated, and humble public servant who possesses a strong work ethic and the highest integrity and intellect.

He also has stellar academic credentials. He is a summa cum laude graduate of the University of Delaware, a Rhodes Scholar, and a graduate of Yale Law School, where he was editor of the Law Journal.

Following law school, he clerked for Judge Walter K. Stapleton of the U.S. Court of Appeals for the Third Circuit. Through his experiences in private practice, as an assistant U.S. Attorney, and as a magistrate judge, Leonard Stark has developed the knowledge, skills, and temperament to be an outstanding district court judge.

Therefore, I support the unanimous consent request about to be made by my colleague from Colorado to move to the consideration of several well-qualified judges whose nominations have been delayed. I know Judge Stark will be on that list.

I yield for the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Mr. President, I believe over the last hour and a half the Senate has heard from almost one-tenth of the body. Nine Senators have come to the floor to talk about a litany of great nominees for district court positions all over our country. The viewers have heard and our colleagues have heard the importance of passing these nominees through the process so we can deliver justice to our

citizens in all the ways that our courts operate. In that spirit, therefore, I have a series of unanimous consent requests that I wish to make at this time.

UNANIMOUS-CONSENT REQUESTS—EXECUTIVE CALENDAR

Mr. President, as in executive session, I ask unanimous consent that at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to executive session to consider the following nomination on the Executive Calendar: Calendar No. 813, William Martinez, to be a U.S. district court judge for the district of Colorado; that the nomination be debated for up to 3 hours with time equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that upon the use or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Reserving the right to object, and I will object, I wish to express a few thoughts before my colleagues who are here and who wish to speak on another subject. I wish to be heard on the nomination process and maybe I can be recognized after I make that objection. Hoping to be so recognized, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. UDALL of Colorado. Mr. President, it is disappointing that we can't get unanimous consent for an up-or-down vote on the Martinez vote. I wish to make clear to all the Coloradans who watched the proceedings today that I attempted to bring up this nomination for a vote, along with my colleague, Senator BENNET, but the minority party, as you have heard, has objected. It is a shame. I will not give up. I will continue to work in every way possible with colleagues on both sides of the aisle to confirm this important and impressive list of nominees.

I shared Bill Martinez's story earlier with the full Senate. It is a quintessential American story, and Bill Martinez deserves to serve on our district court in Colorado.

Mr. President, let me move to this unanimous consent request: I ask unanimous consent that the Senate proceed to executive session to consider en bloc the following nominations on the Executive Calendar: No. 656, Albert Diaz, U.S. circuit judge for the Fourth Circuit, and No. 657, James Wynn, to be a U.S. circuit judge for the Fourth Circuit; that the nominations be confirmed en bloc, and the motions to reconsider be laid upon the table en bloc; that upon confirmation, the President be immediately notified of the Senate's action, and the Senate then resume legislation.

Before the Chair rules, let me indicate that the Diaz nomination was reported on a 19-to-0 vote. The Wynn nomination was reported with a vote of 18 to 1.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider en bloc the following nominations on the Executive Calendar:

No. 696, Louis Butler, to be a U.S. District Judge for the Western District of Wisconsin; No. 697, Edward Chen, to be a U.S. District Judge for the Northern District of California; No. 703, Benita Pearson, to be a U.S. District Judge for the Northern District of Ohio; No. 948, John J. McConnell, to be a U.S. District Judge for the District of Rhode Island; that the nominations be debated concurrently for a total of 4 hours, with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that upon the use or yielding back of time, the Senate then proceed to vote on confirmation of the nominations in the order listed; that upon confirmation, the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SESSION. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. UDALL of Colorado. Mr. President, I will continue to ask my friend from Alabama to consider joining with me in approving these unanimous consent requests.

I ask unanimous consent that the Senate proceed to executive session and consider en bloc the following nominations on the Executive Calendar:

No. 883, Michelle Childs, to be a U.S. District Judge, South Carolina; No. 884, Richard Gergel, to be a U.S. District Judge, South Carolina; No. 885, Catherine Eagles, to be a U.S. District Judge, Middle District of North Carolina; No. 886, Kimberly Mueller, Eastern District of California; No. 893, Leonard Stark, to be a U.S. District Judge, District of Delaware; No. 917, John Gibney, to be a U.S. District Judge for the Eastern District of Virginia; No. 935, James Bredar, to be a U.S. District Judge, District of Maryland; No. 936, Ellen Hollander, to be a U.S. District Judge, District of Maryland; No. 937, Susan Nelson, to be a U.S. District Judge, District of Minnesota; that the nominations be confirmed en bloc and the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

Before the Chair entertains the request, let me indicate that all of the above nominees were reported unanimously or on a voice vote in the Judiciary Committee.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. UDALL of Colorado. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I appreciate my colleague from Colorado raising these issues. The Senate does have a responsibility to treat nominees fairly. I have worked to do that as ranking member of the Judiciary Committee, and they are entitled to be considered on the floor.

But things don't always go as smoothly as you would like. I will make a couple of points that are very important.

President Obama's nominees are moving considerably faster—to both circuit and district courts—than President Bush's nominees, many of whom were subjected to incredibly unjustified actions to obstruct their nominations. My good friend, the Senator from Delaware, says we should use the Golden Rule. I would say that is always a good policy. I am pleased that nominees are moving faster than President Bush's nominees were moved. But if we ask for parity, consistency, and if we ask for fairness, based on what was done to President Bush's nominees, they would be held considerably longer, and a lot of nominees would never even get a hearing, and they would wait for years.

I want to mention a few facts about these matters. President Obama's circuit court nominees have waited for a hearing only 59 days, on average. President Bush's nominees waited, on average, 176 days to even have a hearing in the committee. Actually that was in his first Congress, and the Republicans had a majority at that time. But they had to wait 247 days to get a hearing for his entire Presidency. Whereas, we are now having hearings in the Judiciary Committee in 59 days. We had one yesterday, 14 days after the nomination of a district court nominee. That doesn't sound like a railroad to me. President Obama's district court nominees have waited for hearings only 45 days, on average, while President Bush's district court nominees waited 120 days for hearings in the committee. So they come out of committee at an unprecedented rate. That is all right; we will deal with that. But sometimes we have to ask ourselves, how fast should you move a nominee to the floor? Should you have some time that the nominee lays over?

Let us talk about the time from nomination to confirmation. I guess that is the ultimate test. How long do you wait between the time a person is nominated until the time they are confirmed? President Bush's circuit court

nominees, on average, waited 350 days from nomination to confirmation. By contrast, President Obama's circuit court nominees, on average, are being confirmed almost twice as fast, in 208 days.

Similarly, President Bush's district court nominees, on average—people have said somehow this is unusual, the way President Obama's nominees are being treated—waited 178 days from nomination to confirmation. By contrast, President Obama's district court nominees, on average, are being processed almost 2 months faster, about 130 days.

I think it is important to look at other processes that cause disturbances in the Senate. It should not go unnoted that President Obama bypassed the Senate and recess-appointed Donald Berwick as Administrator of the Centers for Medicare and Medicaid Services less than 3 months after his nomination, and without even a Senate Finance Committee hearing taking place. He was very controversial.

The reasoning offered was that the Republicans are blocking this appointment and that he has to go forward. Without even having a hearing? That is particularly odd, since that position was vacant for 16 months before we even had a nomination and hasn't had a confirmed Administrator since 2006, and now they want to move it through with a recess appointment, bypassing the confirmation process entirely, without even having a hearing in the Finance Committee.

I have to note that the President has been slow to nominate. There are now 100 vacancies in our courts—20 in the circuit courts and 80 in the district courts—but only 48 nominations are before the Senate. So the President has been a bit slow, perhaps, in making his nominations. But he should take care; they don't have to be rushed. The Republic won't collapse if there is a vacancy for a reasonable period of time. But one reason the confirmations are as they are is because nominations are not being submitted in a rapid way.

Look at the fourth circuit. A lot of complaints have been made about the fourth circuit. This is stunning to me. You know the old story about the man who killed his parents and then complained that he was an orphan. One Bush nominee—a highly qualified nominee—for the fourth circuit waited 585 days and never got a hearing. He was rated by the American Bar Association as ''unanimously well qualified.'' He was a presiding judge in the district court on which he served. He had served in the Department of Justice. He had been point guard on the Clemson basketball team in the ACC. I always thought that clearly meant he knew how to make decisions if he could be a point guard at Clemson and dish out the ball. He was also asked—out of the entire United States of America—by Janet Reno to investigate President Clinton. She had so much confidence in him, she picked him. He didn't indict the President. You would think they would be appreciative of that. No, they blocked him. He never got a hearing.

When President Bush left office, there were five vacancies on the fourth circuit. What an outrage. They were systematically blocked by the Senate and the Democrats, who are now complaining so piously, and since that time, two have been filled. Now they are complaining that some other vacancies haven't been filled. Give me a break.

Look, the nominations are moving rapidly out of the Judiciary Committee. They are coming on the floor. When they get here, they get caught up in all kinds of messes. The leaders on both sides have to talk and they have to work out floor time. Some of these nominees are going to have some debate about them. You have heard a number of names mentioned. I point out to my friend from Colorado that Mr. Martinez had a lot of ''no'' votes. He was a top lawyer with the ACLU in Colorado. He doesn't seem to me to be the most mainstream nominee.

The American people are very tired of judges who get on the bench, with lifetime appointments, and start advancing all kinds of agendas and legislate from the bench. They expect this Congress to make sure that whoever gets nominated will show restraint and will follow the law, and follow their oath to serve under the Constitution and not above it. So he is a controversial nomination.

Mr. Butler from Wisconsin—I know he is controversial. Mr. Butler has twice run for the Supreme Court of Wisconsin and twice lost. He ran in 2000 and lost by a 2 to 1 margin. He was appointed to a vacancy on that court in 2004, and then ran for election when term of the vacancy ended. Those kinds of elections are normally won easily. He lost that, because his reputation was that of one of the most pro-plaintiff judges in the United States.

This is a serious concern when we appoint somebody on the bench with a lifetime appointment and he can't be voted out of office. Others have problems. Some of them are due to come up and be voted on for sure. It just takes time. I am not able to make the decisions that the leaders of our two parties make. They try to work out matters here. Some judges come forward and some don't. I have kind of quit worrying about who gets picked and who doesn't. That is above my pay grade.

I will say that, at least with regard to any fair analysis of the numbers, the Obama administration judges are moving faster than the Bush administration judges moved. There is a growing concern about the philosophy that President Obama has about judges. He said that when he looks for a judge, he wants to know if they have empathy. Empathy for who? Which party does he have empathy for? He wants a judge who will be willing to help advance ''a broader vision for what America should be.'' I am not aware that judges need to be promoting visions. Whose vision? My vision, or the judge's vision, or President Obama's vision? Whose vision is the judge going to promote? Who is he going to have empathy for? This party or that party?

The oath a judge takes is that they will do equal justice to the poor and the rich, and they will serve impartially. I believe Chief Justice Roberts' metaphor that a judge should be a neutral umpire is a simple and beautiful way to say what a judge should be. That doesn't mean he takes sides in a lawsuit because he has more empathy for one party than the other.

We have a serious problem. This is the definition of activism. It politicizes the court. These kinds of empathies and other matters are not law; they are politics. We do not need politics in the court.

Some of these nominations are controversial and are going to take some time to move forward. We are not a rubberstamp over here. We do not intend to stand by and have this court packed with nominees who are not absolutely committed to following the law as written whether or not they like it.

The Constitution says in its Preamble: ''We . . . do ordain and establish this Constitution for the United States of America,'' not some constitution a judge who got appointed last week thinks it ought to be but the one that actually was passed. Otherwise, we do not have law in this country.

We have a great heritage of law. We have a responsibility to move nominations. I made a commitment to the President, to Chairman LEAHY, to my colleagues on both sides of the aisle that to the extent I am able to do so, we are going to treat nominees fairly. We are not going to misrepresent their records. Certain nominees are going to be moved forward. I expect I will vote for over 90 percent of the nominees, giving deference to President Obama. Some of them I may be worried about, but I am not certain they are not going to be faithful to the law. I am going to give the President deference, and I am going to vote for them. If I do have objections, I am going to raise those objections. I believe the American people expect this Senate to scrutinize a nominee to make sure they will be faithful to the law and follow it whether or not they like it.

My colleagues know a lot of these nominees. They care about them. It does seem like a long time. Perhaps we ought to get together, I say to Senator UDALL, in a ''do unto others'' situation and see whether we can figure a way to be more effective in moving nominations as a whole and not have it change if Republicans were to elect a President next time.

How we really got into the controversy—and I will conclude with this—was President Clinton had almost 95, 98 percent of his nominees confirmed. When President Bush got elected, Democratic Senators—Senator

UDALL was not here then—met in a retreat. This is according to a New York Times article. Appearing at the retreat were Marcia Greenberger, Laurence Tribe, and Cass Sunstein—three very aggressive, liberal lawyers who believe that judges should be activists to promote the law, advance the law in a certain way. The report was that agreement had been reached to change the ground rules of confirmations.

That is exactly what happened. President Bush nominated eight judges. He nominated Roger Gregory, an African American who had been nominated by President Clinton but was not confirmed before President Clinton left office, as a gesture of good faith. He nominated another Democrat, I think out of his 8 or 10, within a few months. Those were promptly confirmed. The rest of them waited months and years. Some never got confirmed. A filibuster took place that we had never seen before. We even had Justice Sam Alito filibustered by the Senate, one of the most fabulous nominees we have seen and who is doing a great job on the Supreme Court. All of this never happened before. It was quite a change. We are having more difficulties now than we probably should have.

I say to Senator UDALL, I appreciate his commitment to the nominees he knows and respects and would like to see confirmed. I am sorry they have not been brought up as quickly as he would like. When they get out of committee, it basically becomes a leadership matter. They have a lot of issues on the agenda, and frequently good nominees can get tied up in them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Mr. President, I listened intently to my friend from Alabama. I have had the opportunity when I have presided to listen to him share his point of view with the Senate. As always, he is articulate and passionate.

Before I make two unanimous consent requests, I wish to make some brief remarks. I see a number of colleagues on the Senate floor.

I heard the comments about the time in which the Judiciary Committee is considering these nominees. And there are numbers and there are numbers, but the number that stands out to me, as I mentioned earlier, is we have 100 judicial vacancies, which the Senator from Alabama acknowledged. Forty-two of those are considered judicial emergencies by the bodies that oversee and monitor the judiciary. The Senate has confirmed 24 nominees so far this year and 36 total since President Obama was elected. Those are historic lows. That is the fewest number of judges confirmed in 50 years. We may have accelerated the process by which nominees are considered, but we have not accelerated the process by which they are confirmed so they can serve on a circuit court or a district court.

The Senator talked about a nominee who was in limbo for 8 years, and I heard the passion with which he thinks that was a wrong. But two wrongs do not make a right. We need to get our courts fully staffed with jurists who want to serve.

I heard piety mentioned. The eight of my colleagues who came to talk about filling the district and circuit courts—I did not hear a lot of piety; I heard a need and a desire to fill the courts so citizens' rights can be maintained and justice can be delivered, whether it is in criminal or civil settings.

Finally, with all due respect to my friend from Alabama, I will wait until we hopefully have a debate on the floor about Bill Martinez to tell all the 99 Senators what a marvelous candidate he is and what a strong member of the bench he would be. We will set that debate aside until I hope, I say to Senator SESSIONS, we actually can discuss the Bill Martinez confirmation on the floor.

UNANIMOUS CONSENT REQUESTS—EXECUTIVE CALENDAR

In that spirit, I ask unanimous consent that the Senate proceed to executive session to consider en bloc the following nominations on the Executive Calendar: No. 891, Goodwin Liu, to be a U.S. circuit judge for the Ninth Circuit; and No. 933, Robert Chatigny, to be a U.S. circuit judge for the Second Circuit. I ask unanimous consent that those nominations be debated concurrently for a total of 4 hours, with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that upon use or yielding back of time, the Senate then proceed to vote on the confirmation of the nominations in the order listed; that upon confirmation, the motions to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Reserving the right to object, I do say to my colleague, perhaps we should, in the spirit of harmony, work together and see if we can get a commitment that will be binding, not just for this Congress but perhaps one in the future, that would do a little better job than we have done in moving nominations. I do think there is room for criticism and we could do better. And I feel a responsibility, I say to Senator UDALL, to work with good people on the other side to try to do that.

With regard to these two nominees, Mr. Chatigny is a controversial nominee. He stayed the execution of a serial murderer, and, among other things he did, he found that sexual sadism was a mitigating factor that would mitigate against him receiving the death penalty after he had been duly convicted and sentenced by a Connecticut jury.

Mr. Liu is probably the most controversial activist nominee before the Senate. He has written that people have a constitutional right to welfare. He would be very controversial.

I say with regard to those two, when they are brought up, Majority Leader REID will have to be sure there is considerable time available so the debate can be effective.

For those reasons, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. UDALL of Colorado. The concerns of the Senator from Alabama are his, and they are most likely shared by others. The point I am trying to make is, let's bring nominees to the floor, have that debate, fully consider their records, and then have an up-or-down vote.

Mr. President, moving to my last unanimous consent request, I ask unanimous consent that the Senate proceed to executive session to consider en bloc the following nominations on the Executive Calendar: No. 892, Raymond Lohier, to be U.S. circuit judge for the Second Circuit of New York; and No. 934, Scott Matheson, to be U.S. circuit judge for the Tenth Circuit; that the nominations be debated concurrently for a total of 4 hours, with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that upon the use or yielding back of time, the Senate then proceed to vote on confirmation of the nominations in the order listed; that upon confirmation, the motions to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. UDALL of Colorado. Mr. President, I look forward to working with the Senator from Alabama and the Senator from Vermont to move all of these worthy nominations to the floor. I appreciate the conversation we have had.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The small business bill is pending, H.R. 5297.

Mr. DODD. Mr. President, I ask unanimous consent that I may proceed as in morning business.

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

TRIBUTE TO BEN WEINGROD

Mr. DODD. Mr. President, I wish to make note of the fact that a young man who has worked with me for 3 years in this body and who is present on the floor today will be leaving to go to graduate school.

I thank Ben Weingrod for his tremendous service to the Senate. Maybe this will be his last opportunity to be a

staff member in a floor proceeding. I express my gratitude to him for his service to our country and as a member of our staff over the past 3 years. I thank him very much.

FREE-TRADE AGREEMENTS

I rise today to talk about the importance of our relationship with Latin America and the role that free trade plays in those relationships. In particular, I wish to emphasize the need for action, in my view, by the Congress to implement free-trade agreements signed with the nations of Colombia and Panama. President Obama described the importance of these agreements in his State of the Union Address earlier this year. I know the President and the U.S. Trade Representative are currently working on the remaining details, and it is my hope that the President will soon submit legislation to the Congress to implement these agreements.

While the recession has been a challenge to economies across the globe, it also has given us the opportunity to soberly reevaluate our global relationships and look to build stronger partnerships in places we may have overlooked in the past. The most logical place, in my view, to start that review is Latin America.

For too long, American policy has treated Latin America as our backyard, and our policies toward the region have run the spectrum from shortsighted and unsophisticated to arrogant and paternalistic. The narrative of our relationship has been based on the negative, often ignoring and glossing over the important economic, political, and social advances that have been made in the region. The truth is that Latin America is not our backyard at all but part of our common neighborhood. We share far more than a hemisphere with our neighbors in this region. We share a common history, common goals, common opportunities, and a common future.

From my time as a Peace Corps volunteer in the Dominican Republic to my current chairmanship of the Western Hemisphere Subcommittee in the Senate, I have had the opportunity to watch this region change dramatically over almost the last half century. Thinking back over the past three decades of my service in the Senate, the progress in many ways has been astounding, and it is time our regional policies reflected these changes.

Embracing these free-trade agreements is an important first step to achieve these goals. They will help to cement our regional partnerships and make important strides in shifting the story of the United States and Latin America from conflict to engagement, from division to empowerment.

I had the opportunity to visit almost every one of these countries in the region over the last 6 or 7 months and have seen these changes firsthand. In my conversations with numerous leaders and citizens, I have come to see not just problems and conflicts but, rather, remarkable, positive changes and opportunities.

Panama, for example, has been a critically important strategic and commercial partner of the United States. The United States, in fact, helped Panama gain its independence, and in 1914, the construction of the Panama Canal, as my colleagues will certainly recall, was completed.

Since that time, Panama has developed into an advanced economy based on professional-level services and is currently a destination of $4.4 billion worth of American goods. Despite its small size—3.4 million people, smaller than the population of my State of Connecticut—Panama rates in the top 50 of our trading partners globally.

Panama has also made important strides in building democratic institutions. Over the last 20 years, five civilian governments have been elected. With each new election, its commitment to human rights and respect for the rule of law has grown stronger. Challenges, obviously, still remain, particularly in the areas of human trafficking, violence against women, and increasing transparency in the banking and financial sectors. But Panama has made progress—great progress—and I am confident that the Martinelli government is committed to continuing this trend and to implementing solutions.

Mr. President, Panama is focused on becoming a financial and economic hub in Latin America. Passing the Panama Free Trade Act would give American businesses access to Panamanian markets. Today, tariffs and barriers remain on all goods and services sold in that country. By eliminating those barriers and tariffs on the overwhelming majority of goods and services, we could increase tremendously the job opportunities not only in my State but others around the country, and it would allow us to take advantage of the economic dynamism occurring in that country.

It is estimated upon implementation of a free-trade agreement with Panama, nearly 88 percent of U.S. commercial and industrial exports to Panama would become duty free, and Panama would be required to phase out tariffs on over 60 percent of all U.S. agricultural exports. This would lead to more U.S. exports to Panama and more jobs at home in the United States. This is good news for American workers, for farmers, and for small businesses and consumers alike.

Yet strengthening our partnership with Panama is not the only opportunity for increasing our engagement in Latin America. Our pending agreement with Colombia presents, as well, a chance to move forward in our renewed commitment to engagement and empowerment in Latin America. I believe this will have significant positive benefits over time.

Colombia has weathered a civil war that has lasted longer than most Colombians have been alive. Fueled by narcotrafficking, this war has claimed the lives of thousands of innocent Colombians, from farmers and shopkeepers to judges, elected officials, candidates, and community leaders, and has left countless more homeless in that country.

In fact, there are nearly 3 million internally displaced persons living within the country of Colombia today. Colombia still must improve its human rights protections and strengthen its commitment to the rule of law, but great changes have occurred on the positive side.

I understand why, of course, some may question moving forward with this agreement. I firmly agree we must not ignore these very real challenges in Colombia. But I also recognize that tremendous progress has been made in Colombia. I recently spent time there, as I did in the neighboring Andean countries, and the common belief is that great steps have been made in moving in the right direction. Mechanisms are in place today that will strengthen the rule of law, protect human rights, and Colombia recently held, as we all know, its most free and open election in decades.

In just 1 weeks' time, Colombia will mark a historic, dramatic transition to power from President Uribe to President-elect Santos. This peaceful democratic transition is an important marker in Colombia's history, and the President-elect has committed himself to strengthening Colombia's judicial system and working to reduce violence against labor leaders and others.

The Colombian people have pursued a fresh start, and we must recognize this and be willing to do the same. By passing the Colombia Free Trade Agreement, we have a historic opportunity to do just that.

This agreement, with its strong commitment to labor standards, environmental protections, and human rights will help shape Colombia's course to encourage its move toward a more open and democratic system and to build a relationship based on common values and not common enemies. This is an important opportunity that continues on the heels of the nearly 10 years of U.S. support for Colombia, including billions of dollars in aid through Plan Colombia.

Allowing this agreement to continue to languish now poses a significant roadblock, in my view, to continued reform in Colombia because it calls into question our Nation's commitment to a sincere and ever more important partnership. We need to act now, in my view, to affirm our commitment to the Colombian people, to show them that we recognize the hard work they have done and to signal that the United States will be a strong partner in their continued improvement.

Over the course of my career in the Senate, we have considered a number of trade agreements. I have evaluated each one, as I know my colleagues have, on its merits. Some I have supported strongly, and many others I

have opposed just as strongly, including ones for Latin America. A poor free-trade agreement can undermine very important protections for workers, human rights, and the environment. So I opposed the Central American Free Trade Agreement much to my pain and disappointment. But that was a weak agreement which did not deserve the support of this body.

These two agreements are different because since May 10 we have strengthened those labor protections, environmental protections, and human rights protections. I believe this agreement is deserving of our support. In the case of these two agreements, they are a commitment to our allies, and a signal to our friends that we value our partnerships and will continue to work with them to promote our shared values of democracy, the rule of law, and economic opportunity. As such, what they represent is much more significant than simply the exchange of goods and services between nations.

Trade agreements such as the ones before us represent opportunities to build long-lasting partnerships as well. I believe that is the case with the Panamanian and Colombian agreements before us. With the inclusion of the provisions of the bipartisan May 10 agreement on labor, environmental, and human rights standards, I believe we have addressed some of the most significant concerns about these two trade agreements. I also believe that because these trade deals and agreements have languished for so long, they have turned some opportunities into roadblocks to the success of our bilateral and regional relationships. It simply makes no sense to continue the delay. It is time to pass these two trade agreements in order to help move our economy forward as well.

Passage of these agreements is not just a good foreign policy decision; they also make strong economic sense as well. Currently, goods from Colombia and Panama flow north largely unhindered. Yet American businesses and American workers and the jobs, products, and services we provide are subject to significant duties and tariffs when we export goods to the nations of Panama and Colombia.

For example, while the vast majority of goods from Colombia enter the United States duty free, American goods exported to Colombia face average duties of 12 percent and, in some cases, as high as 20 percent. This is costing America jobs and American business. If we implement this agreement, we would eliminate many—as I mentioned earlier, almost 90 percent—of these duties and tariffs on these services and products nationwide, and U.S. exports to Colombia would increase, we are told, by a projected $1 billion annually.

In 2009, more than $14 billion worth of goods were exported by Connecticut firms to markets all over the world. According to the latest available data from my State—the Department of Economic and Community Development—Connecticut firms exported about $91 million worth of goods to Colombia and roughly $15 million of goods to Panama. Connecticut businesses export a variety of products to these nations, particularly chemical products, manufactured machinery, transportation equipment, computers, electronic products, and paper goods.

Under the Colombia Free Trade Agreement, 80 percent of all consumer and industrial goods, which include the categories I just listed, become duty free immediately. In addition, 88 percent would become immediately duty free once the Panama agreement is ratified as well.

What can this mean for the future? Well, certainly jobs. The International Trade Administration calculates that nearly one-third of all manufacturing workers in my State depend on exports for their jobs, and more than 4,000 companies engage in exporting some kind of products to these nations. Of those firms, 89 percent were small or medium-sized businesses—precisely the firms that President Obama's Export Initiative targets—that will be well positioned to take advantage of these agreements once they are ratified. This means expanded economic opportunities for workers in our own country and businesses in our various States across the Nation.

The Panama and Colombia Free Trade Agreements were established over 2 years ago. They have been the subject of intense scrutiny and public debate. They have benefitted by the input of the Congress, through the historic May 10 agreement, which I described earlier, that saw the inclusion of binding, enforceable, and meaningful labor, public health, and environmental standards. These discussions have allowed the Congress and the American people to critically examine the importance of these trade agreements and our partnerships with these key allies.

I urge support of these trade agreements before us not in spite of our current economic situation but because of it. This recession demands bold moves and innovation. It requires us to strengthen our key economic partnerships and to expand into new markets where we can. Now is not the time to close our borders to nations with whom we already have strong ties. History shows that erecting barriers to trade has the potential for deepening the global recession. Conversely, these agreements mean more economic opportunities for American workers and our families.

It is time for us to change the way we relate to the world, particularly in Latin America. For too long we have used our differences in this region with our allies as an excuse not to act, as a reason to disengage. These agreements offer us a chance to refresh that paradigm, to make the United States a proactive partner in fostering economic opportunity by bringing us closer together and promoting our shared values.

It is time, in my view, for the United States of America to lead a global economic recovery. A small but important step down that road is the passage of the Panamanian and Colombian Free Trade Agreements, and I urge my colleagues, both Democrats and Republicans, to support these agreements. I hope we can do so before we adjourn this session of Congress.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

EDUCATION REFORM

Mr. ALEXANDER. Mr. President, the President of the United States made an important speech this morning. He spoke to the National Urban League Centennial Conference on Education.

Every speech a President makes is important, but this speech is especially important, and I commend the President for his courage, for his vision, and for his willingness to undertake the hard work of helping children across this country learn what they need to know and be able to do, and the competence with which he is doing that.

Let me be specific about why I say that. No. 1, the President began with teachers. He extolled teachers. He said he wanted to lift them up as high as he could, he wanted them to be on the front pages of magazines, and for us to dignify them in every way we could. But he didn't back away from tackling the most important and the most difficult challenge that any of us who have dealt with education reform have found; that is, how do we reward outstanding teachers. Especially, how do we tie that reward to student achievement? In other words, what can we do to help reward and encourage those outstanding men and women who help our children learn, particularly our children who are having the hardest time learning?

All of us know a great teacher makes a great difference. The President said that himself. Each of us in the Senate knows that. But any of us who have, over the last several years, spent time trying to find ways to reward outstanding teaching knows how hard it is.

I worked on it in 1983 when Tennessee became the first State to reward outstanding teaching. Not one State at that time paid one teacher one penny more for being a good teacher. They could make more money for being around a long time. They could make more money for getting a degree. But they didn't make more money at all if the children were succeeding.

For a while that worked because we were able to capture women. They had very few options and they became saints in the classroom and they were our teachers. But in the 1970s, the 1980s, and the 1990s, women had many options, and they took them. In the companies where they went to work, they were paid more for excellence. They made good salaries. As a result, it

became more difficult to attract and keep outstanding men and women in our classrooms.

Governor Graham, who was later a Senator, tried the same thing in Florida. Governor Clinton—later a President—was trying many of the same ideas in Arkansas. Those were the 1980s. Every education meeting I go to comes down to the same point: After you get past the role of the parent, the teacher is the center of it. Whether a child is a gifted child or whether a child comes from a home where he or she does not have breakfast, or whether a child comes from a home where he or she has never been read a book until they are 7, whether a child needs to be in school 12 hours a day or 8, on Saturdays or not, the teacher at the center of the education of that school is the indispensable product and the best and most important part of a child's ability to achieve and to learn.

What the President has done—through the Teacher Incentive Fund that he has continued to encourage, and through his leadership on the subject—deserves credit and support from all Americans. I for one am here to offer him that.

Second, he talked about charter schools. He is not the first to do that either. I remember as Education Secretary on my last week in office, in 1993, I wrote a letter to all the superintendents in America to encourage them to try charter schools. At the time they were the invention of a few Democratic liberal reformers in Minnesota. There were maybe a dozen charter schools at that moment. But charter schools were simply ''start over'' schools. It was simply saying to a faculty: Let's start over. What if we took off the rules and regulations and gave you the freedom to do with the children who are presented to you what they need, so if you need to start at 7 in the morning and finish at 7 in the night, do it. If you need 2-hour classes, do it. If you need 200 days a year instead of 180 days at school, do that as well. If you need to learn during Easter holidays, do that.

Who are the beneficiaries of the charter schools? When they work, the beneficiaries are most often the children who come from the most difficult circumstances.

I can point to a charter school in Memphis I visited 3 years ago where it was an Easter holiday. The children there were ninth or tenth graders. Instead of being on Easter holiday, they were studying for their advanced placement course in biology at the freshman or sophomore level. There was not any other school in Tennessee where children that age were studying advanced placement biology, especially during the Easter week break.

President Obama has done what President Bush did, what President Clinton did, what Vice President Gore did, what I have done, what many others have done, which is to say: Let's have independent public charter schools and give teachers the freedom to do what they know how to do. The first thing is rewarding outstanding teaching. As the late Albert Shanker, the head of the American Federation of Teachers, used to say: If we can have master plumbers, we can have master teachers, and we can pay them accordingly, pay them very well, and let's have charter schools and give teachers the freedom to do what they in their own good judgment know to do.

The third thing the President talked about was high standards. That is also not a new idea but he has advanced it down the road very well. Higher standards are an indispensable part of a good education in kindergarten through the 12th grade.

The way I used to help Tennesseans learn about that was to say look at all these big new auto plants that are coming into our State. To get a job there, you have to know a lot more today than you did when your parents might have worked there, or your grandparents. You have to know algebra and statistics. You have to know English well to be able to communicate. In other words, the standards are high if we are going to compete in the world and keep our high standard of living.

While a lot of work has been done by the Governors of the country through ACHIEVE, the President has advanced the idea of common standards very well in the last 18 months, and he has done it in the right way. He has not said: Okay, I am the President; we will write it from Washington. That would have killed it—or at least I hope it would have killed it. He didn't say that. He said let's create an environment in which States can make a difference and make their own choices, and States, in surprisingly large numbers, are beginning to do that, in terms of reading and math.

The fourth area the President spoke about, and this is his own initiative, is the Race to The Top. This is infusing one of the hardest things that is possible to infuse in public education and that is excellence. We have a democratic society. We are usually interested in leveling things. If we have five things, one goes to each person.

What is hard for us to do in government, and that means public education as well, is to say let's reward excellence. Let's say to those school districts or to those States or those teachers or those others who are making the A-pluses and the A's and doing the best job, we want to incentivize you to do that. He has found a way to do that. It is a fair way. He has kept politics out of it. He has put money into it and he deserves credit for it.

Finally, he has picked a very good Secretary of Education. I said when Arne Duncan was appointed that he might be the President's best appointment. I still think that. That is not because I agree with everything Arne Duncan has recommended. In fact, I think he was completely wrong about the student loan takeover. I think his proposal on gainful employment, which is an obscure higher education thing and a different subject, is, with all respect, a little wacky. But what I think is he is an excellent leader for education, and he has a big heart and he has worked in a bipartisan way, and he has gotten results that are as good as anybody could possibly have gotten on some of the toughest subjects facing our country.

The President and Arne Duncan deserve our applause and support for their efforts. We will have differences of opinion about how much we can spend and when we can spend it, but if the goal is to reward outstanding teaching, to create more charter schools, to help States raise standards in an environment where they are not told to do so by Washington, but create an environment to do it themselves; if the goal is to infuse excellence into public higher education by challenging States to do better, then we should be for that and we should do it together.

I think President Obama has the opportunity in public education to do what President Nixon did in China. It may be easier for a Democratic President to make these changes or to lead the country in these changes than it would be for a Republican President, just as it was easier for a Republican President in the early 1970s to cause us to have an opening to China. That is a large claim to make but I think it is an equally important goal.

About the only thing I disagreed with today in the President's speech was this. He said teachers were the most important part of a child's education. I think a parent is and I think he does, too. I think he would agree. I think parents and teachers are 90 percent of it and it starts with the parent. The reason I think he would agree with that is because he had good parents and he is a good parent and a very good example to the rest of the country.

Anyone who has read his biography, ''The Audacity of Hope,'' knows the story of his mother getting him up at 4 o'clock in the morning in Indonesia and teaching him math and to read and telling him: Buster, it's not any fun for me so get busy and learn, and he learned very well. His example as a good parent and good student is exactly the kind of example we need for students and parents across our country.

This is a time when we have differences of opinion on many issues. I will have some differences of opinion with the President on education, as I mentioned. But I have no lack of enthusiasm for the importance of his leadership on K–12 education, on rewarding outstanding teaching, on giving teachers the freedom to create schools in which they can use their common sense, on creating high standards, on the Race to The Top, on setting a good example as a good parent, and I thought it was important—perhaps especially for a Republican Senator who spent a number of years

working on these issues as Education Secretary and president of a university and Governor—to come to the floor and say: Good work, Mr. President. An excellent address. And on those broad issues and themes, you have my full support.

The President's remarks can be found at: http://www.whitehouse.gov/the-press-office/remarks-president-education-reform-national-urban-league-centennial-conference.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. BEGICH. Mr. President, I come for a few minutes on the floor. I am down here with Senator WYDEN from Oregon, and I want to talk a little bit and probably in an informal way about a piece of legislation, a bipartisan piece of legislation on tax fairness and simplification.

There is one thing I hear a lot about when I go back home and when I was running for office, when I was mayor, and serving in our city government—how do you simplify the process of taxes, making them fairer for the middle class.

For all my time prior to serving in the Senate, I have thought about these ideas and ways we can move forward. When I was mayor, we simplified the business taxes for our small businesses, making it easier and simpler, lowering their tax burden, for our residents doing the same thing.

Here I am in the Senate and I look at lots of legislation every day, as I know you do, Mr. President, and I know the Senator from Oregon does. We see all sorts of ideas created and put on the table, and one which intrigued me was the Wyden-Gregg bill, which is focused on simplifying the tax paperwork mill, I call it, that we are subjected to every single year as individuals; the mound of paper we have to fill out not only as an individual but as a small businessperson trying to go through the rules and regulations and what is a reasonable amount of taxation that we should pay; also, the complicated system in what is owed or hopefully refunded back to us because we overpaid the IRS.

As I looked at a lot of different ideas, I have to tell you this idea—as we debate here on the floor a small business plan, small business ideas—sooner or later we will debate the Bush tax cuts and what we will do with those. To me, there is a simpler solution when it comes to issues of taxation, what we are going to do lowering the tax burden on small business, lowering the tax burden on the middle class, and simplifying it. Today there are so many different things we have to worry about and focus on: multiple retirement accounts we are trying to balance, trying to figure out who is a dependent, who is not, doing our returns—how to simplify this so our life is less burdened by the IRS.

I want to first commend Senator WYDEN and Senator GREGG for their work in multiple years pushing this issue forward, trying to figure out how we can help the middle class and the small business people of this country lower their tax burden; getting the IRS, as we would say back home in Alaska, out of our pockets. They have done a good job.

If there is no objection from the Presiding Officer, if it is OK, I will ask Senator WYDEN to join me here with couple of questions. Sometimes you look at these bills and you wonder are they too good to be true. Here we have, if I am not mistaken, not only the Heritage Foundation and some of the more conservative groups as well as the more liberal groups, the Brookings Institution and others, commenting positively about this legislation. In my year and a half here I have not seen that on anything.

We have Republicans and Democrats who are looking at it positively. We have business groups that look at it positively because it lessens their burden and allows them to reinvest in their businesses, to grow this economy. It reduces the deficit, which I know Senator WYDEN, myself, and others—like yourself, Mr. President—are concerned about—the growing deficit and the burden it may lay onto future generations.

But it also has true tax reduction, tax relief for the middle class and businesses. When you see something such as that—and, by the way, you can also do this in one page, a one-page return. When you hear those kinds of things, those claims, you are wondering, What is the catch? What does the small print say? What are you going to get hooked into and pay a pretty good price for later? We have been going through it, I have been going through it. Actually when you first introduced it before I was a Senator, I looked at this legislation when I campaigned. Here I am now in the Senate with a chance to participate, to see what we can do to accelerate this.

We are going to talk a lot about the tax extender bill and other tax issues in the future. But my view is it is time to reform the system. The system is broken. The middle class is paying higher than they should. Small businesses are burdened with incredible paperwork and increased costs. It is time that we reform the system and do something that is dramatic and makes a difference.

Today it is an honor to be down here. Senator WYDEN, I hope doesn't mind; I have extracted off of every piece of his Web site every document related to this, the research to understand it, to make sure I do not see that small print that later I might regret. So far what I have seen is small print, big print, that I do not regret and that is why a few weeks ago I cosponsored the legislation to be one of those who joined the team, to move us forward to real reform.

I know when I joined, Senator Bob Bennett from Utah also joined on—again, focused on the same issues we are, again keeping it a bipartisan, fair, simplification of taxes.

No one likes to talk about taxes. No one loves to be around April 15. But the fact is, it does occur. So how do we make the burden less on middle-class America?

How do we make the burden less on small businesses? This bill does it. So, again, I say to the Senator from Oregon, I wish to make sure I am saying the right stuff. So maybe the Senator could comment back to me. But it does have a positive impact. Correct me if I am wrong, but I think the numbers, for example, on average for a small business, they are pretty much going to be guaranteed they are going to save at least $5,000 in taxes and more, depending on the size of their business.

For middle-class America, they are clearly going to save. Their rates will be lower, which means their cash out of their pocket will be less to the IRS, meaning the IRS is not reaching in there, not only in your front pocket but your back pocket. They will have less capacity to do that.

Tell me, I hope I am right on this and I do not want to mislead—the public is watching—but also make sure I am correct.

Mr. WYDEN. I thank my colleague. I especially appreciate his kind words about a piece of legislation Senator GREGG and I sat for the better part of 2 years working on. I think everyone appreciates colleagues supporting their legislation. I appreciate the Senator's kind words.

I think he is right with respect to the relief, and colleagues will see that, whether it is the Heritage organization or the Brookings Institution or the various analyses that have been done by other groups. But I think it is especially important, even apart from our piece of legislation, that we get at the central question the Senator's talking about, which is, the current tax system is broken. It is broken, and we are not going to get the country where we need to go by just kind of tinkering here and tinkering there.

I wish to give a couple examples because I think the central question is, Are we going to make a break with a broken system and look forward or are we going to do what has been done year after year after year, which is to just to tinker with a broken system and cause more problems?

Here is the heart of it. What we are seeing today is that every few years there are thousands of changes in tax law. So that means all the small businesses—and you were a small business leader before you came to the Senate—all those small businesses, trying to compete in the tough global market, incredibly competitive markets, do not even have any certainty and predictability of what is ahead. They are not in a position to be able to know what the Federal Government and particularly the IRS is going do in terms of taxes, and that drains additional chances for them to make changes in

their production, in their workplace, productivity areas. It defies common sense. So the fact that there are these thousands of changes every few years, in my view, is very antibusiness, and particularly antismall business.

Then, the second point that the Senator touched on deals with individuals. The reality is, today, the current tax system is so complicated that most Americans do not even know when a tax break has been extended to them.

The Senator and I have talked about it. It seems to me Senator BEGICH made the central point here. In the stimulus legislation, in the Recovery Act, there were $300 billion worth of tax cuts put into that legislation—$300 billion worth of tax cuts. If we left today and walked the streets in Anchorage or Portland or Gresham or wherever and asked people about the stimulus legislation, people would know virtually nothing about any tax incentives.

Mr. BEGICH. If I may interject.

Mr. WYDEN. Please.

Mr. BEGICH. That is actually right. One thing I thought, wow, $300 billion tax relief, predominately for middle-class America. I thought my phone would be ringing off the hook with people saying: Wow, what a great relief. If we got 1 e-mail on this out of the 1,000 or so e-mails and phone calls we get every single week, I would be surprised.

Because, as the Senator said, it is a complicated system we have, and when we do relief, no one will even notice it. That is why I was so attracted to Senator WYDEN and Senator GREGG's proposal, because it is reform. It is changing the system for the better. It is ensuring that middle-class America, making sure small businesses benefit.

That is when I was shocked, actually. I know if I was back in the mayor's office when we did the small business relief, making sure 90-plus percent of our small businesses did not have to fill out the paperwork anymore and got relief, I heard from them because they were very appreciative because they could reinvest it. But we made it real because we reformed it, not just tinkered with it as you talk about how the past Congresses have done.

Mr. WYDEN. The other aspect of the Recovery Act, I think, that reaffirms this point with respect to the complexity is the Internal Revenue Service puts out what they call their annual ''oops'' list. This is the list of the 10 most common mistakes made by taxpayers when filing. The ''oops'' list released this past March included, for example, one of the principal credits in the Recovery Act because people simply were unable to figure out how to make it work on their 1040EZ forms. So the fact is, the Tax Code today is anything but an easy system. It is quite the opposite.

To further support the point with respect to the complexity, this year individuals and businesses are going to spend 10.6 billion hours to comply with the code. If the tax compliance sector were an industry, it would be one of the Nation's largest, requiring a full-time effort of 3.8 million people to get done that 7.6 billion hours.

The cost of compliance is jaw-dropping, $200 billion a year, 15 percent of all tax revenue the IRS collects each year. So the point of this is, we are at a fork in the road. We can either look to the kind of approach that a Republican President, Ronald Reagan, and a number of Democrats talked about one-quarter century ago and move in and drain the swamp, Democrats and Republicans together, taking on these special interest groups that have hijacked the Tax Code or the Congress can continue, as Senator BEGICH has said, to keep fiddling with one provision or another, making the Tax Code even more complicated, running what amounts to a full employment program for tax preparers or we can take steps that will make the code fairer and more progrowth.

I also think it is worth noting that in the last round of tinkering, 2001 and 2003, for much of that period we had stagnant economic growth. So we were not doing what the country needed in terms of fairness for the middle class, nor was the country doing what was essential in terms of promoting more high-skill, high-wage jobs.

You and I know, for example, if you take away the tax breaks for shipping jobs overseas, you can use that money to lower the cost to manufacture in this country. I see Senator CASEY. He comes from the State of Pennsylvania. He has done terrific work because I have heard him on the floor talking about the importance of manufacturing.

This is one of the issues relating to the question of tax reform. Right now there are tax breaks in the code that reward companies for closing U.S. operations and moving them overseas. Why would not Democrats and Republicans want to go to a more simple system, as Senator BEGICH is talking about? That would be in the interest of fairness for all but also one that is likely to create more good-paying manufacturing jobs in Pennsylvania and other parts of the country, by taking away the tax break for shipping the jobs overseas and use those dollars to hold down costs for manufacturing red, white, and blue here in the United States. So I am very much appreciate Senator BEGICH taking this time. He has been awfully kind with us. I appreciate the kind words about the bill and having him on it. But I especially appreciate him outlining what this problem is all about in terms of starting—with getting beyond the tinkering and the complexity to real reform that works for all Americans.

I thank my friend.

Mr. BEGICH. To the Senator from Oregon, I will close and say thank you very much. It is kind of like the Senator said, a fork in the road. It is a moment. We can continue to do business as usual, tinker with it a little bit here, a little bit there, have special interests kind of run the show or we can turn it back to the American people by helping them keep more money in their pockets, helping small business keep more money in their pockets. Let them invest in the economy, as the data that I have seen around this can show, that over a 10-year spread, you will add over $2 trillion to the GDP, based on small business reinvesting those dollars instead of the IRS grabbing them from them.

This is a positive step. I do think, I hope as our colleagues—a couple of them are on the floor and we will stop in a second so they can get their time to do their presentations. But I know and I hope other colleagues are watching and listening because this is a moment maybe in this body that we can actually do some significant reform in a bipartisan way.

I do not sit on Banking. I do not sit on Finance. Some people have asked me: Well, if you are not on those committees, why are you interested in this? Well, simply because it has a simplification of the tax return system. It lowers middle-class taxes and those on small business. That is what drives this economy. That is what we should be focused on.

So I credit these Senators for stepping up, kind of plowing the field in a way. I am a latecomer to this. But I am going to be one of those who is taking that plow and putting a high-speed engine on it so we can keep plowing more and getting more folks, hopefully, on board. So, at the end of the day, the American people can look at this Congress, Republicans and Democrats, and say: They did something that reformed the system, made it simpler in our lives, saved the middle-class taxpayer money and improved and lowered the taxes for small business.

Now the business economy is humming along and investing those dollars to grow this economy and keeping those jobs right here in the country.

So thank you for allowing us a few minutes to, hopefully, start to engage the Congress as we move into tinkering with the Tax Code, so we do something different and we reform the Tax Code for the betterment of this country.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Kansas is recognized.

AVIATION SUBSIDIZATION

Mr. BROWNBACK. Mr. President, I appreciate the discussion I was hearing. I would also like to draw attention to an issue that I think is about the most important to our Nation. We recently won a major trade case against the European Union and their subsidization of Airbus.

This is an effort by the European Union, over a period of 30 years, to buy their way into the large commercial aviation marketplace. They did so. They did so successfully. They drove out two major U.S. competitors, McDonnell-Douglas, Lockheed-Martin, drove them out completely. They do not even make those big jet airliners

anymore, and they had Boeing on the ropes.

Airbus took more than half the market share globally in the large airliner business. The U.S. Trade Representative's office, over a couple different administrations, pursued Airbus's subsidization. We just won this case, a multibillion dollar trade subsidy case that we won against the Europeans and their subsidization of Airbus, taking market share in the large commercial airliner business in an illegal fashion, illegally subsidized.

Now we will go into the damage and remedy phase. But we won the case, and it is a massive case. The reason I am raising this to my colleagues, my colleagues all know about, is a similar setting is starting in the small aircraft market, general aviation market. It is starting in the business jets, the small airplane business.

This is a U.S. homegrown business, it is centered in my State in Kansas. It is a great business. It provides connection throughout this country and increasingly throughout the world. There are 5,000 airports in the United States; only 500 of them have commercial service.

So the other 4,500, I guess you ride a bike to if you do not have a business jet or an airplane to get people there. Eighty-six percent of the passengers on those business jets or airplanes are mid-level sales, engineers. They make connections in between their various properties as the company operates. They make them much more efficient within that business.

But what is taking place today is this homegrown general aviation business in the United States that is a major exporter, recently cited by a major study by Brookings that this is a major export cluster, 40 percent export that we do in general aviation, the small business jet-airplane market is now under targeted attack by other countries to take this business away from the United States, the same way Airbus, subsidized by the European Union, took that market share away from the United States.

Instead of going after the big airliners, they are going after the small jets, the small airplanes. Several countries are lining up to do this. This is one of the major challenges facing general aviation domestically—foreign countries targeting this industry, which has high-wage, high-scale manufacturing sets of jobs. Various governments around the world are lining up and preparing programs with various means of support for their domestic aircraft industries, in research and development, sales and export financing, as well as certification of new aircraft, very similar to what took place in Airbus taking over that market share that they did.

In that situation, you had large companies fighting against a government operation, and they had, in some cases, deep enough pocketbooks to last, such as Boeing did. Lockheed-Martin, McDonnell-Douglas did not and were driven out of the field. My great fear in this targeting of general aviation, of the smaller business aircraft market, is that they are going to have countries behind them, companies in those countries are going to push forward and they are going to take the market share away and they are going to be aggressive and it is going to happen rapidly if we do not get out in front of it and stop these other countries from doing this subsidization.

It is absolutely critical to engage this competition now, that we stop it now, that we start the investigation of foreign governments' illegal subsidization in the general aviation market now, and that we get on top of this now, before it goes on 10, 20 years, as it did with Airbus, and we drive U.S. businesses out of the field.

One country in particular I wish to draw attention to, and one company. The country in particular is Brazil. It has made a strong commitment to expanding its presence in this market, the general aviation market, through Embraer, one of Brazil's largest exporters and employers. Embraer has made it a strategic focus and publicly stated its goal in 2005 to become ''a major player in the business aviation market by 2015.'' That was their statement in 2005, so they are 5 years away.

How have they done? After entering the business aviation market in 2002, Embraer has been involved in a massive program to develop aircraft for this market segment. They have experienced unbelievable growth and have rolled out a full product line of new jets, including the Phenom 100 and 300, the Legacy 600 and 650, and the Lineage 1000. Beyond the staggering numbers of models Embraer has introduced since 2002—in 8 years that number of product introduction—it is now responsible for around 14 percent of all global sales of business aircraft.

Again, this is a U.S. homegrown business. This business didn't exist outside of the United States before we started it many years ago. It is headquartered in my State in Wichita, the air capital of the world. What they have done since 2002 is get 14 percent of the market share from a start position, a cold start position. This is quite an unbelievable feat for a company that has only been manufacturing business aviation for a little over 7 years. That is phenomenal. It also, I suspect, was done illegally and subsidized by the government. At the same time, Embraer continues full speed ahead toward its goal of being a major player in the business aviation market.

U.S. manufacturers during this same period have had to delay or cancel new program starts due to challenging market conditions. I don't need to remind Members what has happened since 2008. It has been a horrific market condition. In my State, we have had huge job losses and sales in the business aviation field since 2008. We had a nice period going into 2007. We were up to 40 percent international sales. International sales helped us a lot because previously we sold 90, 95 percent of the market domestically, so that's a nice expansion in the international marketplace.

Since that period, 2007 moving forward, this has been a downward market. In that period, Embraer has moved up to 14 percent and introduced a whole new cross-section of planes. As someone who has seen similar signs in the past that were later proven to be the result of illegal subsidization of aircraft by the EU, this activity by Embraer and the Brazilian Government and growing market control does not seem possible without heavy and creative government support across the board. It does not seem possible to have done that in this market condition, in this atmosphere, in that short a period of time by a new startup company that hasn't been making these aircraft for more than 7 years. That was the similar sort of trajectory Airbus went on when it had heavy and creative government subsidization to go into a marketplace they had not been anywhere close to in the past. That's seven years, now 14 percent of the market share by Embraer, starting from a dead start. There is heavy illegal subsidization.

I urge the President to look into this matter through the U.S. Trade Representative's Office, the International Trade Commission, to start an investigation into what I believe is illegal subsidization. Let's get the factual setting established.

We now see what they have accomplished in this period, I believe, through illegal subsidization. We need to get the International Trade Commission and the U.S. Trade Representative's Office focused on what needs to take place; otherwise, what will happen is Embraer will continue to grow in its market presence, taking over more and more of the global and U.S. domestic market. It will drive weaker incumbents out of the field in the United States, as happened in the large aviation market. We will lose export share. It will encourage other entrants such as the Chinese to come into this marketplace, possibly the Japanese as well in subsidized ways, illegal government subsidization into this marketplace that has high-wage, high-skill manufacturing jobs that we should be doing in the United States and not allow to be stolen by foreign treasuries to other places around the world.

We have to do this and get in it before they do what Airbus and the EU did to the large market which is to drive Lockheed Martin and McDonnell Douglas out of the business. While we were sitting here saying: We think maybe there is a problem, there might be a problem, there was a huge problem, a huge illegal subsidization by the Europeans. But we didn't get on top of it until two major U.S. companies were completely driven out of the business. Let's not let this be repeated.

As my colleague from Kentucky loves to say: There is no education in the second kick of a mule. We have seen this play before. We have seen countries go after key market segments in the United States. If we are not aggressive in confronting it, it goes on until we do. I hope my colleagues will look at this. There are two actions we can take near term with the International Trade Commission, starting the investigation in this particular case with the U.S. Trade Representative's Office, starting to raise this issue, particularly with the Brazilians but also other countries. Now is the time to do it, not 5 years later after U.S. companies have been driven out of the business.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

CLEAN ENERGY JOBS

Mr. CASEY. Mr. President, I rise today to discuss a very important provision in the new Clean Energy Jobs and Oil Company Accountability Act just introduced by the majority leader which would require public disclosure of hydraulic fracturing chemicals used in natural gas drilling. The bill itself will have a number of important benefits which I will highlight before getting into the issue I rose to speak about.

This legislation will create at least 150,000 jobs and save millions of consumers up to $500 annually. Second, it will hold BP accountable. A lot of Americans are waiting for that accountability. Third, it will reduce our dependence on foreign oil and create up to 550,000 jobs. Next, it will protect the environment by providing full funding for the Land and Water Conservation Fund over the next 5 years. Finally, the bill will protect taxpayers from any future oilspills. That is the overall bill itself.

I wish to speak about a provision included in the bill as it stands now. I thank the majority leader for his leadership on energy issues for many years but especially, as our leader, for his work on efforts to combat global warming, pollution, and certainly for his leadership in putting together this new piece of legislation. I thank him for including important language in the bill as it relates to natural gas drilling in places such as Pennsylvania.

The language in the bill amends the Emergency Planning and Community Right-to-Know Act, which was designed to help local communities protect health, safety, and the environment from chemical hazards. It would require well operators to disclose to the State and the public a list of the chemicals used in each hydraulic fracturing process, including chemical constituents but not the proprietary chemical formulas the companies are so concerned about.

This bill also includes the chemical abstract service registry numbers and material safety data sheets. If a State does not have a disclosure program in effect, the disclosure would be made to the public itself. This provision would also require disclosure of a proprietary formula or chemical constituents to a treating physician or nurse in an emergency situation. That is a narrow exception to the general disclosure rule.

This is about something that is critically important to the people of Pennsylvania and people across the country. In order to extract the gas from the Marcellus shale which lies beneath large portions of Pennsylvania and several other States—of course, there is shale formations—the gas industry uses a process called hydraulic fracturing or, by the shorthand, fracking, as it is known colloquially, whereby about ½ million or more gallons of water, sand, and chemicals, in combination, are injected at very high pressures into underground rock formations to blast them open and increase the efficiency of the wells.

Each well must be fracked multiple times, really hit with that combination of sand, water and chemicals in order to release the natural gas from the shale. Then, of course, the gas is captured and can be used as an energy source.

The explosive growth of natural gas wells in Pennsylvania in many incidents involving some of these wells highlights the urgent need—I think that is an understatement—for disclosure of the chemicals used in hydraulic fracturing. Pennsylvanians and people across the Nation have a right to know what is being injected into the ground at thousands of sites throughout the country.

Fracking fluids are believed to contain toxic chemicals. These compounds are kept secret from the public as proprietary information. However, even low concentrations of toxic chemicals can have adverse health and environmental consequences.

We all know the history of our Nation as it relates to the extraction of a natural resource. Pennsylvania has a history as well. We have developed our natural resources to power the region and, indeed, the Nation from the first commercial oil well, the Drake well near Titusville, PA, in the 1850s, to western Pennsylvania's production of natural gas and, of course, most notably, Pennsylvania coal. We have used that coal and other sources of energy but especially coal to provide electricity throughout the State and throughout many States in the Nation. We have been a producer of a resource which has helped to light and heat the country.

Pennsylvanians are proud of that contribution. We are also proud of the way we have been able to balance the need for that resource and the benefit with what happens to our environment and our quality of life. However, before our State did the right thing in striking that balance, we did create a number of environmental legacies that we should not be proud of. Most were created in previous generations when Federal regulations that promoted responsible development did not exist. We know that history. We know it all too well. We cannot make those mistakes again in Pennsylvania or anywhere around the country when it comes to the benefit and the burden of having a resource under the ground.

Natural gas has played and will continue to play an important role in our energy portfolio as we transition to a new energy future, and we are fortunate to have domestic sources to help us meet our growing needs.

Pennsylvania will develop the natural gas in the Marcellus shale, and we should. But we should also make sure we develop the Marcellus shale using the best practices to protect our communities and our people. We have to get this right. The good news is that we have a lot of knowledge and information and research and technology and good-old American ingenuity and can-do spirit to get it right. Those old, false choices we used to debate all the time years ago—about choosing jobs over the environment, about choosing economic prosperity or great economic opportunity over quality of life and health and safety—are largely part of our history. But we have to make sure we get this right.

It is not just underground sources of drinking water. That has been my main concern when it comes to this issue. What happens to groundwater or drinking water with all of this hydraulic fracturing going on? And the EPA, of course, is in the midst of a study. But it is not just a concern I have about underground sources of water. There have been cases where this fracking fluid—again, a combination of chemicals and sand and water and millions of gallons of it in one small area, in one geographic area—that those fracking fluids have, in fact, spilled on the ground.

The language in this legislation will require that the natural gas industry provide complete disclosure of the chemical composition of hydraulic fracturing materials to ensure that if drinking water supplies, surface waters, or human health is compromised, the public and first responders will know exactly—exactly—what they are dealing with.

The intent is not to stop hydraulic fracturing, and this disclosure language is not going to stop it, despite what we have heard in the last couple of days here in Washington and around the country. I would categorize some of that language, some of that hysteria from the industry as a lot of hot air and not a lot of truth. The provision that is in this bill that relates to the fracturing process simply requires well operators to disclose what chemicals they are releasing underground in our environment. What is so problematic or troubling about that? Let me read that again: requiring well operators to disclose what chemicals they are releasing underground into our environment. That is what we are talking about.

We know companies, such as big soft drink companies, over many years—Coke and Pepsi—have put their ingredients on their soda cans without revealing their so-called secret formula. This is a lot more serious. This is lot more serious business. So for the life of me, I cannot understand—I really cannot, try as I might—why would oil and gas companies oppose this? What are they afraid of? If the chemical composition—the chemicals that are used in the process are not harmful or cannot compromise health and safety or contaminate drinking water or compromise groundwater or put the public at risk—if that is all OK, then why can't we shine the light of disclosure on it? What are they opposing here or the better question is, I guess, why? Why would they oppose this kind of disclosure?

This is very simple—not complicated, very simple. We do this in America. When we are getting it right, we disclose information to give the public the information they should have a right to expect about what is happening underneath the ground, underneath their own homes or in their communities. This is not a well every couple of miles. There are thousands of these—thousands—across Pennsylvania and a lot more across the country. In the next year, there will be thousands more just in Pennsylvania.

So I think it is a simple matter of citizens having the right to know. You have heard that expression before, that line, that commitment we have made, that value of having information—the right to know about any risks in their communities.

We have had some good news lately. One major company has already announced it will voluntarily disclose hydraulic fracturing chemicals used in each of its wells on a well-by-well basis. The chairman of the company, when they made the decision, said:

> It's the right thing to do morally and ethically. . . .

Those are not my words; those are the words of the leader of Range Resources. So if companies like that are willing to provide some disclosure—now, we have to check and double-check that disclosure is equivalent to the disclosure we are talking about here, and we will do that analysis—but if he is speaking in that way and using that language, I do not know what the others are all worried about. There is a lot of worry here by the industry.

If the development of the Marcellus shale and other shale formations is carried out in a manner that fully protects the environment and human health, then I believe the economic benefits for Pennsylvania and a lot of other States can be achieved without environmental costs.

So I hope we can kind of lower the rhetoric and speak forthrightly on this issue. But I will tell you, what I have heard over the last couple, 2 days or so or over the last couple of hours is really hysteria, and I think we have to make sure we do everything possible to get this right—have the economic benefits from this, the job creation potential, but make sure that when we are creating jobs and enlarging a new industry, we do not compromise the environment and we do not threaten health and safety.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, I am going to speak for some time and try and reengage this debate. We had an excellent debate this morning between 9:30 and 12:30 trying to find a way forward on a very important bill, the small business bill. This is the Main Street bill we have been working on. As you know, Madam President—you are a member of the Small Business Committee—we have been working in good faith up until the last few hours. It has been a good effort on both sides. I am hoping in potentially the next few hours we can work through this because we are extremely close on a very important bill for small businesses in America and for Main Street.

I wanted to come to the floor to clarify a few things. Many people are following this debate. They heard the minority leader say that he was upset and some of the Republican Members were upset that they had not quite gotten amendments on this bill. That is a charge that needs an answer.

I want to go over, again, this bill and point out how many amendments are already included in the underlying bill that were offered by the other side, by Republican Senators.

I had in the last few hours several of my Members on the Democratic side say to me: Gee, Mary, I didn't realize there was so much in the bill and how good the bill was, but I didn't understand how many Republican provisions are in this bill.

I want to take a minute, because the minority leader has made a charge that Democrats have been heavyhanded—it does not sit well with many of us who have a fairly light glove here. I don't think anybody watching this debate over the last couple of weeks, or even as it has gone through the iterations of the past year, can say we are trying to have a heavy hand. We are trying to get a bill that is important to the 27 million small businesses closed, finished, and delivered to them.

The fact is, the longer we stay here without coming to some terms, the harder and harder that gets. As the 70 organizations that support this bill most certainly understand, there is a risk because not every bill that every Member can think of is going to pass in this Congress, but they are going to think this is a bill that has a lot of support, which it does, and they are going to think: This bill is going to get passed, so I am going to add my amendment, I am going to add my amendment, I am going to add my amendment.

If we do not hurry up and get this done—you can kill a bill in a lot of ways. One way you can kill it is put too many amendments on it and it is too heavy to carry itself. The small businesses do not deserve that. I said 100 times on this floor, they are already carrying a heavy load. They are carrying more regulations. They are carrying a weakened economy. They are having to lay off employees, and in a small business, it is like laying off family because these businesses are having to say goodbye and hand pink slips to people they literally know well and love. It is hard to fire anyone but particularly upfront, close, and personal, like this is happening.

I want to put up one chart—the lost business chart—to make this point. I know that Members are clear, but this is according to the National Employment Reports. This is jobs lost by firm size. Small businesses, which are defined by businesses 500 or less—that is the official definition: 81 percent of the job loss has been absorbed by small businesses. They have laid off people.

When people ask the question, How do we get this recovery engaged, how do we make this recovery successful, how do we get jobs attached to the recovery as opposed to just money—we know the big businesses have money. They are sitting on it. It has been widely reported. We know Wall Street has money because they just paid $1.8 billion in bonuses to top executives, the money we gave them. We know they have it. The people who do not have the money are the small businesses.

That is what this bill is for, to help them in many different ways, voluntarily lay out some things they can choose. This is not government telling them what to do. They can choose. They can choose to take part of the $12 billion tax cuts we are providing them. They can file for those tax cuts. If they want to, they can get the tax cuts. They can apply for the lending program.

Eighty-one percent of the jobs are lost by small businesses. If we want jobs, I suggest we focus on small business. That is what this bill is. For a year and a half, we have been pulling this bill together.

I want to go over how many Republican provisions are in this bill. I do not want my Democratic colleagues to get upset. I am taking some risk because they could come to me and say there are more Republican proposals in this bill than Democratic proposals. But we tried to be very fair.

Again, the 7(a) loans, an increase to $5 million, was a Landrieu-Snowe provision; small business trade export was

a Snowe-Landrieu provision; small business contracting was SNOWE and MERKLEY, CRAPO and RISCH; small business management counseling, Senator SNOWE took the lead on that amendment; Senators SNOWE and PRYOR took the lead on small business regulation relief; Senators KERRY, SNOWE, and MENENDEZ, the 100-percent exclusion. You pay no capital gains. People on that side are talking about reducing capital gains from 20 percent or 15 percent. They are arguing it should not go up to 20 percent. This is 100 percent, zero capital gains. If you invest in a small business in America, you will pay zero capital gains. Zero. This is a bipartisan amendment.

MERKLEY and LAMAR ALEXANDER, a leader on the Republican side, the increased deduction for small business expenditures; another Republican amendment, the Snowe amendment, extension of section 179; another bipartisan amendment, Senator HATCH, Senator GRASSLEY, Senator INHOFE, Senator JOHANNS, Senator BROWNBACK. These are Republican Senators.

For the minority leader to say this bill has not had Republican input, this is the red line. I put down all of the sponsors of the amendment so that the press and the groups that are following this debate can see.

This is probably the most bipartisan bill we have taken up on this floor in the last Congress and maybe in a long time, maybe a decade.

The leader would come to the floor and say: That is in the underlying bill, Senator. What we are talking about is amendments on the floor. I will go through a few Republican amendments that were put in on the floor.

The first bill the majority leader laid down was a bill that included the lending fund. Senator SNOWE and others objected. A Republican objection was laid against that bill, so the lending fund was taken out. That was a Republican amendment. They were against the lending fund. It was taken out. We had to fight to put it back in.

Then Senators SNOWE, GRASSLEY, ENZI, ISAKSON, and COLLINS filed amendment No. 4483 which adds the SBA Recovery Act extenders to the bill. That was not in the bill. I think these are Republican Senators—Republicans SNOWE, GRASSLEY, ENZI, and ISAKSON. The last time I checked, they were Republicans. This is another amendment they got in the bill.

Then Senators THUNE, JOHANNS, COBURN, INHOFE, and filed amendment No. 4453 to strip out the Small Business Lending Fund. That was agreed to. We have been fighting over this Small Business Lending Fund. They want to strip it out. We are putting it back in with support from two Republicans, maybe more as this debate goes on. We have two now. We won that.

Then comes the substitute, the second one, with the SBA extenders in it and the lending fund is out. That is at least two or three amendments, in addition to the underlying amendments, that Republicans put in this bill, both in the Finance Committee and the Small Business Committee.

I hope no one tries to tell a reporter, either in Washington or back home—because reporters are smart. They need to be listening, and I think they are. I hope no reporter takes the line: Oh, well, the Democrats were heavyhanded. They offered us no amendments, so we could not possibly vote for the small business bill.

We are clear that there are many Republican amendments in the underlying bill. We have made clear in the RECORD that to get us to this point, there have been any number of Republican amendments either accepted or voted in or voted out. I have not mentioned one Democratic amendment yet.

I am thinking we are doing fine. We are not being heavyhanded. We are going right along. We have an open vote, 12-hour debate on the Small Business Lending Fund, and we win with 60 votes. It is back in the bill because it is the right thing to do.

I know some people are opposed to it, but we have 70 organizations, including the Chamber of Commerce, the National Federation of Independent Business, Small Business Majority, manufacturers, heating and air conditioning—all sorts of organizations. I submitted for the RECORD several times this long and impressive list.

In addition, we have the Community Bankers Association of Alabama, the community bankers of Georgia, the community bankers of Illinois, the community bankers of Kansas, the community bankers of Ohio, the community bankers of Iowa—I could go on and on; the Independent Bankers of America, the International Automobile Dealers. I don't know how many other groups we can have to step up and say: This is the right thing to do. The Travel Goods Association, the Tennessee Bankers Association, the Virginia Association of Community Banks, National RV Retailers Association, Nebraska Independent Community Bankers. They are for this lending program. They have been sitting on the sidelines watching us give money to big banks, bailing out Wall Street, bailing out big car manufacturers in Michigan. These small banks are sitting out there saying to us: Don't you know we are out here, 8,000 of us? We are ready to do our job, roll up our sleeves, be a partner with you, and go to work getting capital to small businesses so we can have a job-filled recovery instead of a jobless recovery. We want a job-filled recovery.

This is not about this recovery making a few fat cats richer. This is about making the middle class stronger. It is about creating jobs and hope and opportunity for the broad middle class. I do not want to be part of a recovery that does not include that. It is not worth it.

So we created a fund that works with our community bankers and we still can't get the Republican side to step to the plate and say it is time to close this debate.

We have had a year and a half to talk and to think, and that is what the vote was this morning. Every Democrat, I am extremely proud to say, voted to say yes to Main Street. They gave a green light to go forward. Every single Republican in this Chamber voted no against Main Street this morning, which is why I am here, to try to pull up the shades here a little bit and shed some light, under the guise that they weren't given enough amendments.

If I give them any more amendments, I am going to get in trouble with the Democrats because I am the Democratic chair of the committee. I have given more amendments to the Republicans than I have given to my own side. After a while, it is hard to convince our side, and my Democratic colleagues have been so good. I have 10 Democrats who are dying to offer amendments on this bill—and some of them are relevant to the underlying bill—but they know the more time that passes the less likely it is we will get this bill passed, and they know how important it is.

I wish to say another thing about this, and hopefully the last about this amendment situation, unless the minority leader says something else—and he might this afternoon about amendments. I have in front of me, and every reporter also has this, the unanimous consent agreement from last night. Senator REID offered four amendments—Baucus, Murray, another Baucus, and then another Reid amendment. Four. Senator MCCONNELL reserved his right to object and he did object and then he offered eight. So that is where we are. We offered four, they offered eight.

You would think, in the next few hours, that somebody could figure out around here how to split this baby and do six and get it done. I am hoping that is what we can do. We are running out of options. If six is too many, maybe we could agree to have no amendments, because we already have so many, and pass this good bill that is already right here on the floor. I mean, we do have a good bill already that has Republican and Democratic amendments in it.

So the Democrats have offered four, the Republicans have offered eight. Some of them are directly germane and some are indirect. It gets a little confusing sometimes about what is direct and indirect. I am not confused about farmers, but the Senator from Kentucky said today he doesn't think farmers are small businesses. I think there are a lot of Senators who disagree with that. They do think farmers work hard, and many of them are small business owners and operate small operations. I think most people understand that those disaster payments that go to farmers don't stay in their pockets that long. They go to pay out all sorts of vendors—seed companies, to pay down their tractor or their equipment bill. I think people understand,

even though it has the title ''disaster aid,'' it actually is a small business issue.

I heard the majority leader say that if the Republican leader objected so much to that, even though Senator LINCOLN worked so hard to put it in, we would take that out of this bill and find another way to do that. But that didn't seem to be enough either. So I am going to say again that I am so proud of the Senators who have worked hard on this bill—Senator MERKLEY, Senator CANTWELL, Senator MURRAY, Senator BOXER, Senator SCHUMER—and Senator DURBIN has been down to the floor—both Senators from Florida. I am hoping Senator LEMIEUX will do his very best and I know he is continuing to work through the afternoon to talk with his leadership, to say: Look, there are dozens of amendments already in the bill. The only amendments that have been offered on the bill to date have been Republican amendments, either Republican amendments by Senator SNOWE to take things out or put things in or an amendment by Senator LEMIEUX to put the lending fund in, the only amendments.

The amendment Senator LINCOLN put in the bill, without a vote, we offered to take that out to try to move this forward. So I hope reporters here and around the country will not allow a Republican Senator to say they just couldn't get to the small business bill because Democrats would not let them have amendments. The question is, Do they want to get to a small business bill or do they want to just continue to support big business, big corporations, and Wall Street?

That is the question. Do they want to get to Main Street? Do they want to help Main Street? They have to show that by their votes—not just by their words but by their votes. In this business it is not words, it is actions that matter, and the only action we have is them voting no. No. I am trying to help them say yes. I know they want to say no. That is what they think they should say to America: No on this, no on that. I don't think Americans want to hear no when it comes to help for small business. I could be wrong, but I don't think I am. I think they want to hear yes.

So let's find a way. I am asking my colleagues on the other side to look at their list of amendments again and see if there is some way between the numbers of two and four and eight we can find a way to move forward to help Main Street businesses.

Just so people understand, again, this bill that is pending before the Senate—and I see the Senator from Michigan is here. I am hoping he wants to speak a minute about the provision he has. I am thinking in a minute we may have some word—I know the leadership is talking, and perhaps sometime in the next hour or so we may have something that has come together. But I hope the Members are focusing on the importance of this bill for creating jobs in America today, and that is what people want. That is what we should have been focused on.

We have tried, in many different ways, through many different bills, but this bill has $10 billion in tax cuts to small businesses—not to the big businesses, not to Wall Street but to small businesses. It has so many helpful provisions, through the Small Business Administration, to give small businesses the support they need.

Mr. SCHUMER. Madam President, would my colleague yield for a question?

Ms. LANDRIEU. I would be delighted to yield for a question.

Mr. SCHUMER. I would like to ask the chair of the Small Business Committee, who has done such an outstanding job here, is it not true that we have heard many different numbers and types of amendments that should be offered?

Ms. LANDRIEU. Yes, it is true.

Mr. SCHUMER. Is it not true that many of the amendments the other side wanted to offer had nothing to do with small business whatsoever?

Ms. LANDRIEU. That is true.

Mr. SCHUMER. They were not an attempt to improve, modify or help small business but were to simply get us off the subject?

Ms. LANDRIEU. That is true.

Mr. SCHUMER. Isn't it true that yesterday or a day or so ago, when we did the Citizens United bill, the minority leader was complaining that the leadership was getting off the subject of small business to go to some other subject? It would seem now, at least, that the other side is doing exactly that. Is that an unfair characterization?

Ms. LANDRIEU. That is a fair characterization.

Mr. SCHUMER. Is it not true as well that as chair of the committee, you have offered them every opportunity and all kinds of amendments and all kinds of compromises in the committee before we got to the floor and now on the floor?

Ms. LANDRIEU. That is absolutely true.

I say to the Senator, in some ways I have some trepidation of continuing to read this because I have had any number of Democrats come to me and say: But there are more Republican provisions in this bill than there are Democratic provisions in the underlying bill. That is a credit to Senator SNOWE, I have to say, who worked so hard and does such a good job. But to come to the floor, I say to the Senator from New York, that there are no Republican provisions in this bill, it is laughable.

Mr. SCHUMER. So it wouldn't seem, to me at least—and I am wondering about your opinion—to be an unfair conclusion that what is going on is not a dispute about which amendments or how many amendments, even the subjects of the amendments, but that they don't want to pass a small business bill that will help create jobs, for whatever reason.

Ms. LANDRIEU. For whatever reason, I don't know why. I think maybe they think that is good politics. But I don't believe it is, and I don't think most Americans, even Republicans, would think that is good politics.

Mr. SCHUMER. I thank my colleague.

Ms. LANDRIEU. I see the Senator from Michigan, and I yield to him.

Mr. LEVIN. I wonder, through the Chair, if I could inquire of the chairman of the Small Business Committee—unless the majority leader is seeking the floor.

I am trying to figure out exactly why it is that the Republicans, who over and over say they understand that small business is the generator of at least two-thirds of jobs and maybe more—in fact, I use a figure that all the new jobs in this country were created by small businesses—but at least two-thirds. The Republicans, I think, believe that small businesses are the creators and generators of these jobs. As I understand it, organizations that represent small business have endorsed this bill. The Senator from Louisiana has done such a great job of putting those together.

But I am trying to figure out exactly how it is that in the situation where the small business organizations—or those purporting to represent small business—have supported this bill and where Republicans say, and I think believe, that small businesses are the great generators of jobs, that we are now in a position where, despite those things being true, the Republicans are not letting us proceed to a bill supported by those organizations. Is that where we are?

Ms. LANDRIEU. That seems to be where we are. That is why I said I feel like I am ''Alice in Wonderland,'' because it is topsy-turvy.

Mr. LEVIN. I would hope the organizations which purport to support small business—and, by the way, the greatest complaint I get when I go home, just about, other than the general one of where are the jobs, is that credit is not available to small businesses that are creditworthy and have proven it over and over—never missed a payment, have contracts that provide services or goods—yet can't get credit.

Ms. LANDRIEU. You are absolutely correct.

Mr. LEVIN. This bill has provisions for credit to flow. The community bankers, as I understand it, are supportive of this bill.

Ms. LANDRIEU. Absolutely.

Mr. LEVIN. I would just hope that between now and the time the majority leader moves to reconsider that vote that we would hear loudly and clearly from those organizations representing community bankers, representing small businesses. Maybe they just have to say more loudly and clearly that this filibuster is wrong—wrong for Main Street, wrong for the organizations they represent, whether it is community banks or small businesses.

If the NFIB has spoken on this already, and if community bankers have spoken on this, I would hope they would speak a lot more loudly and a lot more clearly and a lot more forcefully.

This is the big job creator where I come from. I would just hope we would hear more clearly and forcefully from those organizations between now and the time the majority leader offers a motion to reconsider.

Ms. LANDRIEU. Well, through the Chair, I thank the Senator from Michigan because he is absolutely right. This is the wrong bill to filibuster. I mean, you may get political points by filibustering other issues, but to filibuster a small business bill, to filibuster a Main Street bill is not the way forward.

Again, I cannot stand here and allow any Member of the other side to say there haven't been Republican amendments that have been accepted, offered. We have done everything to the point where there are almost more Republican provisions than there are Democratic provisions in the bill, which is completely paid for and provides a $12 billion tax cut today.

I see the majority leader, and I will yield the floor in just 30 seconds, but I wish to repeat one thing that is worth repeating. The Senator from Michigan was a cosponsor of this. For 10 years, independent entrepreneurs, sole entrepreneurs—and there are 20 million of them in America—have begged and pleaded to be on the same parity with big corporations so they could get a little bit of a break on their health insurance. This is a big issue for 20 million Americans. You know where it is? In this bill. Two billion dollars will leave the Federal Treasury and go into the pockets of every independent entrepreneur in America, and that side is standing in the way of that. I hope the reporters are following this carefully because the details are important.

I thank the Senator from Michigan, and I see the majority leader on the floor. I think he may have a word or two to say.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names.

[Quorum No. 4 Leg.]

Akaka	Chambliss	Harkin
Alexander	Cochran	Hatch
Barrasso	Collins	Inouye
Baucus	Conrad	Isakson
Bayh	Corker	Johanns
Begich	Cornyn	Johnson
Bennet (CO)	Crapo	Kaufman
Bennett (UT)	DeMint	Kerry
Bingaman	Dodd	Klobuchar
Bond	Dorgan	Kohl
Boxer	Durbin	Kyl
Brown (MA)	Ensign	Landrieu
Brown (OH)	Feingold	Lautenberg
Bunning	Feinstein	Leahy
Burr	Franken	LeMieux
Burris	Gillibrand	Levin
Cantwell	Goodwin	Lieberman
Cardin	Graham	Lincoln
Carper	Grassley	Lugar
Casey	Hagan	McCain
McCaskill	Risch	Tester
McConnell	Roberts	Thune
Menendez	Rockefeller	Udall (CO)
Merkley	Sanders	Udall (NM)
Mikulski	Schumer	Vitter
Murkowski	Sessions	Voinovich
Nelson (NE)	Shaheen	Warner
Nelson (FL)	Shelby	Webb
Pryor	Snowe	Whitehouse
Reed (RI)	Specter	Wicker
Reid (NV)	Stabenow	Wyden

The PRESIDING OFFICER. A quorum is not present.

Mr. REID. Madam President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Mrs. MURRAY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON), the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. INHOFE), the Senator from New Hampshire (Mr. GREGG), the Senator from Oklahoma (Mr. COBURN), and the Senator from Kansas (Mr. BROWNBACK).

The result was announced—yeas 70, nays 23, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—70

Akaka	Franken	Mikulski
Baucus	Gillibrand	Nelson (NE)
Bayh	Goodwin	Nelson (FL)
Begich	Grassley	Pryor
Bennet	Hagan	Reed
Bingaman	Harkin	Reid
Boxer	Hatch	Rockefeller
Brown (MA)	Inouye	Sanders
Brown (OH)	Isakson	Schumer
Burr	Johnson	Shaheen
Burris	Kaufman	Shelby
Cantwell	Kerry	Snowe
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Casey	Landrieu	Tester
Cochran	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Corker	Levin	Voinovich
Dodd	Lieberman	Warner
Dorgan	Lincoln	Webb
Durbin	Lugar	Whitehouse
Ensign	McCaskill	Wyden
Feingold	Menendez	
Feinstein	Merkley	

NAYS—23

Alexander	Crapo	Murkowski
Barrasso	DeMint	Risch
Bennett	Graham	Roberts
Bond	Johanns	Sessions
Bunning	Kyl	Thune
Chambliss	LeMieux	Vitter
Collins	McCain	Wicker
Cornyn	McConnell	

NOT VOTING—7

Brownback	Gregg	Murray
Coburn	Hutchison	
Enzi	Inhofe	

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The majority leader is recognized.

Mr. REID. We have before us the small business bill we have worked on so hard. As I went through the bill today, virtually every provision in this is bipartisan, except some are strictly Republicans with no Democrats involved. It expands access to credit for small business all across America, cuts taxes for small business, and expands domestic and foreign markets for small business. This has the potential of creating hundreds of thousands of jobs. The reason for that is that most jobs in America are small business jobs. Two-thirds of the jobs lost in America have been from small business.

As I indicated today, I was disappointed that my friends on the other side of the aisle have not been willing to work with us. It seems to me the goalposts were moved often, but I have been here a while and I understand how things work.

Last week, they requested; that is, the Republicans, that we give them votes on three amendments.

We all know what they are now. GRASSLEY has an amendment dealing with biodiesel. HATCH has an amendment dealing with research and development. JOHANNS has an amendment to repeal the corporate reporting requirement.

Earlier today, I propounded a unanimous consent request where we took out of the bill the issue relating to agricultural disaster and that we would have the three votes I mentioned and we would have Democratic amendments that would be opposite those, three in number. There was an objection. I cannot understand why they, my friends on the Republican side, cannot take yes for an answer. It tells me and I think the American public that it is more about something than getting votes. It seems they think it is more important to say no to votes on Democratic amendments than say yes to helping small business. But I understand where we are, and I am working very hard.

I have had a number of conversations with my friends on the other side of the aisle about a couple of amendments we have that we want to be voted on in opposition to the amendments offered by my friends on the other side of the aisle. A number of Republicans do not want to vote on those amendments as it relates to small business. I think that is unreasonable, but that is me. I accept their view that it is not unreasonable.

As I have talked with the Republican leader and a number of other people, I am going to try my utmost—and I think I figured a way to do that—to get the two amendments my friends did not want to vote on as relates to small business off this bill. I am going to do everything I can to do that in the near, foreseeable future.

But I say to everyone here: Let's take a little time over the next couple of days to kind of cool down. This is important. I know we have argued and scrapped, as my friend the Republican leader said, a lot of the time during this year. But let's do this legislation. This is not a victory, if we can get this done, for the Democrats. This is not a defeat for the Republicans. It is a victory for Democrats and Republicans

and Independents and the people who supply most of the jobs in America today—small businesses. That is why, if one can imagine, the chamber of commerce supports this bill. They are in favor of the Johanns amendment, and I accept that. When I was here this morning, 80 organizations supported this bill. We are now well over 100. This has gotten traction.

This is something we should do. This is good legislation. It would set a very good tone before we leave for the August recess to do this bill because by the time we come back in September, there would actually be some jobs created as a result.

I renew my request that I made this morning. I am not going to read this again. My request this morning was that we will take out the disaster relief, and they, the Republicans, can have their three amendments. We will have our three amendments. That is my request. I renew that request.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object, I think we are making some real headway. I appreciate the majority leader taking out basically the appropriations measures. One was in the underlying bill and the others were going to be offered as amendments.

I had not originally intended to offer a counter UC, but in order to reassure everyone—I know there is support on our side of the aisle if we can get it right—I offer a counter UC which I suppose will be objected to, as I will object to the majority leader's, for the afternoon.

But I want to underscore what he said, which is I do think we are getting closer to getting back to the original bill which started off on a pretty strong bipartisan basis and then seemed to deteriorate over the course of the last month. In fact, we turned to the bill on June 24 and left it six times between then and now.

Having said all that, I think we are heading back in the right direction.

Madam President, I ask unanimous consent that the cloture motions with respect to the small business substitute and the bill be vitiated. I further ask unanimous consent that the following amendments be the only amendments in order to the Reid substitute, and there are four: Johanns amendment No. 1099, repeal; Hatch, R&D; Grassley, biodiesel; Sessions, spending caps. I further ask unanimous consent that it be in order for the majority to offer relevant side-by-sides limited to the subject matter of the above-listed amendments. And, as I said last night, we are prepared to enter into reasonable time agreements on each of these amendments.

Mr. REID. Reserving the right to object to my friend's proposal, I have to smile, even though I have not smiled a lot today. On the Sessions amendment, how many times do we have to vote on it? How many times? One of my friends on the other side of the aisle said: How many times do we have to vote on what you propose to vote on? Not nearly as many times as this Sessions amendment. There has been a general agreement between the Republican leader and myself that we are going to wind up there basically anyway. I understand he has people he has to satisfy on his side of the aisle. I do my best to satisfy people over here. But I have to respectfully object.

The PRESIDING OFFICER. The majority leader has declined to accept the Republican leader's modification of his request.

Is there objection to the majority leader's request?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

Mr. REID. Madam President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 1586.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the title of the bill (H.R. 1586) entitled ''An Act to impose an additional tax on bonuses received from certain TARP recipients'' with the House amendment to the Senate amendment.

MOTION TO CONCUR WITH AMENDMENT NO. 4567

Mr. REID. Mr. President, I move to concur in the House amendment to the Senate amendment to H.R. 1586 with an amendment, which is at the desk.

The PRESIDING OFFICER (Mr. BURRIS). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mrs. MURRAY, for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER, proposes an amendment numbered 4567.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4568 TO AMENDMENT NO. 4567

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4568 to amendment No. 4567.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the amendment, insert the following.

The provisions of this Act shall become effective 5 days after enactment.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion on the motion to concur at the desk. I ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 1586, an act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes, with amendment No. 4567.

Harry Reid, Max Baucus, Charles E. Schumer, Edward E. Kaufman, Barbara Boxer, Roland W. Burris, Tom Udall, Robert P. Casey, Jr., Mark Begich, Patrick J. Leahy, Jack Reed, John F. Kerry, Richard J. Durbin, Sheldon Whitehouse, Amy Klobuchar, Tom Harkin, Al Franken, Daniel K. Akaka, Maria Cantwell.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

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

MOTION TO REFER WITH AMENDMENT NO. 4569

Mr. REID. Mr. President, I have a motion to refer with instructions at the desk. I ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message to the Senate Appropriations Committee with instructions to report back forthwith, with an amendment numbered 4569.

The amendment is as follows:

At the end insert the following:

The Appropriations Committee is requested to study the impact of any delay in providing funding to educators across the country.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4570

Mr. REID. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4570 to the instructions to the motion to refer.

The amendment is as follows:

At the end, insert the following:

''and include any data on the impact on local school districts''

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4571 TO AMENDMENT NO. 4570

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4571 to amendment No. 4570.

The amendment is as follows:

At the end, insert the following:

''and the impact on the local community''

Mr. MCCAIN. Mr. President, I opposed the motion to invoke cloture on the small business lending bill for several reasons, with the foremost being that it had become a vehicle for petty partisanship rather than a serious effort to extend a much-needed helping hand to America's small businesses.

The manner in which this bill has been deliberated in the Senate has been both frustrating and disappinting to say the very least. The majority leader has brought this bill up for consideration and then moved off of it to consider other matters no less than six times since June 24. Furthermore, he has offered at least three different substitute amendments—each time filling the amendment tree and filing cloture—effectively choking off debate and prohibiting my colleagues and me on this side of the aisle from offering amendments.

This should not be a partisan bill. In fact, as originally introduced, this measure enjoyed broad bipartisan support. The original version of this bill included many positive provisions. For example, it included a number of tax provisions that had been championed by both Republican and Democrats which both sides believed would help small businesses create new jobs.

The $30 billion fund contained in this bill was supposedly designed to provide capital to community banks and give them incentives to make loans to small business owners. While this is a nice notion, I have heard from some of the smaller, community banks in my home State of Arizona that the capital requirements were so stringent that they would not even qualify for the program and, there are serious concerns as to whether or not this would turn into another bank bailout program.

One of the provisions of this bill that I strongly opposed was a carve-out of $1.5 billion for agriculture disaster assistance which was not requested by the administration. While I support ensuring that our farmers are protected from financial losses caused by natural disasters, Congress must first find a way to pay for this increased spending just like many of the other handouts included in this bill. That is why many of my colleagues had hoped to offer amendments, including an amendment to extend expiring tax breaks for small business owners, an amendment to eliminate the death tax, and an amendment to make permanent the tax credit for research and development—just to name a few. Unfortunately, the majority prevented us from offering those important amendments.

I had planned to offer an amendment on border security that would have helped generate sales tax revenue for border towns. The amendment would have added an additional 6,000 new Custom and Border Protection agents and officers to secure the border and to ensure that those seeking to cross our borders legally at our ports of entry are able to do so without unnecessary wait times. There are frequent, often excessive wait times in the northbound lanes at the DeConcini/Port of Entry in Nogales. The economy of Nogales, AZ, is heavily dependent on cross border traffic, with the majority of the city's sales tax revenue generated by shoppers from Mexico. The long wait times to cross the border are having real, adverse effects on the economy of Nogales. Securing our borders should be the top priority of CBP and that the drug related violence that threatens our border communities must be combated with all available resources. With that said, businesses and law abiding citizens should be able to cross the border in an efficient manner.

Our economic recovery and the creation of new jobs are the most important issues facing our nation today. We have an unemployment rate of 9.5 percent and we need to do all that we can to help our small businesses thrive. It is my sincere hope that we can end the partisan bickering and reach an agreement that will give our small businesses the tools necessary to create jobs.

MORNING BUSINESS

Mr. REID. Mr. President, unless my friend the Republican leader has an objection, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

Mr. REID. Having said that, there will be no more votes until Monday at probably around 5:30 p.m.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

SMALL BUSINESS LENDING FUND ACT OF 2010

Mr. MERKLEY. Mr. President, I wish to speak to the proceedings that have just taken place this evening and try to put them in some context.

What we have had before this Chamber is a bill that is very important to putting the American economy back on track. Lots of folks have looked at the various chokepoints in our economy, and so many have found that one of the critical issues is the access to lending by small businesses. That is a key provision in the bill before us—the ability to capitalize healthy community banks so they can make funds available to small businesses so small businesses can seize opportunities and put Americans back to work.

There are many other terrific provisions in this small business jobs bill. They include, for example, a capital gains tax holiday that will assist small businesses. It includes a whole number of provisions, in fact, that stack up to $12 billion in tax reductions for small businesses.

This bill came to this floor in a bipartisan way, with many provisions that were Republican provisions, some that were Democratic provisions, bipartisan support out of committee. It is before us now, and the question throughout this day has been this: Are the Republicans blocking this support for small businesses because they are opposed to helping small businesses and want to drive this economy back into a double-dip recession or do they have a legitimate concern that they should get a chance to offer amendments on the floor of the Senate?

To put that issue to rest, our majority leader made the following proposal: Our colleagues across the aisle would get three amendments. The Democrats on this side of the aisle would get three amendments. Both sides get to choose the amendments they want to bring forward. That is a legitimate debate about small business. That gives everybody a chance to weigh in. That certainly addresses any procedural issue. What was the response of the Republican leadership? The Republican leadership responded and said: No, we want four amendments, and we also want to control what the Democratic amendments are. In other words, we want to have the say on eight amendments while the Democrats choose none.

Of course, it becomes very clear: The Republican intent is not to have a debate about taking our Nation forward and getting out of recession; it is to block bills that will help our small businesses and put this economy back on track.

I say to my colleagues across the aisle, there is too much at stake for this sort of outrageous political competition. Put your November thoughts aside, I say to my friends, and focus on what is right for the economy of this Nation, what is right for the small businesses of this Nation. Let's have the three amendments on each side as each side would choose. Let's get it done, and then let's go home and know we are working together in a problem-solving, bipartisan fashion to make our

communities stronger, to create employment opportunities for our working families, and to strengthen our economy as a whole.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, there are a number of Senators on the floor who wish to speak. I see the Senator from Michigan, who has indicated she would like to speak for a minute on this bill. I will talk for the next 5 minutes, and others are going to want to speak as well.

I commend the Senator from Oregon, who has been down here day after day explaining the value of this extraordinary bill that was put together through hours and hours and days and weeks and months of debate in the Finance Committee and in the Small Business Committee.

I was very pleased to hear the leadership—although we came to no final agreement in the last hour, I am feeling and hearing, as the Senator from Oregon alluded, that perhaps we are moving closer to that opportunity because this bill was built with good will, with hard work, with some smart and innovative ideas.

Just to say how proud I am of the effort, this is just a list of headlines today that have come out in support of this bill. Some of these headlines are questioning, is someone blocking this bill? What is happening? Why can't we get this small business bill done? It is a good question.

So it is Thursday night. We have some time to continue to work. The problem with the four amendments that were offered by the minority is that they are not exactly offering side-by-sides to that, but it is better than eight. So we are making some progress. So I am going to stay on the Senate floor tonight and talk about the fact that this bill has, if you count it, actually probably more Republican provisions than Democratic provisions in the bill. They are all good.

As the majority leader said, this will be a great victory, not for us but for the small businesses we represent. This will be a great step forward to turn this recovery into a job-filled recovery rather than a jobless recovery because the only entities that will be creating jobs, Mr. President, as you know, because you were a former banker, are small businesses.

I want to show the chart about the jobs lost to just repeat this. The job loss in America has been from small businesses. If people want to know what happened to the 15 million jobs, what happened to the 10 million jobs, I will tell you. They ran out the front and back doors and out the windows of small businesses all over this country. If we don't do something, either tonight or tomorrow or next week, they are going to go through another whole month and maybe longer.

We have been debating this for a year and a half. It is bipartisan. I believe we are coming to some conclusion, and I am very proud I have helped lead a part of this effort. But I see the Senator from Michigan and one of the members of the Small Business Committee here, and I say to them that I think we are just speaking in morning business. So under the previous order they can be recognized.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I am here to join my colleagues to again talk about why it is so important that we pass this small business jobs bill that is before us.

I so much appreciate the leadership of Senator LANDRIEU to try to get this bill through. She has stated so eloquently why it is important for us to pass this legislation. It has been pointed out that this is a bill that has significant input from our Republican colleagues. It has been pointed out that this is a bill that will go a long way toward addressing the jobs we need to create if we are going to bring this economy back. She has stated so eloquently why it is going to be there to help so many small businesses.

Everywhere I go in New Hampshire, what I hear from the small business owners I talk to is that their No. 1 challenge is adequate access to credit. This bill addresses that. It sets up a fund to help community banks so they can lend to small businesses. It sets up a fund to help States so they can go through their programs to lend to small businesses. It expands the SBA loan programs, which have been so important to keep small businesses afloat. It helps with export assistance for our small businesses—something they have had trouble doing because they do not have the resources to be able to access international markets on their own. It provides $12 billion in tax breaks for small businesses.

Right now, the only thing standing in the way of this bill being passed to help the tens of thousands of small businesses across this country is our colleagues on the other side of the aisle. It is unconscionable that we can't get the votes to pass this bill and to do what we need to do to help small businesses grow and create the jobs that are going to help lead us out of this recession.

So I congratulate Senator LANDRIEU and all of my colleagues who are here or who have spoken on this bill and who have worked so hard to try to get it done, and the people on the other side of the aisle who have been courageous enough to support aspects of this bill and to provide amendments to it. I hope over the weekend they will hear from their constituents about why this is important to get done so that when we come back next week we will see a change in the perspective and we will see the 60 votes that we need in this body to pass this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I also want to start by thanking the chair of the Small Business Committee, the Senator from Louisiana. She has done a remarkable job. Her tenacity and passion and commitment for small business and for this legislation has gotten us to where we are today, and I am proud to be joining with her in this effort, along with the Senator from New Hampshire, who just spoke, and the Senator from Washington, Ms. CANTWELL, who has been such a champion, and the Senator from Oregon—both Senators from Oregon—and the many Members who have come to the floor and colleagues on the other side of the aisle who have joined in particular provisions of this bill.

As the leader and the chair of the Small Business Committee has said, this is, in fact, a bill that has significant pieces, if not the majority of pieces, that have been bipartisan or have come from the Republican side of the aisle. Yet what we are seeing is a strategy by the Republican leadership to continue to block and block and block, and to filibuster, filibuster, filibuster even something that is important for Main Street.

This is not about Wall Street. This is not about a bailout to Wall Street hoping that they will lend to small businesses, which didn't happen after the crisis when credit markets froze up and lending didn't happen, certainly, in my State of Michigan or across the country. So we have had to come back and try a different route for Main Street, and this is what this is about—Main Street, the folks who are creating the majority of jobs which are in small businesses.

We also have a lot of folks who have lost their jobs and who are now starting a small business. I know lots of folks in their forties, fifties, and sixties who have never been out of work before in their lives who are now out of work and are turning to a small business. They are going out in the garage or the basement or maybe the spare bedroom—maybe they are starting up a business with someone else—and they are starting something new. The problem is they can't get a loan to get started. They can't get the capital they need, and that is exactly what this bill is about.

This is about a new partnership with community banks and small businesses to create a lending facility to open the doors to capital. It is also about expanding what the SBA is doing.

Another very important provision of this addresses what happens when people's assets go down in value. People are seeing a decrease in the value of their own property, whether it is their home, their business, their equipment, their commercial buildings, so that their collateral has lessened and the ability for them to go to the bank and say: I have X amount of collateral to put up against the loan—now they are finding that the value of that property has been cut in half and they can't continue their line of credit or they are not able to get the loan.

There is also an important provision in here that addresses a program that actually started in Michigan, Mr. President, and I am very proud of it. It is with the Michigan Economic Development Corporation. This will allow a partnership with the State economic development entity to be able to back up the business, to be able to help them be able to finance even though their collateral has decreased.

Before I talk more about that, I also want to mention that we are talking about basically allowing investors and small businesses to take a 100-percent exclusion from capital gains on small business investments made this year. So eliminating the capital gains provisions for this year—100 percent.

We are focusing on other important provisions that relate to tax cuts for small business and also trade and export promotion. We want to help our small businesses export their products, not their jobs. So there are many important provisions in here, and I believe we have some 80 different business organizations supporting this legislation.

This is not Republican versus Democrat out in the real world. We have Republican businesses, Democratic-owned businesses, tea party-owned businesses, all kinds of folks out there who can't get loans. This is not a partisan issue, and it is extremely unfortunate that it has become a partisan issue.

I want to share a couple of stories. This is about a business called American Gear in Michigan. It is a 25-year-old manufacturer of custom-made machine parts. They sell parts to the automotive industry, to the U.S. Navy, the glass industry, and the steel industry.

In 2008, American Gear made a record profit. But then in 2009 they saw a tremendous pullback from their customers and lost money for the first time in history. They were forced to cut staff, trim overhead, and tried to work with their bank to access additional cash to keep going. But they weren't able to secure access to enough of the capital they needed to complete their existing orders—even the existing business that they had.

They are trying to expand. They are trying to get new customers. They are profitable once again. But because their 27,000-square-foot building has lost so much of its value, the bank has pulled their loan and they have been unable to get another lender.

They have just hired two new employees to help with new orders, but they can't get credit. They might have to start cutting back again and turning away customers because they can't get access to capital.

This bill will help American Gear. It will help this company that has been dealt the double whammy of reduced cashflow and property, which is used as collateral, that has decreased in value because of the recession. This is very important. This is something that has been overwhelmingly successful in Michigan. Michigan's program started in 2009 and targets businesses with good credit risks but those who can't get the cash they need because their collateral or their cashflow is falling short.

That is what this is all about. The business I am talking about, American Gear, is a solid business. They are making a profit again. This is a business with good credit, but they have lost the value on their buildings, and they are unable now to get a loan. This bill addresses that. This bill addresses that.

We also have another story from Michigan—and there are many stories from Michigan—about Michigan Ladder in Ypsilanti, MI. It is the oldest ladder maker in the United States. They have been in business since 1901. They are still in their original buildings with 20 employees in Ypsilanti, MI. Nearly all the other makers of ladders have moved to Asia or South America.

Michigan Ladder sells primarily to commercial and industrial contractor suppliers directly. They manufacture several sizes of wooden ladders, distribute fiberglass and aluminum ladders which they have produced for them as well. The company experienced difficulty due to the poor commercial real estate market and the housing market. They trimmed their staff, cut benefits, and worked hard to rightsize themselves. They believe they can be competitive. They are aggressively working to continue to produce in Michigan, but they can't get the financing they need to buy equipment to produce new products because of the fact that their equipment, the collateral they have, has been reduced in value.

This is a story that I have heard repeated hundreds and hundreds of times, Mr. President. This bill addresses that. This bill fixes that.

Let me move now to process because substantively we have no reason not to pass this bill. There is absolutely no reason, based on the substance, on the need for small businesses and the support from over 80 different organizations across this country, not to pass this legislation. So why do we have a filibuster going on?

I just want to speak about that for a moment because the reality is, we need to vote.

The democratic process is to vote. When we run for reelection, if you get one more vote than the other person you win the election. We don't say a supermajority. We say simple majority, one more than the other person. That is a democracy. We are saying here, let's vote, give us a vote, an up-or-down vote. You can vote no or you can vote yes, but don't keep using these efforts that block us and force a supermajority to block us from even having a vote. That is what is happening here. Over and over again we are being blocked from even having a vote.

Can you imagine in the election if there were a capacity to block an election day from even actually having the vote? We have men and women serving us in this country around the world, putting their lives on the line, losing their lives for the democratic process based on the ability to vote and majority rule. Yet here in the Senate the rules have been totally perverted and twisted to throw sand in the gears and require a supermajority to even move a step forward on anything.

Let's review where we are right now. We have had 246 objections and filibusters since we started 18 months ago—246. That is unheard of. Not all of those have actually gone to a cloture vote, a vote to stop a filibuster, because we do not have 246 weeks. The leader cannot get us through that whole process that takes a week to stop a filibuster on every single objection. Some of these have gone to an actual vote, a 60 vote, and on others there have been objections that have stopped us from voting. It is unheard of. We have never seen this before in the history of our country.

When our country started, there were two that year. Then some have been zero, some there have been maybe three or four or ten. Some sessions of Congress there have been no filibusters.

Here we are. In the last Congress we ended the year at 139 filibusters, and we have topped that. This is what happened last time when this began to be used as a strategy by the Republican leadership. It is way off the charts. Now it is so far off the charts we cannot put it on the chart. This is now used as the basic strategy for everything: Stop everything, throw sand in the gears, and make sure nothing improves, that nothing happens that will improve the lives of families in this country, improve the economy, create jobs. I find that to be extremely unfortunate.

We have a situation right now where we have the opportunity to do something for those on Main Street, the folks who have not caused any of the crises that have been facing our country. They did not make the reckless decisions on Wall Street that brought the financial crisis. They were not the ones who didn't enforce our trade laws fairly so we lost jobs overseas. They are not the ones who made any of the decisions. But they have been affected. Middle-class families, who may not consider themselves middle class anymore, are just holding on.

Many of them own small businesses or work in small businesses or are trying to start a small business. These are folks in every one of our States, in every community that we represent—small businesses, mom-and-pop operations, small suppliers. Most of the people in the auto industry are small businesses. They are small companies, small suppliers such as the ones I mentioned, such as American Gear, a small supplier. They find themselves now in a

situation where they cannot operate; they can't expand; they cannot conduct business. They are having to lay people off because they cannot get credit.

We can fix that. We can fix that right here. All we have to do is one of two things: Have courageous colleagues on the other side of the aisle join us to stop a filibuster or, all together, stop this thing and vote. That is vote, that is all we are asking for, an up-or-down vote, yes or no. But allow a vote to happen.

I hope we are close on an agreement. Unfortunately, our leader, who has an incredible amount of patience, finds himself too often in a situation where he is trying to negotiate but the numbers keep changing, the circumstances keep changing, and we are never actually able to get an agreement in good faith. I hope that is not the case here because we need to get this done.

People are watching us and wondering what in the world is going on in the Senate. People understand what is happening in the real world, what is happening to small businesses. Every weekend when I go home—and I do go home every weekend—every weekend when I go home I hear about small businesses not getting access to capital. They cannot get a loan, they cannot continue their line of credit. Everywhere I go I hear about that.

I understand my time is up. I again thank my colleague, the chair of the Small Business Committee, for standing strong. I stand with her. This is incredibly important and there is no reason whatsoever that we cannot get this done on behalf of small businesses across America.

The PRESIDING OFFICER. The Senator from Washington State is recognized.

Ms. CANTWELL. Mr. President, I thank my colleague, Senator LANDRIEU, for her fight and vigor today, trying to break a logjam here on the Senate floor and to pass important small business legislation.

When you think of Louisiana and you think of the Saints, you think of the people there who have such spirit. If there were a time in our country's history when small business ever needed a patron saint, it was at the crisis of 2008. Senator LANDRIEU and the Small Business Committee have become a leader and voice for small business in America. I thank her for that, for that same fight she put into making sure her constituents received help and support in the post-Katrina catastrophe, the same fight she displays now, making sure the gulf is addressed and that there are resources put in for cleanup. She is putting up that same fight for the millions of Americans who are trying to get access to capital for their small businesses.

We are only talking about three basic things in this bill, all to help small business. We are talking about tax credits to make sure that items such as equipment and machinery get some little support so small businesses will make some more investments. We are talking about tried and true programs such as the 7(a) loan program and the 504 loan program and the enhancements of those programs to put more capital out onto the streets. We have already pointed out because we have allowed this enhancement to expire that we have seen a 60-percent reduction in June of the amount of money accessible for small businesses, below 2008 levels.

Is that what we want to do, suppress capital to small business by 60 percent below 2008? In the month of August, if we do not get this legislation passed, there will be $760 million less available for small business.

I know some of my colleagues are saying let this keep going, Republicans will keep voting against cloture and we will do business in September. It is not acceptable to wait until September to help small businesses that need access to capital today. I wish people would listen to the heartbreak in America of small businesses. When the crisis happened in 2008—many of those people are resourceful people. That is why they start small businesses. So what did they do when the crisis happened? They buckled down; they tried to figure out how to make adjustments in their businesses. They borrowed money from relatives. They borrowed from their 401 programs. They did everything they possibly could to hang on for a year.

Contrast that to Wall Street. Wall Street didn't even have to hang on for 1 day before they got help from the Treasury. Not even what Congress did; the Treasury was over there helping people before they even asked for help. Nobody did that for small business in America. So these people have waited over a year to get this help. They hung on with their savings and their investments for 1 year.

In January they were ready to go with these programs and these support systems and wanted to see the access to capital, but they did not see that. Not only did they not see these program enhancements like we wanted, such as the recapitalization of community banks, instead, they saw their community bankers tell them: We are canceling your performing line of credit.

People did everything to hang on. They did everything they could to hang on. I could tell you stories that are heartbreaking about restaurants, about small businesses that closed their doors after 30 years of being in business—closed their doors because they could not hang on anymore.

The question for my colleagues on the other side of the aisle is how many more businesses are going to close? How many more people are going to lose their jobs if we do not address this issue and break this deadlock and make sure we are voting on access to capital for small businesses on Main Street? Calculate it. They have already been holding on. They cannot hold on much longer.

Every day that goes by that we do not reauthorize this advancement in the 7(a) program, we are costing dollars, we are costing small business access to capital they used to have. It is not even new capital in some cases; it is capital they used to have but it got canceled out from under them because of what happened on Wall Street.

It is time for my colleagues to show the same level of urgency for small business, to show we understand that these individuals in America have been hanging on. Listen, they are what makes America a great country because they are such entrepreneurs and they have done everything they can to weather this storm. But it is time to put down the ''no'' votes on moving ahead and move to getting this product, the enhancement of 7(a) and the 504 and the capital and recapitalization of community banks, off the Senate floor and get it signed before the House adjourns. That is what we need to do to create jobs now, in August. If you do not want to do that, you are going to be costing many more Americans their livelihood.

I yield the floor.

Ms. STABENOW. Mr. President, before my friend from Washington State leaves the floor, I thank her as well. She has been an incredible leader on this issue and we are very fortunate to have someone who has been in business, a successful businesswoman who brings her knowledge of business and of finance into the Senate. Her passion and partnership with Senator LANDRIEU have been very important in getting us to this point. I want to say thank you to the Senator from Washington for her leadership as well.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I am pleased to join my two outstanding colleagues on the floor tonight to continue to talk about this extremely important bill. I follow up on what the Senator from Michigan said about the Senator from Washington State. There are only a handful of Senators in this Chamber who have actually built a business, a small business—it was when it started—and then of course it was an extremely successful larger business in the State of Washington State, and then it went national. So she knows about what she speaks, the details of how a business needs to be built.

You cannot build it without access to affordable capital. Our businesses, some of them that are lucky enough to have something, are paying exorbitant interest rates on their credit cards. Some of them have watched their lines of credit evaporate, so they have to scramble to go get high-cost—it is hard to run a small business if you are paying 10 percent, 20 percent, 30 percent or 50 percent on the money you are borrowing to run your business.

You know you have to get affordable capital. That is what small businesses need. That is what they do not have. Members on the other side of the aisle

could not run fast enough to bail out big banks on Wall Street, but they are walking at a snail's pace to get small business help on Main Street, and it is a shame.

But these headlines today say it all: ''GOP Filibusters Small Business Bill After Criticising Dems For Delay,'' ''Senate Republicans Block Small-Business Lending Measure,'' ''GOP blocks small business bill,'' ''Republicans block Senate vote on small business,'' ''Republicans block small business lending bill.''

The New York Times article today is actually pretty devastating. I would think if anybody bothered to read the top two paragraphs—I am going to ask my staff to get that to me in just a second, and I am going to read it into the RECORD. It goes on and on and on.

I think that this debate has shown that we actually brought a bipartisan bill to the floor, that has been worked on openly in public all year or longer, in two committees, Finance and Small Business. As I said earlier today, and I put the red-line chart up, which I will put up in just a minute, this chart that we sent out to many people today showed every provision of the bill and who suggested that provision. As you can see, there are many Republican names listed here—Senator SNOWE, Senator CRAPO, Senator RISCH, Senator SNOWE again. Senator GRASSLEY is on here. Senator HATCH is on here—because this bill was built with some of the best ideas from these committees over a long period of time.

This is not a little bill. It is not a technical bill. It is not a bill that you pass and nobody knows you passed it because it does not do anything. This bill does some great things that we have needed to do for a long time.

That is why we are fighting so hard. That is why we are not going to give up, and we cannot wait much longer. As Senator CANTWELL said, it is heartbreaking for small businesses that had nothing to do with the Wall Street meltdown. They never owned a derivative. They never heard of the word ''derivative.'' They never heard of the word ''swap.'' All they were doing was serving pancakes in their diner day after day. All they were doing was selling hardware equipment so their neighbors could build or repair their houses. They never heard the word ''derivative.''

Then a couple things happened. They started seeing some very scary headlines. All of a sudden, the entire world economy was at risk, and they are standing there saying: Wait a minute, what did I do? I have been doing the same business. I am not a millionaire, but I am happy, I take care of my employees, I am bringing home a nice paycheck, I am building my business, and the floor fell out from underneath them through no fault of their own.

This Congress has scrambled and scrambled and could not run fast enough to go help the big businesses and the executives. Sometimes I read in the paper what they make and I sit there and I almost want to cry, not because I am jealous of what they make in that way, but I think to myself, how does it feel to be struggling in a business and you—I have had letters from people who said: Senator, I stopped paying myself completely. That is what business owners are doing right now. They have stopped paying themselves completely, and I have to wake every morning and read about big company executives who are complaining because their take-home salary is $20 million a year or $200 million a year.

I mean, think about that, $20 million, $200 million a year. We have business owners, 27 million small business owners, and many of them right now—because as Senator CANTWELL said, this catastrophe did not start just 2 months ago—who have been holding on.

I think about them at night. I see them. I think they are holding on with just their bare knuckles, by the remaining strength they have. They are not making any money. So the article today says—and they have gotten it right. This is dozens of articles:

> Senate Republicans on Thursday rejected a bill to aid small business with expanded loan programs and tax breaks, a procedural blockade that underscored how fiercely determined the party's leaders are to deny Democrats any further legislative accomplishments before November's midterm elections.

This is a small business measure championed by myself and others and has the backing of some of the Republican party's most reliable allies in the business world, including the United States Chamber of Commerce and the National Federation of Independent Business. Several Republican lawmakers, the article says, helped to write the bill. But Republican leaders filibustered.

As the Senator from Michigan said, this is unprecedented. I do not know if the Senator from Michigan has that chart, but I would like to ask her to show it again, if you could hold it up or let me take it here because it is unprecedented in the number of noes and filibusters.

I think this is a no that might have been said, but we need to find a way to say yes. I know a no was said, but we have to find a way to say yes. So that is what we are going to be doing tonight, tomorrow, through the weekend. I wish to say how much I appreciate the 70, now over 100, organizations that are supporting this bill. I know the NFIB has said, and I wish to be very clear, they want the bill. They also would like a few amendments.

But they did not say they wanted 100 amendments. They did not say they wanted 50 amendments. We are now sort of down somewhere between one and four. That is better than 8 or 12 or 10. We are somewhere between one and four. If we can just keep narrowing it and try to be as fair as we can, we can deliver for the American people and share this wonderful victory, and I mean that. Share it. This is not a Democratic victory. It will not be a Republican victory. It will be a victory for our constituents and for the 27 million small businesses in America that are waiting for someone to stand and help them, cheer for them, and encourage them.

That is what we are trying to do. I appreciate the support the President himself has given. He has been leading. He has been saying, as he is trying to work our way out of this recession—and I have not agreed with every single thing, of course, and no Senator does with any President, but I think this President has said that he understands the recession will be over when small businesses start to hire because big businesses are not going to.

They basically say that in their reports. They are holding their capital. The big banks are holding their capital. It is going to be the small businesses that create the jobs. It is where the jobs were lost.

I am going to show this chart again. This is from the monthly National Employment Report: Small business, 81 percent of the jobs lost were lost by small businesses. So it makes common sense that if it was the small businesses that lost the jobs in a recession, as I said, they were not in the back when they were making the ''donuts,'' they were not trading on derivatives. They did not have anything to do with that.

But they got caught up in a terrible financial collapse because of greed and poor regulations and all sorts of shady dealings, and they did not have anything to do with it. But they lost the jobs. So in order to get this recovery moving and get jobs in the recovery, so it is not a jobless recovery but a job-filled recovery, we have to focus on small business.

My ranking member, Senator SNOWE, has worked very hard on many provisions of this bill. She has been a remarkable champion for small business. MAX BAUCUS, every time we have sent him a couple things we want to do, you know what his job is? It is to find a way to pay for it. He has a thankless job around here. I want everyone to know. He has probably the toughest job in this entire place because everything everyone wants to do, everything, we have to find a way to pay for it.

You know the guy who tries to find that is MAX BAUCUS. I have given him page after page, amendment after amendment. He has been so gracious. Every time we say: We need this amendment paid for, MAX, can we find a way to pay for it, he goes to work.

But we are getting exhausted through this process, but we are going to continue to fight. Senator BAUCUS has found amazing ways to pay for these amendments because we are not going to add to the deficit anymore. Those days are over. We are going to pay for this bill. This bill has tremendous possibilities to actually make a lot of money. One program will actually earn $1.1 billion, it was so smartly

put together. Then we understand that if more people are hired, of course, they will pay taxes, and that money will come back to local government and State government and that will be a big help to everyone, to try to get us out of our deficit situation.

I see one or two other Senators on the floor. I see the Senator from Pennsylvania. My time has expired under the 10-minute morning business order. But I wish to thank the Senator from Michigan and the Senator from Pennsylvania for their support. I am going to be working over the weekend with Members of both sides of the aisle.

I am going to be working with both sides of the aisle over the weekend, through tonight, tomorrow, be in touch with both leaders, and continue to work with Senator LEMIEUX and Senator VOINOVICH, who were the two Republicans who gave us a vote on the lending program, and see what we can do to narrow it down from four to potentially one, have a great vote, and claim victory for the small businesses of America. We all share a great victory and can be proud of the work we have done over the last year and a half.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, first of all, just in case our chair of the Small Business Committee, Senator LANDRIEU has to leave, I wish to reiterate what a number of us have not only felt but have even spoken about over the last couple days, in light of her work on this legislation.

She has been, in a word, tireless and fearless, for one reason: Because she, like so many of us, but I think in a very special way she understands what so many of these small business owners have told her and told a lot of us, that they need help and they need it now.

They do not want to hear about a political debate, they want action and they want us to pass this legislation. She has worked so hard on the substance. She has worked so hard on the work that you have to do in the Senate to get an agreement, to get a bipartisan agreement, to make this a bill that has no impact on the deficit.

So whether its fiscal responsibility, whether it is the substantive provisions that help small businesses from Louisiana to California and back all across our country in places such as Pennsylvania that I represent, she has done that work. I think the people of this country know that.

I think it is very important that even when we thanked her once, we need to repeat ourselves because she has done great work. I think we should follow her lead. We should not have the kind of political debate we are having. She and others have worked out a very good agreement, and I think they are on their way to doing that again.

We are so grateful for her leadership and for her tireless efforts to get this passed because this is a bill that, in the end, is about not just the rhetoric, as we often have in Washington about small business, but having substantive provisions that will cut taxes for small business. It will enhance existing small business loan programs that work. All the criticism we hear sometimes about programs that do not work, there are loan programs that are working and just need another bump, just need a bit of help.

Finally, establishing a new Small Business Lending Fund and all this without adding to the deficit. Let me take them one at a time.

First of all, tax breaks: Over $12 billion in tax cuts going back to taxpayers. Here are just a couple examples: To encourage investment in small businesses, the bill will increase the capital gains exclusion from 50 percent up to 100 percent of the gain through the sale of small business stock. This provision will provide a greater incentive to invest in small businesses and will spur job creation.

This is a bill that is about jobs, about creating lots of jobs in the near term. The bill will encourage small businesses to invest in their companies, which is what a lot of owners tell us. They say: I want to create jobs. I want to expand. But they don't have the capital or the help to do so. It will do that by expanding a business's ability to write off the cost of certain real property that is purchased for the use of the business. We know the section 179 program in the Tax Code helps us do that. To further encourage Americans to start their own small businesses, the bill will double the deduction for start-up expenditures.

Let me move to another element: the need for capital for small businesses in a State such as Pennsylvania and around the country. We have heard this over and over. Month after month, you walk up to someone and you say: How are we doing? Sometimes you get good news, sometimes bad news. One resounding and consistent message we have heard: We are glad you passed the Recovery Act; we are glad you passed the HIRE Act; but I still don't see enough help for small business.

Finally, we have a piece of legislation which is targeted at the engine of the economy—small businesses and the people who are creating the jobs: small business owners. These owners all across the country, tens of thousands, hundreds of thousands, have made that point to us over and over. They want to expand, but they don't have access to capital to do it.

The changes in this bill, which is budget neutral, will increase small business lending by $5 billion in the next year. That will create or save over 200,000 jobs. In the end, it is a jobs bill. It is not only a bill about programs, it is a bill that will create jobs.

First, the bill will increase the limits of the 7(a) loans from $2 million to $5 million. We have heard about that provision. Just to give a sense of what that means for Pennsylvania, in the last roughly 18 months or less, from February of 2009 to June of this year, the SBA administered over 1,700 7(a) loans in Pennsylvania. The changes in this bill should allow for many more. We have 67 counties in our State. You can imagine the impact county by county when you have more than 1,700 loans on an existing program just in less than 18 months. If anything, this bill will exponentially increase the number of those loans. So next year or the year after, when we are reporting on this, if we complete work on this and get it passed, instead of 1,700 loans in Pennsylvania to small business owners, maybe it will be 2,500 or 3,000 or much higher.

I come from a State which most people think of as big cities such as Philadelphia and Pittsburgh. But there are so many places in Pennsylvania where we have a very small town or even a rural population. We don't have a lot of big buildings, a lot of big cities. We have a lot of small business owners fighting every day to make ends meet, to borrow a little bit more money to keep going, literally living week to week and month to month. These kinds of loans can have a direct and positive impact, a disproportionately positive impact on those kinds of businesses in small towns and rural areas of Pennsylvania and across the country.

The bill will also increase the loan limits of microlenders who provide short-term working capital to small businesses from $35,000 to $50,000. That is a lot of money when you are really up against it as a small business owner and you are trying to get to the next month or the next quarter in terms of your workforce or your payroll.

The bill will increase the limit of 504 loans from $1.5 million to $5.5 million. We know the purpose of the 504 Loan Program—to provide financing for acquisition and renovation of capital assets.

Let me give a personal example: Kate Berger of North Huntington in Westmoreland County, near Pittsburgh, a big county that has a lot of smaller communities. The Presiding Officer knows counties such as that from his State of West Virginia. There are a lot of parallels in terms of the population and demographics.

Kate Berger received a 504 loan to help grow her business. She is a former accountant and owner of JB's Bright Beginnings. She entered into the childcare business when her own childcare needs for her two children were not being met. Here is someone who had a challenge in her own life, and she decided to deal with it by starting a small business. The center she sent her children to was closing. She purchased equipment, hired staff, and went back to school for additional training in early childhood education. She was doing all the right things, everything anyone could ask of her to create a new business.

She began running her business out of a very small facility. When the opportunity to purchase a larger facility—a former elementary school—

arose, she jumped at it, as a very capable small business owner would. With the help of the 504 Loan Program, Kate was able to purchase the space, with room for expanded services and 8 acres of outdoor space for the children, for her childcare center. Since moving to the new location, enrollment at JB's Bright Beginnings has increased from 66 to 104 children. Kate has hired an additional 15 employees, bringing the total number of staff to 35.

That is a success story. We don't get a lot of those in the news. But for Kate Berger, the 504 Loan Program is not some theory, some concept; this is real life for her. She took a risk. She got more training and more education. She borrowed money. She took some personal risk to do this. She is now increasing the number of children served and hiring 15 more people.

Finally, the bill will provide an opportunity to create the Small Business Lending Fund, a critical component of this bill, the creation of a $30 billion Small Business Lending Fund. This will provide working capital to small banks that have continued to lend during this financial crisis. Approximately 80 percent of commercial lending is done through the smallest loans at these banks. We hear that over and over again. Small bankers say: We want to provide more lending. We cannot always do it. An increase in lending by the banks will amount to a new lending and growth for small businesses.

We know that by providing this opportunity to have $30 billion of lending available, this lending fund will be able to unlock $300 billion in capital for small businesses. The fund will spur lending and get credit flowing to small businesses, which is another reason to take action on this bill. An investment of $30 billion incentivizes the creation of $300 billion in capital that is leveraged. We know that when we give the private sector a little help and a kickstart here and there, they can provide a lot of extra money to increase exponentially what we can do to help small businesses.

We need to pass this legislation. We need to remove the politics from this debate. We need to make sure our friends on the other side of the aisle know that when they—some of them, not all but some of them—were lecturing us month after month, saying our side of the aisle was not doing enough for small business, I would argue they were dead wrong when they made the assertion, but that was their argument. Now we have the opportunity, this rare opportunity to have a single piece of legislation that is focused on small businesses.

I urge colleagues to live up to the rhetoric they have been putting forth all these many months, to stand up and vote for this bill. A vote for this bill is not a vote only for a piece of legislation. This, indeed, is a vote for small businesses. It is a vote for the people they represent in their States. Small businesses are not Democratic or Republican or Independent; they are American. It is about time people in this Chamber, who talk and talk about small business, do more than talk. It is about time for them to stand up and vote, vote the right way to help small businesses of whatever political party that small business owner happens to belong to.

I yield the floor.

The PRESIDING OFFICER (Mr. GOODWIN). The Senator from Michigan.

Ms. STABENOW. Mr. President, before my friend from Pennsylvania leaves, I thank him for his wonderful commitment to small business and passion and voice on this issue. We are lucky to have him and very much appreciate all of his wonderful work. Pennsylvania and Michigan have a lot in common. Our hard-working folks, a lot of them who have been losing their jobs in one industry, are starting small businesses. They are looking to us to understand what it takes to start a small business and to keep a small business. That is what this bill is all about. I echo what the Senator from Pennsylvania said about the importance of this bill, and the chairman of the Small Business Committee, and wish to stress a couple provisions we haven't talked as much about.

First, of course, the major piece is about access to loans from SBA, increasing the loan limits and the size of microloans. That will increase lending through the SBA by about $5 billion next year. A lot of small businesses will buy new equipment, will be able to hire staff to expand or keep their business going.

The large lending facility we have all talked about that takes $30 billion and partners with community banks and creates $300 billion worth of capital for small businesses—I can't imagine a better shot in the arm than having that capital available.

There is something else that is also important. I am pleased to be a part of the President's Export Council. The President has set a goal of doubling exports in the next 5 years. Many of the businesses we are talking about interested in exporting are small businesses. We have international businesses in Michigan, and they have their own operations around the world. They are not in need of support through the export operations in the Department of Commerce, but small businesses need that.

I think of one woman whom I know. Her sister-in-law is a dear friend of mine. I talked with her. She lives in northern Michigan on Leelanau peninsula, which is absolutely beautiful, north of Traverse City, MI, the kind of place you would like to be today. It is absolutely beautiful up there on the Great Lakes. It is certainly much less warm than here. She is in an area where there are wonderful cherry growers and all kinds of fruit and vegetable growers. She has put together nutritional products from the power and nutrition of cherries and has come up with a number of things that are very healthy to help people with joint problems and other issues which cherries are actually very helpful with, a very powerful commodity in nutritional assistance. She is interested in exporting. She started a small business up in northern Michigan, and she has now moved out to, the last time I talked to her, 300 different places around Michigan and the country.

We have talked to her about what she could do to sell her product overseas as a nutritional product. There is a great deal of interest in doing that, and I hope we can help her do that. But she needs assistance from the export expertise in the Department of Commerce.

In this bill, we have small business trade and export promotion efforts. The great Senator from Minnesota, Ms. KLOBUCHAR, championed this effort. It would improve the SBA's trade and export promotion programs. It establishes a State export promotion grant program and strengthens coordination. It would leverage more than $1 billion in export capital for small businesses. That is estimated to create or save about 50,000 jobs this year.

So there are new opportunities. With the wonders of the Internet, we are now in a global economy. We can communicate around the world with our cell phone or certainly with the Internet. We have the ability to help small businesses create jobs by connecting them to the world in terms of the markets they can access. Help for that is in this bill. So that is another very important piece.

There is also an increase in Federal contracts for small businesses. Just increasing Federal contracts for small businesses by 1 percent is estimated to create 100,000 jobs. Now, we know in the bidding process, again, larger businesses tend to participate, tend to have major contracts from the Federal Government. Yet this is an opportunity for small business. If we can increase contracts by just 1 percent, we can create 100,000 jobs; 2 percent, 200,000 jobs, and so on. Provisions are in the bill to increase contracting opportunities, which are very important opportunities for small business.

We have talked about the tax cuts. I hear frequently as a member of the Finance Committee from friends on the other side of the aisle concerned about raising taxes on small business, and we certainly share that concern. We certainly are not supportive of doing that. But here you have an opportunity to cut taxes on small businesses, doing away with the capital gains on small businesses this year, increasing the deduction to start a new business, expanding the expensing provisions, bonus depreciation provisions for small businesses, and also something very important that we, of course, have been working on in health care, and put in place in the structure that will help small businesses down the road, in 2014, with the new insurance pool—a

competitive way to price and purchase insurance. But until then we have a lot of self-employed people who find themselves in a very difficult situation, who cannot find affordable insurance, if they can find it at all.

This bill would allow them to deduct their health care costs for payroll tax purposes on their tax returns. This is another important matter that people who own small businesses care about and worry about for their families. That is a part of this bill.

When we go down through here and look at the huge effort around capital available for small businesses, the efforts in partnering with States to help small businesses that have lost the value of their property, their equipment—the collateral they would use normally to get a loan—there are provisions to address that, provisions to help small businesses afford health care by deducting their health care costs, help for exports, expanding bonus depreciation and expensing, eliminating capital gains, and giving small businesses more opportunities to contract with the Federal Government.

When you look at all of this, I am stunned. Why are we still having to have this debate? How long are we going to have to do this when every day we have small businesses that are holding on trying to figure out what they are going to do to keep their doors open? We are at a point now where we have to come to a conclusion and pass this bill. I hope anyone who says they care about small business will join with us and show they do—not just talk about it—but show they do by supporting the small business bill, as the chairwoman said, that now has over 100 different organizations, business organizations, supporting it.

I hope they will do that. I hope they will stop the filibustering, stop blocking this bill, stop the strategy of throwing sand in the gears over and over, using the rules of the Senate to tie this place in knots. What we need—what we need—is to just vote. That is it. What we need is to exercise the democratic process of just voting, do away with the filibusters, do away with all the efforts to block, and just allow the democratic process to work. People can vote ''yes.'' They can vote ''no.'' But just allow us to have a vote.

We are looking for colleagues, just a couple of colleagues, joining with us. We have colleagues who have worked across the aisle. We are urging them to stand with us to stop this filibuster and allow us to vote on behalf of small businesses in America, to give them the support they need.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I would like to follow up on what the Senator from Michigan has said because she has been one of the most forceful voices for trying to find a way to get the Senate to be able to move more quickly on so many important things. She is right. We have to stop saying no every day, and particularly on this day, and start saying yes to small businesses. The sooner we can say yes to small business, the sooner this recession will end, the sooner Americans can get back to work, and the sooner we can begin to put a real downpayment on the deficit that has been caused by reckless policies of the past.

She is right. And every day matters. This bill has been debated literally for a year and a half—not on the Senate floor but in committees and meetings and negotiations. As I held up a chart earlier today, most of the provisions in the bill—both from the Finance Committee and the Small Business Committee—were Republican-generated ideas or amendments. As I said, small business has many champions in this Chamber, and we need to show them, not just say we are but actually show them that with our votes.

It is going to be a long weekend for some people. I am going to be working all weekend. But it is going to be a long weekend for some who are concerned about image because I am going to submit for the RECORD, just today, in the last 24 hours, the list of headlines that are coming out around America from papers—conservative papers, liberal papers, independent newspapers—and they are not good for my friends on the other side of the aisle.

The Huffington Post, more liberal, of course: ''GOP Filibusters Small Business Bill After Criticizing Dems For Delay.''

But Bloomberg, not that liberal: ''Senate Republicans Block Small Business-Lending Measure.''

Politico, one of our papers here: ''GOP blocks small-businesses bill.

CQ: ''Republicans Block Senate Vote on Small-Business Bill.''

An AP article in the Boston Globe: ''Republicans Block Small Business Lending Bill.''

This cannot be good news over the weekend for a group that claims they are very probusiness.

A Las Vegas Sun editorial today: ''Helping Main Street—Senate Should Approve Legislation That Could Spark Small Businesses' Growth.''

The Washington Independent: ''Democrats Go Small. GOP Still Says 'No.' ''

They have said no one too many times. We have to say yes. If we want this recession to end—and I believe we do; I believe all of us do—we know our constituents are counting on us to do good work. So it is going to be a long weekend for whoever's job it is—the staffers over there—to try to get better headlines for their bosses. They are going to be working hard over the weekend. One of the ways we can do that is to get a small list of amendments, like one, two, three, four. The leader, our leader, offered three. It was rejected. We have been talking somewhere now between one and four. I think over the weekend we can figure that out, how to pay for these amendments.

Mr. President, I ask unanimous consent that a list of other headlines be printed in the RECORD.

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

LIST OF HEADLINES

New York Times—''Small-Business Bill Falters On Senate Partisanship''

Washington Post (Opinion)—''GOP blocks small business bill. Who will get the blame?''

AFP—''Obama pleads with Republicans on small business bill''

International Business News—''Small business aid bill stalls in Senate''

Congress Daily—''GOP Blocks Small-Biz Measure''

Star Ledger Editorial Board—''Obama in Edison: President seeks to aid small business, but Republicans resist''

Credit Union Times—''Small Business Bill Stalls Again''

American Banker—''Small Business Lending Fund Bill Stalls—Again''

The Wall Street Journal—''Reid, McConnell in Talks Over Small-Business Bill''

Ms. LANDRIEU. But I want to answer again because these small business groups—we have 80 of them and they are counting on us—keep calling and saying: Vote for the bill. Vote for the bill. And what they are hearing from the other side is: We can't vote for the bill until we get amendments.

If we try to put too many amendments on this bill, even good ones, it will bring this bill down. We have to find a way to come to an end of the debate, give the small businesses of America a $12 billion tax cut, and strengthen the SBA programs that banks and credit unions use—the small business programs—and then get this special lending program, in partnership with community banks, for the banks that know their community the best, the banks that know the businesses down the street.

The Taco Sisters Restaurant in Lafayette, LA—I have used Katy and Molly Richard before, and I would like to repeat some of the things they said. This is in 2008, looking back now—not a great time, but Molly convinced her sister Katy to move back home from New Hampshire and they made their dream come true. They leased a small restaurant on Johnston Street in Lafayette and they opened in February of 2009. They sell wonderful Louisiana products. Molly goes on to say they have seven employees but would like to open more locations. The problem has been getting credit to grow. She says:

> We have good credit, a good business plan, but have had trouble finding capital to grow our business. I was surprised that credit would be so tight for a business like ours—a short success story but successful nonetheless. Our business has seven employees and would like to keep growing, open more locations.

This is the kicker line:

> Small community banks know businesses in their towns and can create jobs by getting more money out to them.

This bill is not about big banks on Wall Street. It is about entering a partnership with banks on Main Street so

they can send capital to the businesses across the street.

It is a very simple bill, and we are going to work hard—hard—to pass it.

On the issue of amendments, again, so we are clear, the minority leader came to the floor earlier today and said something like: The majority leader keeps putting down substitutes, and we don't get to read the substitutes, and we don't know what the substitutes are.

Well, I have read the substitutes. I will tell him what they said. Senator REID came down to the floor and offered the substitute first. He introduced a new substitute because Senators SNOWE, GRASSLEY, ENZI, ISAKSON, and COLLINS wanted to put the SBA recovery provisions—those are the very popular loan provisions they had in the stimulus package—the Republican Senators—I am going to repeat their names: SNOWE, GRASSLEY, ENZI, ISAKSON, and COLLINS—all five Republican Senators wanted to move that provision from a bill that is pending somewhere else into this bill. So the Democratic leader said yes, and he did it. He put that in the substitute, and then offered it as a substitute. That was not good enough.

So then five other Republican Senators—I am going to get their names right here—Senators THUNE, JOHANNS, COBURN, INHOFE, and BOND—filed an amendment. The record will show it was amendment No. 4453. Their amendment, led by Senator THUNE, was to kill the Small Business Lending Fund.

So this is where it really gets interesting. My leader comes to me and says there is a Republican amendment to kill the Small Business Lending Fund, and so he has to accommodate them. I said: But that is the heart of the bill. He says: We still have to accommodate them. So he takes it out of the bill, really against my wishes, but I guess at the time I did not think I had any alternative.

That was a Republican amendment. The leader not only accepted it, we did not even have to vote on it. He just did it automatically.

Those are two amendments they got that we did not even vote on because the leader did it for them, against my wishes, and against a lot of people's wishes.

So we build up again and say: OK, you had to take it out, but we think we have 60 votes to put it back in. And so we did. That is the process. We had 60 votes. We put the lending fund back in.

I see the Senator from Florida in the Chamber. He helped to do that. Senator NELSON from Florida helped to put that lending provision back in this bill.

Now we have come to sort of a standstill because of that, and maybe because of a few other things. I am figuring this out as we go along. But one thing I have already figured out is, we have to find a way now to pass this bill.

The leader has had some very good discussions on the floor—just a couple of hours ago. But I have to defend my leader because when the other side says that HARRY REID, the Senator from Nevada, will not give them amendments, he does more than that. He puts their amendments in his substitutes, which means they do not even have to offer them. He does it for them automatically.

So they deserve headlines like this. I hate to say it. They earned them. They tagged themselves with these headlines.

Maybe other people around here would not call them out, but I think it is my job as the chairman of this committee because I said when I took this chairmanship that this committee was going to be a champion for small business and we were going to fight hard for them. I offered lots of amendments for them in other bills. Sometimes I was successful; sometimes I wasn't. But I said we would fight for them, and that is what we are going to do. If there was ever a time they needed us to stand up and fight for them, it is now.

There was an article in the Washington Post—and I will conclude in a minute. I see the Senator from Florida. This is what our people read. I know not everybody reads the L.A. Times, and I think this came from the L.A. Times, but this was the headline I read and got upset about, and I want to say why I did.

I think the small businesspeople in my State sit around and read articles such as this, and when their kids come to the breakfast table I think they fold the article at the breakfast table because they don't want their children to see it because it is very upsetting. Lots of kids can't read; they are young. But a lot of teenagers can. This is what teenagers read.

This is by Kenneth Feinberg, who is doing some work in the gulf. He just released a list of firms that gave their top employees bonuses of $1.6 billion. The report found that bonuses and other payments to highly paid executives at Goldman Sachs, Bank of America, Citigroup, Wells Fargo, and 13 other financial forums were, he said, ill-advised. The payments, more than $10 million in addition to generous annual salaries for some, came as many of the 17 firms suffered huge losses. Feinberg says they were not good. The President says they were lavish bonuses. I don't know what to say about them because I can imagine a small business owner who has borrowed from everybody he knows to keep his business open the last year and a half; he stopped paying himself 8 months ago, and his children are sitting at the table saying: So, Dad, why can't we go on vacation?

While they are asking that question, he is reading the headlines about the same companies we gave money to on Wall Street gave bonuses of $10 million or $20 million or $30 million, and he doesn't have $200 to take his kids down the street to the amusement park.

Do my colleagues want to know why people in America are mad? I think this might be one reason. They don't understand what Washington is all about.

I am not on the committee that has to oversee bonuses. It makes me so mad I don't know what I would do if I were, but I am just pointing this out. While we are here diddling over small business, this is what small business owners are reading, and they are wondering: Has the world turned completely upside down? The same firms that got our money to bail them out get bonuses, and I can't even pay myself or my wife who works for the business or my child a salary for a month.

I am telling my colleagues, we better get moving on this bill, or I am not sure what is going to happen to either party when this election comes up because we need to do what is right. We need to do it soon. We know what is right, I think. I believe we do. We have worked hard to put a very smart, good bill together that doesn't increase the deficit by a penny; that provides $12 billion in tax cuts—tax cuts, $12 billion. I know those people on the other side, our friends, say Democrats are never for tax cuts. Well, we have $12 billion in tax cuts paid for in this bill for small business.

So to the sisters who started this restaurant in hopes they could depend on us to do some right things for them, for all the small businesses struggling out there, I am saying to them: Just hang on. I know it is hard, but just try to hang on a few more weeks, a few more months if you can, because this bill is going to have a major impact, we hope. We don't know 100 percent for sure, but I can promise you doing nothing is a disaster. This bill has a lot of things we are going to try. Nobody here has a magic wand. But we have loan programs. We have some counseling programs. We have some small bank programs. We have some credit union programs. We are going to just throw it out there carefully, strategically, and hope it hits because if it doesn't, I am kind of running out of ideas because I am not giving any more money to Wall Street.

So these are our best ideas for Main Street. I am proud of the work we have done. I see the Senator from Florida. I am going to yield the floor. There may be other Senators who wish to come down and speak.

I wish to thank Senator NELSON from Florida who has been a champion. I wish to again thank Senator MERKLEY, Senator SNOWE for her work earlier today. Although we disagree on one small aspect on this bill, we will still work together over this weekend to see what agreement we can come to. I wish to thank Senator CANTWELL particularly, and Senator SCHUMER, Senator KLOBUCHAR, and others who have been terrific—Senator BOXER, Senator MURRAY. We are going to continue to work over the weekend to see what we can do to say yes to small business in America soon.

Mr. NELSON of Florida. Before the Senator yields the floor, would the Senator entertain a question?

Ms. LANDRIEU. I would be happy to.

Mr. NELSON of Florida. First of all, I don't want the Senator to be rushed because I came over here so that I could hear the Senator. The Senator from Louisiana is so articulate and so passionate. She has laid the case out with the bare facts that if there is any embracing, as there seems to be, of support for small business, including a lending facility of $30 billion to try to get money through the community banks into small businesses, which are desperate—and my State of Florida has a lot of small business—if there is this unanimity of feeling, then why are we playing these parliamentary games of adding on, insisting on the other side of the aisle's position that they want amendments that have nothing to do with small business and, therefore, cluttering up, as the Senator from Louisiana says?

Is the world coming to an end? Is the Senate coming to an end where we are in such perpetual gridlock that something that is so commonsense as this legislation to help small business—to help that family at the breakfast table the Senator so eloquently described—are we at the point that the Senate is incapable of functioning because one side says it has to have its way of having amendments that it wants that has nothing to do with small business? Have we come to the point of complete gridlock?

Ms. LANDRIEU. Well, I hope not. I wish to answer the question. I hope not. But we are very close because this bill, as the Senator knows, came to the floor because he helped to draft certain provisions of this from two committees with bipartisan support. Our leader, Senator REID, has bent over backwards.

When Republicans objected, he basically sort of took some things out of the bill to put on the floor in hopes—didn't even make anybody vote on it, against my objections, and then we started a debate. Then it just sort of shut down after we got that lending program back on. We have to open it again. We have to find a way forward because that lending program is extremely important.

The Senator was a cosponsor of that. We have to find a way forward. I think I heard tonight on the Senate floor—I think I heard—that we are somewhere between one and four amendments.

So as we work over the weekend, I am hoping we can find a way to say yes because the Senator knows, representing Florida, it is a whole State full of small businesses. The Senator knows more than any Senator here how many businesses are hurting in Florida. Our whole gulf coast has been under tremendous strain over many issues the last couple of years. So I thank the Senator. I am just responding to his question to say I hope we are not at the point of no return. But we are close.

If we can salvage this bill and move forward and do the right thing for small business, I think we can all be proud of that work.

Mr. NELSON of Florida. Mr. President, if the Senator would further yield, why do we have to mess up this bill with message amendments? These are political message amendments. For example, there are some amendments that on their own might be desirable amendments. There is an amendment—the fourth amendment of the four the Senator from Louisiana just mentioned—is one having to do with spending caps. That might be a desirable thing, but it is controversial. So why is the Republican side insisting on an amendment that is going to be controversial which lessens the chance for us to get 60 votes to cut off debate?

Ms. LANDRIEU. Well, the Senator is exactly right, but a better question is why would the minority leader insist on voting on an amendment we have already voted on three times. That is even a more interesting question. We have already voted on the Sessions-McCaskill amendment three times.

The Senator knows some people work for 10 years on amendments and never get a vote on the floor of the Senate. That amendment has had three chances—not one, not two, but three—and now we have to give them a fourth vote on the floor of the Senate. That is not anything to do with small business; that is a message.

It sends a terrible message. It says we are looking for bumper stickers and slogans as opposed to bills. I will say that again. Some people work around here for 10 years and can't get their amendment one vote on the floor of the Senate, and the Sessions-McCaskill amendment, in this case, because the minority leader has thrown it out there, we have voted this year three times already on that amendment. I don't think we need to vote on it again. We surely don't need it for this bill. It has nothing to do with spending caps. It has to do with sending money to community banks because they know the businesses that might be able to hire people, to create jobs, to lead us out of the recession. That is all this bill is mainly about.

Mr. NELSON of Florida. Mr. President, if the Senator will further yield—and I will be very brief because the Senator's patience has been extraordinary, and she has been at this going hard, full throttle all day—I would ask the Senator, in light of the extremely descriptive word picture that she painted of the family at the breakfast table and the mom and the dad don't want the teenagers to see that folks on Wall Street are getting all of these bonuses while they cannot even go down and have a weekend vacation because the money is not there, all of this is just exacerbated in the Senator's gulf coast State, as is my gulf coast State, because of the loss of income, the loss of business as a result of the gulf oilspill. Now we find that BP indeed wants to lessen their Federal tax liability by $10 billion by writing off all of the expenses attendant to this gulf oilspill.

When you lessen your tax revenue, that means that you are asking for the taxpayers to make up the difference. Is it any wonder the mom and dad at the breakfast table don't want their children to know what in reality is going on here?

Ms. LANDRIEU. Exactly. I mean, I don't know how you explain to teenagers. There really is no explanation.

I think it is shameful and we need to fix it. The Senator should know that is what we are trying to do. Again, I don't know what we can do about those bonuses. That is a subject for another committee. I am concerned and the Senator is as well. Maybe we can find a way. The BP writeoff—there will be a tremendous amount of criticism, and perhaps there are some legal grounds for us not allowing them to do that. It is inexplicable to people who are trying to run a small business and they see us having worked for a year and a half, and all that is going on and we still cannot seem to move this bill forward to the House for negotiation and then to the President's desk as quickly as possible.

Mr. NELSON of Florida. Mr. President, I will say this in conclusion, if the Senator will yield further, every one of us has small businesses in our States. The economic engine of Florida is small business. It is those very people who have come forth in this recession and have said they are having difficulty and, in many cases, cannot make financial ends meet because they cannot get the banks to lend to them.

The big banks will lend to big customers. They are not fulfilling the obligation of lending to the entire community. The community banks wish to make those loans to small business and, yet, they say they are harassed by regulators. Here we have provided an avenue of money to flow through community banks to small business to help them make their financial ends meet. It is unconscionable that people in a parliamentary and partisan fashion would hold up this legislation.

That is what I wanted to say, in conclusion, to the Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator from Florida. I am going to speak another 4 minutes. I know staff is tired and we are going to wrap up soon. I wanted to end with a comment from another small business in Metairie, LA, which is right outside of New Orleans. This is a small business owner, Patti Martinez, a lifelong resident of New Orleans, who opened her business in March 2009. I am sure she thinks about that decision every day, thinking: Maybe I should have opened a couple of years earlier or waited. But she didn't know all the derivatives on Wall Street would blow up. She opened her business in March 2009. She has three children, so the idea is she waited for 10 years—there are a lot of moms out there who

have small kids at home. Frank and I have raised our children while I have been in the Senate. He works, too. We know how difficult that is.

I know a lot of moms dream for a long time about what they would do if they had some time. Patti waited 10 years and then opened her business—lucky her—in March 2009. She said: I have 15 employees; they are part time. Our little business has taken off beautifully. We host birthday parties, holiday parties, and sock hops. I recently hosted a 50th birthday party.

She is explaining that her business is going on. She said:

> Everyone, once inside our facility, loves our business and comes back again [even in these difficult times]. We ran one commercial on Channel 4 for a week and our bookings quadrupled.

One commercial on Channel 4, which is our big station, for a week and her bookings quadrupled.

> If I had additional funds for advertising, video games, and maybe one more employee, our business would really take off.

This is the story of the recovery. This is the story of the end of this recession. If we don't have more business owners like Patti Martinez who will hire that one more person, this recovery is never going to happen. Don't take my word for that. Go look up all of the journals, the scientific journals, and all of the economic studies. You can go to the fancy schools—Harvard, MIT—and look and they say that. It is not just what I am saying. Big business isn't going to hire. Small business is going to hire—the Patti Martinezes of the world. She ran one commercial and her business quadrupled. Couldn't we give her a loan so she can run maybe two or three commercials? She is not paying herself any bonus, I can promise you that.

I am going to end with a letter we received today from the National Restaurant Association, representing 945,000 restaurants across the United States. I ask unanimous consent that it be printed in the RECORD.

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

NATIONAL RESTAURANT ASSOCIATION.

DEAR SENATOR: The National Restaurant Association, representing 945,000 restaurant locations across the U.S., supports H.R. 5297, the Small Business Jobs Act of 2010. The restaurant industry, which employs nearly 13 million Americans and is expected to generate an overall economic impact of $1.5 trillion this year, is comprised mainly of small, independent businesses. In fact, more than 98% of restaurants are classified as small businesses.

H.R. 5297 would provide our nation's small businesses with tax relief and assistance in gaining access to capital that is critical to economic and financial recovery. Importantly, this legislation would increase the Section 179 expensing limits and expand Section 179 to allow taxpayers to expense up to $250,000 of the cost of qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property. In addition, the legislation would extend bonus depreciation, which expired at the end of last year. These provisions would encourage small businesses, including those in the restaurant industry, to undertake capital expenditures. Moreover, these capital expenditures have a multiplier effect, spurring economic activity and job growth in communities throughout the country.

An important part of the bill are the provisions to modernize popular Small Business Administration (SBA) loan programs and extend expiring loan guarantees and borrower fee reductions. Specifically, the maximum size of SBA 7(a) and 504 loans would increase from $2 million to $5 million and from $1.5 million to $5.5 million respectively. The fees on such loans, which were eliminated through 2009, would continue to be eliminated through 2010. In addition, government guarantees of 90 percent on such loans would also be extended through 2010. These provisions have the strong support of Small Business Committee Chairman Landrieu and Ranking Member Snowe. We also support the LeMieux-Landrieu Amendment incorporated into the bill, which would establish a $30 billion Small Business Lending Fund designed to assist small banks to specifically lend money to small businesses. As the nation's fragile economic recovery continues, households are still holding back on spending and, as a result, many restaurant operators are continuing to struggle. Expanding access to capital will help restaurant operators make necessary investments, hire and retain workers, and, in certain cases, keep their doors open.

Additionally, we urge passage at some point this year of two additional amendments that were filed but will not be taken up at this time. First, we support an amendment filed by Senator Bill Nelson that would provide some tax benefits to small businesses and individuals impacted by the Gulf Oil Spill. Where the Gulf Coast's beaches and wetlands attracted millions of visitors in previous years and generated demand for restaurants, the Deepwater Horizon oil spill is now having resounding negative economic consequences. As such, we urge your support for the Gulf Coast recovery package recently released by Senators Bill Nelson, Wicker, Landrieu, Cochran, Vitter, and LeMieux. The package contains tax incentives that would assist small businesses such as restaurants as they grapple with the long-term challenges resulting from the worst environmental disaster in U.S. history. The tax incentives include tax deferral for reinvested small business reimbursements, extension of the net operating loss carryback period, an oil spill recovery zone job creation tax credit, and enhanced small business expensing in the oil spill recovery zone. Another meritorious provision that should be considered is allowing the deferral of SBA loan repayments for those businesses located in the gulf region and impacted by the oil spill.

Finally, we urge permanent resolution of the estate tax issue. In this regard, we would like to take this opportunity to note our support for the estate tax amendment offered by Senators Kyl and Lincoln, which would provide hard-working small business owners with certainty on this important issue.

We urge you to support H.R. 5297, which will go a long way to help small business during this difficult economic climate.

Sincerely,

SCOTT DEFIFE,
Executive Vice President,
Policy & Government Affairs.

Ms. LANDRIEU. In part, it says:

> We also support the LeMieux-Landrieu Amendment incorporated into the bill, which would establish a $30 billion Small Business Lending Fund. . . . As the nation's fragile economic recovery continues, households are still holding back on spending and, as a result, many restaurant operators are continuing to struggle. Expanding access to capital will help restaurant operators make necessary investments, hire and retain workers, and, in certain cases, keep their doors open.

The restaurants in my State are having a particularly difficult time because they don't have capital. Now they don't have any seafood to sell. If we keep going much longer, they are not going to have any customers even if I could give them capital and seafood, because people don't think they should come to the gulf now. That is a whole other subject.

Tonight, we can loosen up some of this capital through bankers that they know—they worship with them in church, they worship with them in synagogues; they know them. The bankers know them. If we can help small community banks, maybe—just maybe—and some of these credit unions—maybe some of the money we shower on Wall Street—maybe we could give a little bit of rain out there to middle America and get this recession over.

I yield the floor.

TRIBUTE TO LOIS BAKER

Mr. MCCONNELL. Mr. President, I rise to pay tribute to Mrs. Lois Baker and the commitment she made to providing rural health care services to thousands of Kentuckians. Beginning in 1971, Mrs. Baker was the chief executive officer of Mountain Comprehensive Health Corporation, MCHC, which continues to provide the residents of eastern Kentucky with quality, affordable health care. Since opening its first location, a trailer located on the line between Perry and Leslie Counties, MCHC has become a fixture in the region, operating locations in five eastern Kentucky counties. Now, with 250 employees, MCHC proudly serves over 27,000 patients each year.

Mrs. Baker's commitment to the Commonwealth extends well beyond her accomplishments at MCHC. A graduate of Fugazzi Business College and the University of Michigan's School of Public Health, Mrs. Baker served as president of Baker Coal & Land Company and as president of Letcher Manufacturing Company prior to becoming CEO of MCHC. As a member of the admissions committee for the University of Kentucky College of Medicine, Mrs. Baker proudly encouraged students from eastern Kentucky to pursue careers in the medical field and then to return home and utilize their skills to better the lives of their fellow Kentuckians.

Following her recent passing, the Booneville Sentinel published an article commemorating the life and accomplishments of Mrs. Lois Baker, and I would like to share that tribute with my colleagues. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Booneville Sentinel, July 14, 2010]

Lois Baker leaves a long list of achievements.

Funeral services for the founder and past chief executive officer of Mountain Comprehensive Health Corporation (MCHC) was held Wednesday, June 30, 2010 at the First Baptist Church in Whitesburg.

Lois attended Stuart Robinson High School, Fugazzi Business College in Lexington, KY and the University of Michigan School of Public Health.

Before leading Mountain Comprehensive Health to become one of the country's most successful rural health providers, she worked in the coal business and operated a furniture plant. She was president of Baker Coal & Land Company from 1959 to 1963, president of Letcher Manufacturing Company, Inc. in 1963 and became CEO of MCHC in 1971.

The first MCHC clinic was located in Wooten on the Perry/Leslie county line, in a trailer. MCHC operates five clinics, located in Letcher, Perry, Harlan and Owsley counties. MCHC's team consists of 250 employees and provides services to more than 27,000 patients each year. In looking back, Lois stated, ''there was no way that at that time I could have imagined or anyone else that was working at that time could imagine Mountain Comp as it is today.''

In October 1983, Lois extended her commitment of providing quality healthcare services to the residents of Owsley County and surrounding counties by opening the Owsley County Medical Clinic. Owsley Medical Clinic is now a medical practice consisting of two primary care providers and 15 employees whose mission is to utilize all available resources to provide affordable health care to those persons residing in its service area. The Owsley Medical Clinic is an asset to the area as well as a source of pride for Owsley County. Thank you Lois for thinking of us!

Lois served on many boards and committees. She was a member of the University of Kentucky College of Medicine Admissions Committee. She said that if an eastern Kentucky student applied to UK College of Medicine, they were accepted and encouraged to come back to the mountains to practice medicine. She was inducted into the Mountain Heritage Hall of Fame, the National Association of Community Health Centers Grassroots Advocacy Hall of Fame and the UK College of Public Health Hall of Fame.

Lois always had a vision and she never lost that vision. She was always a pioneer in everything and never afraid to tackle anything. She had a presence that seemed larger than life and felt it was purely about helping people by providing excellent health care. Lois's great passion for her work, compassion for her staff and patients, and friendliness even under stress made her a role model for all of us. She will be missed greatly by many.

CLEAN ENERGY JOBS AND OIL COMPANY ACCOUNTABILITY ACT

Mr. LEAHY. Mr. President, I commend the majority leader for introducing the Clean Energy Jobs and Oil Company Accountability Act. This bill, which I am proud to support, is a timely and targeted response to the continuing devastation in the Gulf of Mexico, a catastrophe which began 100 days ago. The Senate must move quickly to address one of the most immediate and pressing problems facing our Nation and to find meaningful ways to prevent similar disasters in the future. The American people rightly expect that the lessons learned from this disaster will be heeded.

This legislation addresses several issues brought to light in the spill's aftermath. It will ensure the fair treatment of victims like the families of the 11 Americans who were killed in the explosion on the Deepwater Horizon oil rig. It will encourage responsible corporate behavior and provide meaningful criminal penalties for environmental crimes. It will ensure that British Petroleum and those responsible for this disaster and any responsible party associated with an oilspill at an offshore facility in the future are held fully accountable and liable for all of the damages the oilspill causes and that the American taxpayer is not left with the bill. It is a response that will help the people of the gulf begin the long process of restoring what they have lost. And for those who cannot recover what they have lost, it will help them as they move forward. These matters, and others, have been the subject of several recent hearings in the Senate Judiciary Committee.

Senators from several committees, including the Judiciary Committee, have made important contributions to this bill. I am pleased that the majority leader asked for and listened to the calls of members of the Judiciary Committee to make sure that a significant part of this legislative response was focused squarely on the needs of the victims of this disaster and that the Federal laws designed to provide justice for wrongdoing are fair.

I thank the majority leader for including two pieces of legislation I have introduced—the Survivor's Equality Act, and the Environmental Crimes Enforcement Act. I am confident that, when enacted, both of these provisions will help victims and promote responsibility and safety within the energy industry.

The Survivor's Equality Act would remedy profound unfairness in our maritime tort laws. The enactment of this provision will end the unequal treatment under the law for those who are killed at sea. The Death on the High Seas Act, which is one of the few remedies for these families to seek justice, provides compensation only for pecuniary losses associated with a wrongful death. This involves a cold calculation of a victim's monetary worth to his or her family and nothing more. And if an individual who is killed has no dependents, he or she is entitled to very little, yet the loss to a parent or a sibling is no less tragic. The current Federal maritime law does not recognize the profound losses associated with the death of a loved one—the suffering of a widow who has lost her husband; a parent who has lost a child; or a child who will no longer have a parent to guide them through life. In modern America, it is simply unfair to have a different standard of justice for those killed at sea than those killed on land.

Another important provision in the pending bill is the Environmental Crimes Enforcement Act which would bolster the enforcement of environmental crimes. Often in the case of serious environmental catastrophes the companies that caused the disaster may be guilty of committing environmental crimes. These wrongdoers must be held accountable for their criminal acts, and they, rather than American taxpayers, should pay for the damage. The Environmental Crimes Enforcement Act is crafted to deter environmental crime, protect and compensate its victims, and encourage accountability among corporate actors. This would deter schemes by big oil corporations and by others that hurt hardworking Americans and their local economies and that damage the environment by increasing sentences for environmental crimes. All too often, corporations treat fines and monetary penalties as merely a cost of doing business, to be factored against profits. To deter criminal behavior by corporations, it is important to have laws resulting in prison time, and this bill would appropriately raise sentences for environmental crimes so they are comparable with sentences for other serious crimes. Nothing gets the attention of corporate decisionmakers like the prospect of serving time behind bars.

This provision would also help victims of environmental crime—the people who lose their livelihoods, their communities, and even their loved ones—reclaim their natural and economic resources by making restitution mandatory for criminal Clean Water Act violations.

Other members of the Judiciary Committee have made important contributions to the majority leader's bill. Senator WHITEHOUSE's legislation to reverse the Supreme Court's decision in Exxon v. Baker is included in this package. When this provision is enacted, the Supreme Court's arbitrary cap on punitive damages in maritime cases will be erased. Instead, with the appropriate measure of liability returned to a jury to decide, corporations engaged in dangerous and environmentally risky work will think twice about endangering the safety of their workers and the ecosystem.

Senator SCHUMER's legislation to repeal the antiquated Limitation of Shipowners' Liability Act has also been included. This statute limits a vessel owner's total liability to the value of the vessel after an accident has occurred. Updating this arcane law will foreclose the type of conduct we witnessed in this case when Transocean, the owner of the Deepwater Horizon, claimed its liability should be limited to the value of the Deepwater Horizon as it sat on the bottom of the gulf. That defies common sense and propriety. Congress cannot control a corporation's desire to evade its responsibilities, but the American people, through their Congress, need not allow a law that invites such behavior to stand.

Another important provision in this legislative package is the amendment

to the Land and Water Conservation Fund, LWCF, Act of 1965 to provide for full funding of the Land and Water Conservation Fund. This comes at a time when the purposes of this program are keenly important to communities across the country that are facing escalating development pressures, while striving to maintain their focus on improving the quality of life in their communities.

In my own home State of Vermont, LWCF has led to the conservation of many valued areas—from the Green Mountain National Forest, which stretches over nearly two-thirds of the length of Vermont across a diverse landscape, to our Missisquoi National Wildlife Refuge near the Canadian border, to the Appalachian Trail that winds through the State, and to the stunning Marsh-Billings-Rockefeller National Historical Park in Woodstock, VT. In recent years, LWCF has also helped to fund the Forest Legacy Program, which has permanently conserved more than 60,000 acres of forestland in Vermont and nearly 2 million acres nationwide. I am concerned, though, with how this new LWCF language has been drafted and worry that it could restrict our ability to allocate funds for the federal purposes, such as the Forest Legacy Program and other land acquisition programs that assist in preserving, developing, and assuring accessibility to quality outdoor recreation resources and important natural resources. I hope that I can work with the majority leader and other supporters of these land conservation programs moving forward to ensure that LWCF meets the outdoor conservation and recreation needs of the American people.

These investments not only protect crucial and delicate ecosystems and landscapes that are relied upon by countless communities and by indigenous wildlife; they also offer important recreation opportunities for Vermonters and visitors from other States to enjoy these beautiful places for our campgrounds, hiking trails, skiing, snow shoeing, snowmobiling, and fishing. It made good economic and environmental sense in 1965 and it remains good sense today to reinvest a small fraction of Federal leasing revenues in permanent natural resource protection. A healthier environment and more recreational opportunities will not only promote health and quality of life but also have a positive impact on our economy. More than 500 million people visit national parks and monuments, wildlife refuges, and recreational sites each year, contributing to family paychecks and to local economies.

LWCF is a visionary and bipartisan program. Since its creation in 1964, it has conserved more than 5 million acres of land and water across the country. These are iconic American landscapes like the redwood forests, the Grand Canyon National Park, the Appalachian National Scenic Trail, the Great Smoky Mountains, the Denali National Park and Preserve, the Everglades, and our own Green Mountain National Forest in Vermont. This is a program that touches every American. Even those who have not been able to visit a national park or forest likely have enjoyed one of the many urban parks, picnic areas, playgrounds, open trails, or open spaces that LWCF has been the key to providing and protecting—places prized by everyday Americans across the land as places for recreation and so many other uses.

I am proud to have led the bipartisan efforts in the Senate to build support for the fund, whose budget is overseen by the Interior Appropriations Subcommittee. I have sought, with bipartisan support, increased funding for both the Federal and State sides of the program and the Forest Legacy Program, another successful and popular conservation initiative that I was gratified to be able to launch when I chaired the Committee on Agriculture, Nutrition, and Forestry. Regrettably, securing adequate resources for LWCF has always been difficult, and LWCF has only been fully funded once in its history.

I must also voice some additional concerns and reservations that I have about the LWCF language in this bill regarding the role of the Appropriations Committee. I hope that we can ensure that Congress, through the direction of the Appropriations Committee, will still have control in establishing how the Land and Water Conservation Fund is allocated among the State and Federal purposes and the various agencies within. I ask that the majority leader commit to working with the Interior Appropriations Subcommittee chairman to develop language that guarantees the role of the Congress in appropriating and directing these funds rather than leaving all control in the administration. I trust that we can find a way to fully fund LWCF and maintain the congressional involvement through the appropriations process.

I applaud the majority leader for including this provision in the bill and appreciate both his support and that of the chairman of the Energy and Natural Resources Committee, Senator BINGAMAN, for leading this effort to protect America's most treasured landscapes, to strengthen our local economies, and to ensure the future of our natural, cultural, and recreation heritage.

Now I would be remiss if I did not mention another program that has faced the same difficulty receiving its full authorized amount. That would be the Historic Preservation Fund, which also receives funding from the Outer Continental Shelf oil lease revenues but has rarely been appropriated more than half of the authorized level of $150 million. I hope that I can work with my colleagues to solve this issue for the Historic Preservation Fund, just as we are trying to do for the Land and Water Conservation Fund.

This bill is also an important step forward for the Home Star Program, a bipartisan home efficiency effort that Congressman WELCH has helped lead in the House, that will lower consumers' energy and water costs while creating jobs. As Vermont has shown time and again, energy efficiency retrofits work. They not only create quality jobs and save homeowners money on their energy and water bills, but they also reduce our dependence on foreign oil and cut down on harmful carbon emissions.

The Clean Energy Jobs and Oil Company Accountability Act would reduce our dependence on foreign oil by making investments in vehicles that run on electricity and natural gas. The lack of fuel diversity in our transportation sector makes our economy and American consumers particularly vulnerable to increases in oil prices, and I am pleased that this bill invests in other transportation alternatives that will also bring down our carbon emissions.

I am sorely disappointed in Washington's inability so far to overcome the entrenched power of special interests by acting on comprehensive climate change remedies. This bill is not a substitute for that, but it does signifies several constructive steps forward.

I am proud to stand with Majority Leader REID in support of the victims of the greatest environmental disaster on American shores. But the legislative package he has assembled will do more than just bring justice to these victims. It will save consumers and taxpayers money, create jobs throughout the country, and move our country toward a safer, more responsible energy industry. It is a commonsense solution. I hope it will receive bipartisan support.

45TH ANNIVERSARY OF MEDICARE

Mrs. LINCOLN. Mr. President, tomorrow our Nation celebrates the 45th anniversary of Medicare, a vital program that has provided health care for millions of Americans through the years. During my career in the Senate, I have fought to ensure that our Arkansas seniors and all seniors receive the best health care possible. I have fought to protect Medicare benefits for our Arkansas seniors, so they can receive the care they need, when they need it.

I believe in the promise our government made to working Americans that if we work hard, Medicare will be there to help us in our golden years. Medicare has made a healthy and secure retirement possible for tens of millions of Americans, including my own mother.

More than 500,000 Arkansans are enrolled in Medicare, and I am proud of my work on their behalf. In particular, our Arkansas seniors will see significant new benefits because of the Patient Protection and Affordable Care Act, which I played a major role in crafting.

The new health care law will enhance the life and well being of our seniors in

many ways. For example, I fought successfully to reduce the Medicare Part D prescription drug coverage gap known as the doughnut hole, which will save seniors money beginning this year. In addition, the legislation will immediately extend Medicare payment protections for small rural hospitals and other health care providers that play vital roles in their communities.

I am proud that the Senate health care reform law explicitly states that no reductions in guaranteed Medicare benefits will be made, and that any savings generated for the Medicare program will extend Medicare solvency, reduce Medicare premiums and cost-sharing for beneficiaries, improve or expand Medicare guaranteed benefits, and preserve access to Medicare health care providers.

In addition my Medicare Advantage lemon law included in the bill creates a 45-day period—January 1through February 15—beginning in 2011 during which beneficiaries who enroll in Medicare Advantage or prescription drug plans during the annual enrollment period can disenroll and return to traditional fee-for-service Medicare. This proposal will help protect seniors from losing benefits or the ability to see their doctors if they have discovered they signed up for a Medicare Advantage plan that does not cover their doctors or does not meet their health care needs, a problem we have experienced often in Arkansas.

As we commemorate the 45th anniversary of Medicare, I would like to take this opportunity to thank the entire Arkansas health care community for their dedicated efforts to ensure that their fellow Arkansans receive the best care possible. In particular, I commend our health care professionals for their participation in the Medicare program, providing comfort and care and making a healthy retirement possible for millions of Arkansans since the program's inception 45 years ago.

AFGHANISTAN REPORT

Mrs. FEINSTEIN. Mr. President, the Senate Caucus on International Narcotics Control has been studying the evolving counternarcotics efforts in Afghanistan and has found that the Taliban has morphed into a hybrid—it is one part terrorist organization, one part global drug trafficking cartel.

The Taliban's terrorist operations are increasingly fueled by its substantial narcotics profits, with as much as $169 million coming from a single heroin trafficker in a 10-month period.

In Afghanistan, the convergence of terrorism and international drug trafficking is strikingly similar to what we have witnessed in Colombia. There, profits from the cocaine trade has kept the Marxist terrorist group known as the FARC going for the past 46 years.

These hybrid organizations are the face of 21st century organized crime.

In just one counternarcotics operation in October 2009, a major laboratory in Kandahar province in Afghanistan was raided. Sixteen Taliban were killed.

Roughly 1.8 metric tons of opium and heroin were seized at the lab—along with improvised explosive devices, IEDs, IED bomb-making materials, and Taliban training manuals.

The Drug Enforcement Administration, DEA, took down 25 heroin processing labs in Afghanistan in fiscal year 2009. All of them had ties to the Taliban.

In December 2009, before the House Armed Services Committee Karl W. Eikenberry, U.S. Ambassador to Afghanistan testified that:

> The cultivation of poppy and the trafficking of opium without a doubt has the most debilitating effect of Afghan society, feeding corruption and undermining the legal economy, while generating funds for the insurgency.

Systemic corruption at all levels of the Afghan government remains a problem fueled by the drug trade.

The two largest income-generators in Afghanistan are estimated to be drugs and bribes, accounting for $2.8 billion and $2.5 billion per year, respectively, according to the U.N. Office on Drugs and Crime report: ''Corruption in Afghanistan,'' January 2010.

Together, that is equal to about half of the country's legitimate GDP. This shocking figure clearly identifies the two biggest problems in Afghanistan: drugs and corruption.

Additional resources for the counternarcotics mission are now being developed after it was determined that drug trafficking clearly supports the insurgency.

However, experts agree that it may take many years to get the drug trade in Afghanistan under control.

Meanwhile, as the U.S. military plans to scale back its presence starting in summer 2011, civilian personnel will remain to continue to support Afghans.

So the question comes: Will the civilian counternarcotics forces in Afghanistan have enough personnel and equipment to continue meaningful operations without the U.S. military?

As part of the Drug Caucus review, I asked that we identify which programs and tools work, and which ones don't.

This report makes several recommendations, including: Increasing the capacity of the Afghan counternarcotics forces; continuing U.S. support for alternative livelihood programs and evaluating new program proposals; clarifying U.S. policy on eradication; increasing dedicated assets for air support of counternarcotics missions prior to the U.S. military drawdown; utilizing narcotics investigations as a tool to root out and prosecute corrupt Afghan officials; and suggesting policymakers develop a counternarcotics plan as soon as possible for when the military-to-civilian ratio changes.

Let me highlight one of the report's nine findings and recommendations. This finding involves narco-terrorism investigations.

In addition to hearing testimony, we have spoken to experts from the Departments of Justice, State, and Defense, nonpartisan think tanks, and intelligence community officials.

All agreed that it is essential to remove the leadership of the Afghan narco-cartels from the deadly mix of drug money and terror.

However, the Afghan judicial system is not capable of prosecuting and incarcerating high-value narcotics kingpins.

The good news is that there is a legal vehicle for U.S. law enforcement to remove these high-value targets.

In March 2006, as part of the Patriot Reauthorization Act, the United States enacted title 21 United States Code section 960a.

Known as the Federal narco-terrorism statute, this law gives DEA the authority to pursue narcotics and terrorism crimes committed anywhere in the world—if a link can be established between a drug offense and a terrorist act or group.

This statute can be applied worldwide. It has been particularly effective in combating major drug violators in Afghanistan.

These are the violators who are providing weapons and other substantial resources to the Taliban for use against American and coalition forces, and against the innocent civilian population of Afghanistan.

DEA currently has two 13-agent units—the Bilateral Investigations Unit and the Terrorism Investigations Unit—which address this type of narco-terrorism.

The Bilateral Investigations Unit primarily pursues cases of drugs being exported to the United States, and has been responsible for successfully investigating and convicting major Mexican and Colombian drug traffickers.

The Terrorism Investigations Unit investigates international criminal organizations that use illicit drug proceeds to promote and finance foreign terrorist organizations and acts of terror, pursuant to title 21 U.S.C. § 960a, narco-terrorism.

Agents with the Terrorism Investigations Unit have produced impressive case results, including: obtaining the first conviction under the new narco-terrorism law, against Khan Mohammed. Captured by DEA and Afghan Counternarcotics Police in Nangarhar Province in October 2006, Khan Mohammed was convicted in May 2008 in U.S. District Court in Washington, DC. He received two life sentences for selling narcotics and intending to use the proceeds to purchase rockets to attack the U.S. military base in Jalalabad, Afghanistan.

Indicting Haji Juma Khan and coordinating his arrest and expulsion from Indonesia on October 23, 2008. He was placed into DEA custody and transported to New York, where he awaits trial. He is one of the world's most significant heroin and opium traffickers, who provided direct support to

the Taliban from his drug trafficking revenue.

The Terrorism Investigations Unit worked in Afghanistan to capture Haji Bashir Noorzai, who was the world's largest heroin trafficker and one of the five original founding members of the Taliban Ruling Shura in Kabul. He was convicted in the Southern District of New York and is now serving a life sentence.

In December 2009, a Terrorism Investigations Unit investigation confirmed that al-Qaida is becoming increasingly involved with the drug trade, when Federal prosecutors in New York charged three people with ties to al-Qaida and al-Qaida in the Islamic Maghreb, AQIM, in Africa with narco-terrorism for conspiring to transport 500 kilograms of cocaine belonging to the FARC across Africa and into Europe.

This case marks the first time that associates of al-Qaida have been charged with narco-terrorism offenses, as well as the first prosecution of crimes related to drug trafficking in support of terrorism in sub-Saharan Africa.

Based on the success of these investigative units and the conditions in Afghanistan, I believe it is important to stand up a new team to focus directly on Afghanistan.

By providing funding for an Afghanistan team, the existing Terrorism Investigations Unit would be able to continue their work in Africa on al-Qaida-linked organizations.

An Afghanistan team would also expand the Terrorism Investigations Unit's operations—currently focused in the South and East—to throughout the country.

The contacts and leads they discover have produced, and will produce, collateral intelligence for American and coalition forces. I am confident that a new unit will produce additional indictments and convictions of Taliban members and others for narco-terrorism.

Our findings have clearly identified that this is a program that works. Simply put: Narco-terrorism investigations have proven to be an effective tool in Afghanistan. So it should be a priority for funding and action.

There's another area that should be a priority—helicopters. Helicopters are essential to this fight here's why:

After all our efforts—after the recruiting and training of Afghan police, after developing intelligence, after following leads—the times comes to lawfully arrest traffickers and seize their narcotics.

This requires a large force of law-enforcement personnel, supported by troops, and the counternarcotics team must be transported to the target location by helicopter.

Afghanistan is unlike most countries in the world in this respect. It is a vast country, with a challenging geography, and little in the way of passable roads. So helicopters are essential.

Unfortunately, many times there are no helicopters available, so the mission has to be scrubbed.

The Drug Caucus looked into this. We found that it is critical to have dedicated helicopters for counter-narcotics operations in Afghanistan. For example, last October Michael Braun, former Chief of Operations for DEA, told the Drug Caucus that:

> The DEA's counter narco-terrorism operations and vitally important intelligence gathering missions are routinely delayed, often for several days, because the DEA lacks its own organic helicopter assets in Afghanistan.''

The Government Accountability Office reported to Congress in March of this year that:

> Defense and DEA officials stated that airlift requirements have grown beyond what was originally envisaged for the Air Interdiction Unit, and they also stated they expected these requirements to grow further as DEA expands into forward operating bases

Attorney General Eric Holder told me this when I asked him on March 22, at the Judiciary Committee about the lack of air assets for counternarcotics operations:

> The most significant factor we face in Afghanistan is helicopter lift. DEA must have adequate helicopter lift capacity that is night capable and flown by veteran pilots.

Recently, the Drug Caucus learned the following:

There are funds available, allocated by Congress and provided to the State Department, for supporting other civilian agencies operating in Afghanistan. These funds can be used for to obtain dedicated helicopters for counter-narcotics missions.

There are retired Navy Sikorsky helicopters mothballed at Davis-Monthan Air Force Base and elsewhere available at no cost.

The State Department has a contract with Sikorsky to refurbish up to 110 S–61 helicopters over the next 5 years.

It will take approximately 9 months to refurbish these helicopters and get them to Afghanistan.

When I learned that we have these helicopters, a signed contract with Sikorsky, and funds for the retrofit the helicopters were all available to meet the needs of the counternarcotics mission I thought great, ''When will they be in country?''

Unfortunately, I cannot get an answer to that question because there has been a hold placed on the final decision regarding these helicopters. A hold that has lasted several months. This is unacceptable. Time is of the essence. These funds must be used now to prepare these helicopters to get them to Afghanistan by next spring.

I ask for the President and the Secretary of State's full support on this matter so, for the first time, there will be helicopters dedicated to U.S.-led counternarcotics operations in Afghanistan.

Drug trafficking in Afghanistan provides more than 90 percent of the world's opium.

It fuels the insurgency, corrupts public officials, and undermines political stability and the rule of law.

If we are to protect coalition forces from an influx of weapons now, and leave Afghanistan on firm footing, we must put an end to this relationship between terrorism and drugs.

In September 2009, the executive director of the United Nations Office of Drugs and Crime, Antonio Maria Costa had this to say:

> Like never before, the fates of counter-narcotics and counter-insurgency are inextricably linked.

On March 16 of this year at the Senate Armed Services Committee hearing General David Petraeus testified that:

> Another major component of our strategy is to disrupt narcotics trafficking, which provides significant funding to the Taliban insurgency. This drug money has been the 'oxygen' in the air that allows these groups to operate.

What we have learned is that heroin is a weapon for the insurgents and the terrorists.

It kills people. It ruins lives. It leads to criminal behavior.

And it corrupts governments, putting a terrible burden and strain on society.

When he learned that a large shipment of heroin was heading to American cities, convicted Afghan narco-terrorist Khan Mohammed was recorded on a surveillance tape saying:

> Good, may God turn all the infidels into dead corpses . . . whether it is by opium or by shooting, this is our common goal.

There can be no question that the drug trade in Afghanistan is inextricably linked to terrorism. So, the drug trade there must be met with the same robust response, the same level of resolve, as our efforts against the insurgency.

Bottom line: If we ignore the drug problem in Afghanistan we will fail in Afghanistan.

Mr. President, this report may be found at http://drugcaucus.Senate.gov.

I thank the Chair.

SEC FOIA EXEMPTION

Mr. KAUFMAN. Mr. President, I rise to discuss a provision in the Dodd-Frank Wall Street Reform and Consumer Protection Act, section 929I, that is attracting a lot of attention today, and for good reason. The SEC cited it yesterday in seeking to block a Freedom of Information Act, FOIA, action brought by Fox Business News.

Press freedom is a subject that is very important to me and many other Members of Congress, and one which our country is keen to stress as important around the world. It would be ironic if the Dodd-Frank bill substantially diminished our own press freedoms. This is particularly the case in the aftermath of a devastating financial crisis when we now hope that greater transparency into our financial institutions, markets and regulatory agencies will help ensure that systemic risks do not emerge and grow undetected.

Section 929I deals with ''records of registered persons,'' that is, information received by the SEC in the course of its oversight duties with respect to any person or entity registered under the Securities and Exchange Act and other applicable laws, such as the Investment Company Act and Investment Advisers Act. I am concerned that this provision has been written far too broadly. Indeed, it appears to have the effect of exempting from FOIA requests virtually all information received by the Securities and Exchange Commission from ''registered persons.'' An overbroad exclusion from public disclosure undermines the strong public interest in transparency. Narrowing or eliminating this new exclusion should be at the top of the list for a bill designed to amend the Dodd-Frank Act.

Section 929I reads in part:

> The Commission shall not be compelled to disclose records or information obtained pursuant to section 17(b), or records or information based upon or derived from such records or information, if such records or information have been obtained by the Commission for use in furtherance of the purposes of this title, including surveillance, risk assessments, or other regulatory and oversight activities.

Let me repeat: The Commission shall not be compelled to disclose records or information if such records or information have been obtained by the Commission for use in furtherance of the purposes of this title, including surveillance, risk assessments or other regulatory and oversight activities.

This provision is overly broad. I understand how it could help the SEC obtain information from the firms they examine when those firms are reluctant to turn over proprietary information that might later be subject to FOIA requests. But FOIA already has exemptions in it to deal with such concerns. If those exemptions need to be broadened, we should have done so with a scalpel.

For example, the provision fails to differentiate between proprietary information that might be turned over to the SEC during an examination, financial information a firm may simply prefer not to provide, and market data collected through standard surveillance activities by the Commission. It is not difficult to imagine why hedge funds and other trading firms would be reluctant to turn over proprietary algorithms: Quite simply, those computer programs likely contain loads of historical data, analysis, pattern recognition code and other tools that comprise a trading firm's ''special sauce.'' Just as Coca-Cola and Heinz 57 have strong motivations to keep their recipes a secret, and have done so for generations, so too do proprietary traders have strong incentives to guard their carefully written algorithms.

But data collected by the SEC as part of everyday surveillance activities, including the data set to be collected pending the Commission's approval of ''large trader'' tagging and a consolidated audit trail, should fall into an entirely different category.

And as the Financial Crisis Inquiry Commission and the Senate's Permanent Subcommittee on Investigations have learned, financial companies are often reluctant to turn over extensive financial records that permit the public to better understand complex financial transactions and accounting practices.

As written, the exemption throws a cloak over all information received by the Commission from the entities the SEC regulates. It is too broad; it does not serve the public interest; it is not consistent with the general goal of greater transparency, as President Obama has emphasized both with respect to FOIA and financial regulatory issues, and it should be reevaluated by the SEC and Congress.

As I understand it, the SEC has a legitimate concern now that it must examine thousands of additional entities, including private equity and hedge funds that must for the first time must register under the Investment Advisers Act. In the course of those examinations, a hedge fund may be reluctant to turn over information of a proprietary nature because it is concerned that despite the existing exemptions written into the FOIA statute, the hedge fund cannot be certain whether a judge will uphold the exemption. And so the hedge fund will be reluctant to turn over the information, and the SEC examiner may be stymied from receiving it unless he or she turns the matter into an enforcement action.

It may be that Congress needs to give the SEC some additional ability to compel documents in such a situation, or perhaps provide some narrowly tailored clarification to a FOIA exemption for financial information of a particularly sensitive proprietary nature. But this provision as signed into law drops a net over such information that is far too wide.

Indeed, in writing such a broad provision, Congress may have inadvertently encouraged registered entities to seek even more FOIA protection before cooperating with the SEC. That is because the logical corollary of protecting confidential information is to insist on a wider scope of confidential information, which, in turn, further erodes both our press freedoms and market transparency.

In addition, the SEC may be legitimately concerned that it could be required to turn over sensitive proprietary information in response to a third-party subpoena issued in litigation to which the SEC is not even a party. Once again, however, Congress should carefully examine the appropriate contours of third-party discovery requests to the SEC. It should not categorically exclude information held by the SEC based only upon its status as having been obtained from a ''registered person.''

Over the last few years, the credibility of our markets has been damaged. Only transparency can best restore that credibility; any exemptions to transparency should hence be narrowly crafted. Section 929I needs a ''do-over.'' In the coming weeks, I hope to work with the SEC and other Senators to craft a more reasonable approach that satisfies the legitimate concerns of the SEC without sacrificing the goals of transparency and public accountability.

NATIONAL URBAN LEAGUE'S 100TH ANNIVERSARY

Ms. LANDRIEU. Mr. President, I rise today to ask my colleagues to join me in recognizing the National Urban League on celebrating 100 years of enabling African Americans to secure economic self-reliance, parity, power, and civil rights.

The National Urban League is a historic civil rights organization dedicated to economic empowerment in order to elevate the standard of living in historically underserved urban communities. Founded in 1910 and headquartered in New York City, the National Urban League spearheads the efforts of its local affiliates through the development of programs, public policy research, and advocacy. Today, there are more than 100 local affiliates in 36 States and the District of Columbia, providing direct services that impact and improve the lives of more than 2 million people nationwide.

This week, some of the Nation's foremost power brokers, celebrities, corporate leaders, and activists are convening at the Washington Convention Center in the Nation's Capital to celebrate the 100th anniversary of the National Urban League. The Centennial Conference marks the completion of the first century of leadership and service and now prepare for a new civil rights strategy to meet the new challenges to equal opportunity in America.

The National Urban League employs a five-point approach to provide economic empowerment, educational opportunities, and the guarantee of civil rights for African Americans: education and youth empowerment, which ensures the education of all children by providing access to early childhood literacy, aftercare programs and college scholarships; economic empowerment, which invests in the financial literacy and employability of adults through job training, home ownership, and entrepreneurship; health and quality of life empowerment, which promotes community wellness through a focus on prevention, including fitness, healthy eating, and access to affordable healthcare; civic engagement and leadership empowerment, which encourages all people to take an active role to improve quality of life through participation in community service projects and public policy initiatives; and civil rights and racial justice empowerment, which guarantees equal participation in all facets of American society through proactive public policies and community-based programs.

I ask that my colleagues join me in congratulating the National Urban League on its 100th anniversary and in wishing them the best for years to come.

ADDITIONAL STATEMENTS

TRIBUTE TO THOMAS L. CHARLTON

• Mr. BURRIS. Mr. President, as a longtime public servant, I have always had the utmost regard for individuals who dedicate themselves to a greater cause.

Among these, educators stand out in my mind as especially worthy of thanks and recognition.

I often say that educators have an eternal impact on our country's youth.

From primary school through graduate school, these dedicated men and women are charged with shaping the next generation of Americans.

They provide our Nation's young people with the inspiration to achieve, and the tools to succeed in a global marketplace.

So today, I honor one such educator, Professor Thomas L. Charlton—a brilliant scholar, a remarkable advocate for the values of higher learning, and an avid student of history in his own right.

Professor Charlton began his career in 1962, at San Antonio College, where he taught as many as five classes at one time.

He developed a passion for teaching that would guide him for the rest of his career. After he earned his Ph.D. in 1969 at the University of Texas at Austin, he became a professor of history at Baylor University.

At Baylor, he founded the Institute for Oral History. And over the next quarter century, he presided over its ascension as one of the top oral history research centers in the country.

He pushed for excellence at every turn, and he dedicated himself to the preservation of our rich past.

In 1981, Dr. Charlton authored a landmark academic text on the oral history of Texas, entitled ''Oral History for Texans.''

The following year, he became founding president of the Texas Oral History Association and saw his national reputation grow by leaps and bounds.

But for all the acclaim and success that he enjoyed, those who know Professor Charlton will be quick to point out that he is never happier than when he is out in the field with a group of his graduate students.

He has never lost the passion for teaching that he discovered in the early days of his career—a passion which has guided him to this day.

In the last two decades, Professor Charlton served the Baylor community as vice provost for research, and later as director of the Texas Collection library.

And after nearly half a century of dedicated service at the college level, he announced his retirement earlier this year.

Mr. President, today I honor the tremendous contributions Thomas Charlton has made during his remarkable career.

I celebrate the achievements that have marked his tenure and the lives he touched at every step along the way.

But even as we wish him a happy retirement and recognize the indelible mark he has left on Baylor University, I cannot help but reflect that, among his students, his peers, and all who share his dedication, he will be sorely missed.

I yield the floor.•

TRIBUTE TO MICHAEL J. SULICK

• Mrs. FEINSTEIN. Mr. President, I wish to recognize and pay tribute to Mr. Michael J. Sulick, Director of the National Clandestine Service of the Central Intelligence Agency, who will retire tomorrow, July 30, 2010. Mr. Sulick's career spans over 30 years in the CIA during which he distinguished himself as a patriot, leader, and friend of the U.S. Senate. Mike Sulick also served as a marine in Vietnam from 1968 to 1969.

It is a rare opportunity to pay tribute publicly to one of the men and women who serve beyond the front lines, working in secret to protect and serve the Nation. Having ''come in from the cold,'' I am pleased to be able to say a few words about Mike.

A New York native, Mr. Sulick graduated from Fordham University in 1971 with a B.A. degree in Russian language/literature and continued at the University to earn a M.A. in Russian language/literature in 1972. In 1977, he received a doctorate in comparative literature from City University of New York, NY.

During his career, Mike served more than 11 years abroad in Asia, Latin America, Poland, and Russia, where he was able to use his language fluency of Spanish, Polish, and Russian. In headquarters assignments, he served as Chief of Liaison in the Office of Congressional Affairs, Chief of Central Eurasia Division, Chief of Counterintelligence, and as the Deputy Director and later as Director of the National Clandestine Service.

Mr. Sulick retired from the CIA as the Deputy Director of the National Clandestine Service in 2004. In 2007, Mike heeded the call of service when he was asked by the CIA Director, GEN Michael Hayden, and his Deputy Director, Steve Kappes, to rejoin the Agency. He has been the head of the clandestine service for the past 3 years.

In this capacity, he had frequent interaction with Senators and staff of the Senate Select Committee on Intelligence. His professionalism, mature judgment, sage advice, and interpersonal skills earned him the respect and confidence of the committee. His sound judgment, courage, and candor also directly contributed to his successful representation of the CIA's interests before the committee and Congress.

Throughout his career, Mike Sulick demonstrated a profound commitment to our Nation, a selfless service to the CIA, a deep concern for Agency officers and their families, and a commitment to excellence. Mike is a consummate professional whose performance, in over 30 years of service, has personified those traits of courage, competency, and integrity that our Nation has come to expect and so desperately needs from its professional intelligence officers.

Mr. President, I ask my colleagues to join me in thanking Mr. Mike Sulick for his honorable service to the Central Intelligence Agency and the people of the U.S. and also thanking Mike's wife Shirley for her support and understanding, as well as her sacrifices in allowing Mike to selflessly commit himself to protecting our Nation.

We wish Mike and Shirley Sulick all the best in the future.•

SPRINGFIELD BAPTIST CHURCH

• Mr. ISAKSON. Mr. President, today I honor in the RECORD Springfield Baptist Church in Greensboro, GA.

On August 15, 2010, the Georgia Historical Society will place a permanent marker recognizing this historic church as the oldest African-American church in Greene County. Established in 1864, Springfield Baptist Church has been a place of faith, hope, and dreams for its members for almost 150 years.

This isn't the first time that Springfield Baptist Church has been honored for its important place in Greene County's history. On September 8, 1987, the church was listed on the National Register of Historic Places.

It gives me a great deal of pleasure and it is a privilege to recognize the Springfield Baptist Church and its contributions to Greene County. I congratulate Pastor James C. Tazel, Jr. and the entire congregation on this historic occasion.•

TRIBUTE TO PIUS BANNIS

• Mr. LEMIEUX. Mr. President, today I honor a true American hero, Mr. Pius Bannis.

Mr. Bannis is the field office director for U.S. Citizenship and Immigration Services stationed in the U.S. Embassy in Port-au-Prince, Haiti. During the darkest moments of the devastating earthquake of January 12, 2010, that destroyed Port-au-Prince, Haiti, Mr. Bannis bravely performed his duties.

As we know, children are the most vulnerable victims of any disaster—let alone the tragic January 12, 2010, earthquake causing devastation of monumental proportions in Haiti. In the immediate aftermath of this tragedy, Mr. Bannis selflessly worked around the clock to ensure hundreds of orphaned Haitian children were removed from harm's way and placed in a

safe environment with loving American families. It was during these very emotional moments Mr. Bannis heroically united families but never wavered from his sworn duty of upholding the law as a field office director for U.S. Citizenship and Immigration Services. His heroic actions will afford countless orphaned children an opportunity to build a better life in the wake of this tragedy.

Today I wish to recognize Mr. Bannis' extraordinary leadership. I commend him and his colleagues of the U.S. Citizenship and Immigration Services for their selfless sacrifices and service to protect the most vulnerable victims of the January 2010 earthquake in Haiti.●

REMEMBERING REAR ADMIRAL LEROY COLLINS, JR.

● Mr. LEMIEUX. Mr. President, today I wish to give special recognition to the life and work of a friend and fellow Floridian, former U.S. Navy RADM LeRoy Collins, Jr . I had the pleasure of working closely with Admiral Collins during my time with the Governor's office and more recently on federal issues improving health care for veterans. He was a fifth-generation Floridian who came from a long line of public servants and will always be remembered for his commitment to the military community and our State.

A native of Tallahassee, FL, LeRoy Collins received his commission from the U.S. Naval Academy in June 1956 and began a long career with the Navy. His first tour was aboard the amphibious transport USS *Calvert*, followed by a Submarine Officer's Basic Course in Groton, CT. Later, he served aboard the submarine USS *Chivo*. Through hard work, dedication and sacrifice, LeRoy earned the rank of rear admiral.

Admiral Collins served as an analyst for Naval Intelligence in Washington, DC and as a ballistic missile weapons officer aboard the nuclear-powered ballistic missile submarine USS *James Madison*. After a brief tour working missile test operations at Naval Ordnance Training Unit in Cape Canaveral, he transferred to the Navy Reserve in 1966.

While a naval reservist, Admiral Collins served as commanding officer of the coastal minesweeper USS *Thrush* and later as commander of various Navy Reserve submarine units. During his time, he was the Navy's liaison to the Florida National Guard and also commanding officer of the Navy liaison unit at U.S. Readiness Command, headquartered at MacDill Air Force Base, FL.

The admiral served as Commander, Naval Reserve Readiness Command, Region 8 and later as Deputy Chief of Naval Operations (Reserve) for Logistics, Pentagon, until his retirement from the Navy Reserve as a two-star rear admiral in October, 1990.

Throughout his service in the Navy Reserve, Admiral Collins was also a businessman. He spent time with the Florida Power & Light Company and IBM. He was the founding president of Financial Transaction Systems, Inc., and president of Telecredit Service Center, Inc. In addition, he served as president of Dynamic Realty of Tampa, Inc., was chairman of Gateway Holdings, Inc., and served as president of the Armed Forces Financial Network.

I wish to take this opportunity to pay tribute to Admiral Collins, a pillar of our great State, for his service to our Nation and his commitment to helping Florida's veterans. His work for Florida's veterans, their families and survivors in improving their health and well-being will be greatly missed.

Admiral Collins served his country diligently, with pride, and with honor. On behalf of all Floridians, and specifically the nearly 1.8 million veterans who call Florida home, I thank him for his service and know he will be greatly missed.●

TRIBUTE TO GEORGE AUSTIN HAY

● Mr. SPECTER. Mr. President, I congratulate and honor George Austin Hay on his recent retirement as a multimedia specialist for the U.S. Department of Transportation, DOT. As a former resident of, and originally from, Johnstown, PA, Mr. Hay's 37 years with the Federal Highway Administration capped an extraordinary career of 55 years of public service with the Federal Government. He has distinguished himself as a truly dedicated public servant.

Mr. Hay joined the Department of Defense in 1955 as a motion picture producer and casting director at the Department's Army Pictorial Center in Astoria, New York—the most expansive government film facility and, at that time, the fourth largest studio and sound stage in the world. There he produced Army training films, Government documentaries, and Defense Department short subjects. While employed at the Department of Defense, Mr. Hay had the privilege of working with some of Hollywood's best, including Paul Newman, Edward R. Murrow, Ed Asner, Henry Fonda, Gene Hackman, Dick Cavett, and Ronald Reagan, all of whom Mr. Hay hired for military training films. He also developed a friendship with Walter Cronkite.

In 1973, Mr. Hay was called to Washington to fill the shoes of the retiring chief of the Federal Highway Administration's photographic section. While at the Federal Highway Administration, Mr. Hay produced his crowning achievement in film: ''Highways of History.'' This film narrative depicts the history of transportation in the United States. The film has been shown on television and has been distributed to high schools and universities with an estimation of more than 1 million viewers over the last 30 years.

As a multimedia specialist, Mr. Hay was involved with an extensive photo and illustration search program. He has researched information to describe hundreds of selected images showing excellence in highway design, outstanding bridge structures, and multimodal transportation. Mr. Hay was also responsible for historical exhibits, and was widely known for his wealth of knowledge about the Federal Highway Administration's history, as well as the history of America's roadways. As an integral part of the publishing and visual communications team, he has written numerous fascinating articles that chronicle the development of our modern transportation system.

In his spare time, Mr. Hay has also appeared as an extra in more than 100 movies. His film credits include walking beside Cary Grant in the Alfred Hitchcock masterpiece, ''North by Northwest.'' Today, Mr. Hay continues to act as an extra, averaging two films per year.

Throughout his career, Mr. Hay's outstanding efforts have enhanced DOT's public image by bringing positive transportation messages to citizens across the Nation. His multimedia products have depicted significant historical events and garnered widespread attention, as well as notable commendations. His fascinating articles, films, and exhibits have chronicled the development of our modern transportation system. His work demonstrates an extraordinary ability to harness knowledge about DOT's history, as well as the history of America's transportation system. Mr. Hay has provided an invaluable service for many years, and his achievements will have a lasting legacy.●

GANN VALLEY, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Gann Valley, SD. Founded in 1885, the town of Gann Valley will celebrate its 125th anniversary this year.

Located in Buffalo County, Gann Valley is a small yet steadfast community that embodies the spirit of South Dakota. Gann Valley's proximity to the Missouri River has made this town a great location for outdoor adventures, such as fishing, camping, and boating. Gann Valley has continued to be a strong reflection of South Dakota's greatest values and traditions.

Gann Valley will commemorate the 125th anniversary of its founding with a celebration held from July 30 through August 1, featuring events such as a wagon train, parade, buffalo chip throwing, rooster roping, live minnow races, and a street dance. I would like to offer my congratulations to the citizens of Gann Valley on this milestone anniversary and wish them continued prosperity in the years to come.●

TRIBUTE TO ROBERT BERRY

● Mr. THUNE. Mr. President, today I wish to recognize Robert Berry, an intern in my Aberdeen, SD, office, for all of the hard work he has done for me,

my staff, and the State of South Dakota over the past several months.

Robert is a graduate of Aberdeen Central High School in Aberdeen, SD. Currently, he is attending the University of Minnesota, where he is majoring in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Robert for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO AIMEE CORNELIUS

● Mr. THUNE. Mr. President, today I wish to recognize Aimee Cornelius, an intern in my Aberdeen, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Aimee is a graduate of Aberdeen Central High School in Aberdeen, SD. Currently, she is attending North Central University, where she is majoring in journalism. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Aimee for all of the fine work she has done and wish her continued success in the years to come.●

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE ACTIONS OF CERTAIN PERSONS TO UNDERMINE THE SOVEREIGNTY OF LEBANON OR ITS DEMOCRATIC PROCESSES AND INSTITUTIONS—PM 65

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared with respect to the actions of certain persons to undermine the sovereignty of Lebanon or its democratic processes and institutions is to continue in effect beyond August 1, 2010.

While there have been some recent positive developments in the Syrian-Lebanese relationship, continuing arms transfers to Hizballah that include increasingly sophisticated weapons systems serve to undermine Lebanese sovereignty, contribute to political and economic instability in the region, and continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared on August 1, 2007, to deal with that threat and the related measures adopted on that date to respond to the emergency.

BARACK OBAMA.

THE WHITE HOUSE, *July 29, 2010*.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:33 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4899. An act making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

At 10:08 a.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1796. An act to amend the Consumer Product Safety Act to require residential carbon monoxide detectors to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule, to encourage States to require the installation of such detectors in homes, and for other purposes.

H.R. 1875. An act to establish the Emergency Trade Deficit Commission.

H.R. 2480. An act to improve the accuracy of fur product labeling, and for other purposes.

H.R. 4658. An act to authorize the conveyance of a small parcel of National Forest System land in the Cherokee National Forest and to authorize the Secretary of Agriculture to use the proceeds from that conveyance to acquire a parcel of land for inclusion in that national forest, and for other purposes.

H.R. 4692. An act to require the President to prepare a quadrennial National Manufacturing Strategy, and for other purposes.

H.R. 5156. An act to provide for the establishment of a Clean Energy Technology Manufacturing and Export Assistance Fund to assist the United States businesses with exporting clean energy technology products and services.

H.R. 5669. An act to direct the Secretary of Agriculture to convey certain Federally owned land located in Story County, Iowa.

H.R. 5751. An act to provide for the establishment of a task force that will be responsible for investigating cases referred to the Attorney General under the Lobbying Disclosure Act of 1995, and for other purposes.

H.R. 5827. An act to amend title 11 of the United States Code to include firearms in the types of property allowable under the alternative provision for exempting property from the estate.

H.R. 5872. An act to provide adequate commitment authority for fiscal year 2010 for guaranteed loans that are obligations of the General and Special Risk Insurance Funds of the Department of Housing and Urban Development

H.R. 5874. An act making supplemental appropriations for the United States Patent and Trademark Office for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 5875. An act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2765) to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 5610) to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers.

The message also announced that pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431), and the order of the House of January 6, 2009, the Speaker appoints the following member on the part of the House of Representatives to the Commission on International Religious Freedom: Upon the recommendation of the Minority Leader: Ms. Nina Shea of Washington, DC, for a two-year term ending May 14, 2012, to succeed herself.

ENROLLED BILLS SIGNED

At 11:54 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1749. An act to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

S. 1789. An act to restore fairness to Federal cocaine sentencing.

H.R. 2765. An act to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services.

H.R. 5610. An act to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers.

At 3:33 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5822. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 307. Concurrent resolution providing for a conditional recess or adjournment of the Senate.

H. Con. Res. 308. Concurrent resolution providing for a conditional adjournment of the House of Representatives.

ENROLLED BILL SIGNED

At 5:45 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4380. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3663. A bill to promote clean energy jobs and oil company accountability, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5822. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on July 29, 2010, she had presented to the President of the United States the following enrolled bills:

S. 1749. An act to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

S. 1789. An act to restore fairness to Federal cocaine sentencing.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6861. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mevinphos; Proposed Data Call-in Order for Pesticide Tolerance'' (FRL No. 8835–7) received in the Office of the President of the Senate on July 27, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6862. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Kiwifruit Grown in California; Order Amending Marketing Order No. 920'' (Docket Nos. AO–FV–08–0174; AMS–FV–08–0085; FV08–920–3) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6863. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pistachios Grown in California, Arizona, and New Mexico; Modification of the Aflatoxin Regulations'' (Docket Nos. AMS–FV–10–0031; FV10–983–1 IR) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6864. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, OR; Suspension of Reporting and Assessment Requirements'' (Docket Nos. AMS–FV–10–0054; FV10–924–2 IR) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6865. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Kiwifruit Grown in California; Changes to District Boundaries'' (Docket Nos. AMS–FV–08–0085; FV08–920–3 IR) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6866. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 2009–10 Crop Natural (Sun—Dried) Seedless Raisins'' (Docket Nos. AMS–FV–09–0075; FV10–989–1 FIR) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6867. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Organic Program; Amendments to the National List of Allowed and Prohibited Substances (Crops)'' ((RIN0581–AC93)(Docket Nos. AMS–NOP–09–0081; TM–09–04 FR)) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6868. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarines and Peaches'' (Docket Nos. AMS–FV–09–0090; FV10–916/917–1 FIR) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6869. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Colorado; Relaxation of Handling Regulation for Area No. 3'' (Docket Nos. AMS–FV–08–0115; FV09–948–2 FIR) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6870. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Washington; Temporary Change to the Handling Regulations and Reporting Requirements'' (Docket Nos. AMS–FV–10–0052; FV10–946–1 IR) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6871. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Sheep Industry Improvement Center'' (Docket No. AMS–LS–08–0064) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6872. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Special Evaluation Assistance for Rural Communities and Households Program'' ((7 CFR Part 1774)(RIN0572–AC14)) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6873. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (4) officers authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–6874. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the inventory lists for the Departments of the Army, Navy, and Air Force, as well as U.S. Transportation Command, U.S. Special Operations Command, Washington Headquarters Services, and the other defense agencies; to the Committee on Armed Services.

EC–6875. A communication from the Secretary of the Army, transmitting, pursuant to law, an annual report relative to recruitment incentives; to the Committee on Armed Services.

EC–6876. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Jeffrey A. Wieringa, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–6877. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Melvin G. Williams, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–6878. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Inflation Adjustment of Acquisition-Related Thresholds'' (DFARS Case 2009–D003) received in the Office of the President of the Senate on July 29, 2010; to the Committee on Armed Services.

EC–6879. A communication from the Assistant Secretary of the Navy (Research, Development and Acquisition), transmitting, pursuant to law, a report relative to the determination and findings for authority to award a single source task or delivery order contract; to the Committee on Armed Services.

EC–6880. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12947 with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC–6881. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S.

exports to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC–6882. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Lebanon Sanctions Regulations'' (31 CFR Part 549) received in the Office of the President of the Senate on July 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–6883. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Registration of Mortgage Loan Originators'' (RIN1557–AD23) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–6884. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Containment Isolation Provisions for Fluid Systems'' (Regulatory Guide 1.141, Revision 1) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Environment and Public Works.

EC–6885. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Methods for Measuring Effective Dose Equivalent from External Exposure'' (Regulatory Guide 8.40) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Environment and Public Works.

EC–6886. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Washington: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL No. 9181–8) received in the Office of the President of the Senate on July 27, 2010; to the Committee on Environment and Public Works.

EC–6887. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Arizona State Implementation Plan, Maricopa County Air Quality Department'' (FRL No. 9180–1) received in the Office of the President of the Senate on July 27, 2010; to the Committee on Environment and Public Works.

EC–6888. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment for PM–10; Fort Hall PM–10 Nonattainment Area, Idaho'' (FRL No. 9180–2) received in the Office of the President of the Senate on July 27, 2010; to the Committee on Environment and Public Works.

EC–6889. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Minnesota'' (FRL No. 9182–2) received in the Office of the President of the Senate on July 27, 2010; to the Committee on Environment and Public Works.

EC–6890. A communication from the Director of Human Resources, Environmental Protection Agency, transmitting, pursuant to law, (3) three reports relative to vacancies in the Environmental Protection Agency, received in the Office of the President of the Senate on July 28, 2010; to the Committee on Environment and Public Works.

EC–6891. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Limnanthes floccosa ssp. grandiflora (Large-Flowered Woolly Meadowfoam) and Lomatium cookii (Cook's Lomatium)'' (RIN1018–AW21) received in the Office of the President of the Senate on July 27, 2010; to the Committee on Environment and Public Works.

EC–6892. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Additives Permitted in Feed and Drinking Water of Animals; Ammonium Formate'' (Docket No. FDA–2008–F–0151) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6893. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Food and Drug Administration's report relative to the Backlog of Postmarketing Requirements and Postmarketing Commitments; to the Committee on Health, Education, Labor, and Pensions.

EC–6894. A communication from the Chairman, Merit System Protection Board, transmitting, pursuant to law, a report entitled ''A Call to Action: Improving First-Level Supervision of Federal Employees''; to the Committee on Homeland Security and Governmental Affairs.

EC–6895. A communication from the Acting Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, an annual report relative to the federal work force for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–6896. A communication from the Policy Analyst, Bureau of Immigration and Customs Enforcement, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Electronic Signature and Storage of Form I–9, Employment Eligibility Verification'' (RIN1653–AA47) received in the Office of the President of the Senate on July 28, 2010; to the Committee on the Judiciary.

EC–6897. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Florida Advisory Committee; to the Committee on the Judiciary.

EC–6898. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Texas Advisory Committee; to the Committee on the Judiciary.

EC–6899. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Department's activities regarding civil rights era homicides; to the Committee on the Judiciary.

EC–6900. A communication from the Secretary of Veterans Affairs, transmitting proposed legislation relative to ending homelessness among Veterans and establishment of a nonprofit research and education corporation at the VA's central office; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on Appropriations, without amendment:

S. 3676. An original bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2011, and for other purposes (Rept. No. 111—237).

By Mr. DURBIN, from the Committee on Appropriations, without amendment:

S. 3677. An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2011, and for other purposes (Rept. No. 111—238).

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 3397. A bill to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

John F. Walsh, of Colorado, to be United States Attorney for the District of Colorado for the term of four years.

William J. Ihlenfeld, II, of West Virginia, to be United States Attorney for the Northern District of West Virginia for the term of four years.

John William Vaudreuil, of Wisconsin, to be United States Attorney for the Western District of Wisconsin for the term of four years.

Mark Lloyd Ericks, of Washington, to be United States Marshal for the Western District of Washington for the term of four years.

Joseph Patrick Faughnan, Sr., of Connecticut, to be United States Marshal for the District of Connecticut for the term of four years.

Harold Michael Oglesby, of Arkansas, to be United States Marshal for the Western District of Arkansas for the term of four years.

Conrad Ernest Candelaria, of New Mexico, to be United States Marshal for the District of New Mexico for the term of four years.

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

*James R. Clapper, of Virginia, to be Director of National Intelligence.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR (for himself and Mr. KERRY):

S. 3665. A bill to promote the strengthening of the private sector in Pakistan; to the Committee on Foreign Relations.

By Mr. CARDIN (for himself, Mrs. FEINSTEIN, and Mr. LIEBERMAN):

S. 3666. A bill to authorize certain Department of State personnel, who are responsible for examining and processing United States passport applications, to be able to access

certain Federal, State, and other databases, for the purpose of verifying the identity of a passport applicant, to reduce the incidence of fraud, to require the authentication of identification documents submitted by passport applicants, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mrs. LINCOLN, and Mr. FRANKEN):

S. 3667. A bill to amend part A of title IV of the Social Security Act to exclude child care from the determination of the 5—year limit on assistance under the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. BAYH, and Mr. BOND):

S. 3668. A bill to require the Secretary of Health and Human Services to establish a demonstration program to award grants to, and enter into contracts with, medical—legal partnerships to assist patients and their families to navigate health—related programs and activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself and Mr. FRANKEN):

S. 3669. A bill to increase criminal penalties for certain knowing violations relating to food that is misbranded or adulterated; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 3670. A bill to establish standards limiting the amounts of arsenic and lead contained in glass beads used in pavement markings; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER (for himself and Mr. GOODWIN):

S. 3671. A bill to improve compliance with mine and occupational safety and health law, empower workers to raise safety concerns, prevent future mine and other workplace tragedies, establish rights of families of victims of workplace accidents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WICKER:

S. 3672. A bill to clarify and improve the payment of multiperil insurance claims, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON (for herself, Mr. BURR, Mr. ENZI, Mr. WICKER, Mr. BOND, Ms. MURKOWSKI, and Mr. CORNYN):

S. 3673. A bill to amend the Patient Protection and Affordable Care Act to repeal certain limitations on tax health care benefits; to the Committee on Finance.

By Ms. STABENOW:

S. 3674. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and other dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease by increasing detection, diagnosis, care, and planning; to the Committee on Finance.

By Mr. WHITEHOUSE:

S. 3675. A bill to amend chapter 11 of title 11, United States Code, to address reorganization of small businesses; to the Committee on the Judiciary.

By Mr. LEAHY:

S. 3676. An original bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2011, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. DURBIN:

S. 3677. An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2011, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. LAUTENBERG:

S. 3678. A bill to improve mental health services for members of the National Guard and Reserve deployed in connection with a contingency operation, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

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

S. Res. 601. A resolution to authorize testimony of Senate employees in a grand jury proceeding in the District of Columbia; considered and agreed to.

ADDITIONAL COSPONSORS

S. 749

At the request of Mr. COCHRAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1553

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1553, supra.

S. 3152

At the request of Mr. DEMINT, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3152, a bill to repeal the Patient Protection and Affordable Care Act.

S. 3157

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3157, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to allow time for pensions to fund benefit obligations in light of economic circumstances in the financial markets of 2008, and for other purposes.

S. 3262

At the request of Mr. MENENDEZ, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3262, a bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 3265

At the request of Mr. MCCAIN, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 3265, a bill to restore Second Amendment rights in the District of Columbia.

S. 3397

At the request of Ms. KLOBUCHAR, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3397, a bill to amend the Controlled Substances Act to provide for takeback disposal of controlled substances in certain instances, and for other purposes.

S. 3434

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3434, a bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes.

S. 3437

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3437, a bill to amend the Child Abuse Prevention and Treatment Act to establish grant programs for the development and implementation of model undergraduate and graduate curricula on child abuse and neglect at institutions of higher education throughout the United States and to assist States in developing forensic interview training programs, to establish regional training centers and other resources for State and local child protection professionals, and for other purposes.

S. 3447

At the request of Mr. AKAKA, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3474

At the request of Mr. FEINGOLD, the names of the Senator from Idaho (Mr. RISCH), the Senator from Virginia (Mr. WARNER) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 3474, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 3486

At the request of Mr. BROWN of Ohio, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3486, a bill to amend title

38, United States Code, to repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay, and for other purposes.

S. 3570

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3570, a bill to improve hydropower, and for other purposes.

S. 3571

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3571, a bill to extend certain Federal benefits and income tax provisions to energy generated by hydropower resources.

S. 3583

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3583, a bill to amend title 38, United States Code, to increase flexibility in payments for State veterans homes, and for other purposes.

S. 3593

At the request of Mr. JOHANNS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 3593, a bill to require the Federal Government to pay the costs incurred by a State or local government in defending a State or local immigration law that survives a constitutional challenge by the Federal Government in Federal court.

S. 3628

At the request of Mr. SCHUMER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3628, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

S. 3637

At the request of Mr. KOHL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3637, a bill to authorize appropriations for the Housing Assistance Council.

S. 3645

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3645, a bill to direct the Secretary of Education to establish and administer an awards program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

S. RES. 586

At the request of Mr. FEINGOLD, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. Res. 586, a resolution supporting democracy, human rights, and civil liberties in Egypt.

S. RES. 592

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Res. 592, a resolution designating the week of September 13–19, 2010, as ''Polycystic Kidney Disease Awareness Week'', and supporting the goals and ideals of Polycystic Kidney Disease Awareness Week to raise awareness and understanding of polycystic kidney disease and the impact the disease has on patients now and for future generations until it can be cured.

S. RES. 597

At the request of Mr. SESSIONS, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Res. 597, a resolution designating September 2010 as ''National Prostate Cancer Awareness Month''.

AMENDMENT NO. 4519

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 4519 proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4531

At the request of Mr. JOHANNS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 4531 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4532

At the request of Mr. CORNYN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4532 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4558

At the request of Mrs. HUTCHISON, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 4558 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself and Mr. KERRY):

S. 3665. A bill to promote the strengthening of the private sector in Pakistan; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to introduce legislation that will lead to the establishment of the Pakistan-American Enterprise Fund on behalf of myself and Senator KERRY. The Pakistan-American Enterprise Fund bill authorizes the Administration to allocate, from existing funds granted under the Enhanced Partnership with Pakistan Act of 2009, such sums as required to create the Fund. The mission of the Fund will be to help empower Pakistan's private sector to create jobs, which will contribute towards achieving long-term social stability and economic growth.

The failed attack that occurred on May 1, 2010 in Times Square reinforces the need for our governments to work together to neutralize the imminent threats posed by terrorist waiting to strike, while simultaneously preventing the cancer of extremism from spreading and corrupting local communities in both our countries.

It was to help undergird such cooperation that President Obama last year signed the Kerry-Lugar-Berman Enhanced Partnership with Pakistan Act authorizing $7.5 billion over 5 years. This non-military aid package is intended to help reverse Pakistan's converging crises of a growing al-Qaeda sanctuary, an expanding Taliban insurgency, a failing economy and deteriorating human development indicators. These conditions were intensifying turmoil and violence in the country, helping to incubate extremism and putting in question the security of Pakistan's nuclear weapons arsenal, as well as our own domestic security.

In order to directly address Pakistan's troubling economic trajectory, the Pakistan-American Enterprise Fund will work with the private sector to catalyze indigenous job creation, which will empower the people of Pakistan to help themselves. Entrepreneurial innovation is the engine that fuels sustainable economic growth and development. Pakistan currently enjoys a vibrant private sector, especially among small and medium size enterprises, but more must be done to encourage business formation and expansion.

According to the World Bank, small and medium size enterprises, SMEs, in

Pakistan account for nearly 90 percent of all businesses, 80 percent of all non-agricultural employees, and 40 percent of annual GDP. If the country is to emerge as a commercial partner and regional leader, SMEs must receive a strong transfusion of investment capital so that gainful employment exists as an alternative to the financial incentives offered by radical groups in Pakistan.

In addition to providing much needed capital to aspiring and established Pakistani entrepreneurs, the Fund will provide a vehicle through which we might also export the entrepreneurial instincts and experience that are widely dispersed, but largely untapped, among US financial experts. Sustainable entrepreneurial activity requires a combination of financial and intellectual capital. Delivering both of these ingredients effectively is essential.

USAID has demonstrated a limited capacity to deliver this type of relevant, usable assistance when needed. Currently under-resourced for and over-stretched by the task of rebuilding the infrastructures and economies of Iraq, Afghanistan and now Haiti—while simultaneously rebuilding the agency itself—USAID's efforts would be enhanced by the expertise the Fund could bring to bear.

The creation of a Fund for Pakistan, like many of its predecessors, could couple financial and intellectual capital in a framework that is uniquely suited to addressing the financial and technical assistance needs in distressed economies like Pakistan. Appointed by the president, the Board of Directors, comprised of 4 private citizens of the United States and 3 private citizens of Pakistan who serve without compensation, will leverage their experience and expertise operating in international and emerging markets to oversee the Fund, which will be based in Pakistan. In turn, the Board would hire and direct a group of American and Pakistani bankers, who would be dispatched, using existing funds granted under the Enhanced Partnership with Pakistan Act of 2009, to provide technical assistance and traditional financial products, like working capital loans and 3 to 5 year cash flow term loans for expansion capital, to the private sector.

While the enterprise fund model is not perfect, it is a tested mechanism for promoting economic growth and reinvigorating fledgling economies. After the fall of the Berlin Wall, Congress, through enactment of the Support for East European Development Act, SEED, and the Freedom Support Act, FSA, authorized nearly $1.2 billion for USAID to establish ten new investment funds, collectively known as the ''Enterprise Funds'', throughout Central and Eastern Europe and the Former Soviet Union. These funds channeled funding into over 500 enterprises in 19 countries, leveraged an additional $5 billion in private investment capital from outside the U.S. Government, provided substantial development capital where supply was limited, created or sustained over 260,000 jobs through investment and development activities, funded $74 million in technical assistance to strengthen the private sector and is expected to recoup 137 percent of the original USAID funding.

Pakistan's economy has shown resilience in the face of many challenges since the 1960s. However, today the country stands at a crossroads. If Pakistan is to repress extremist voices and emerge as a more reliable partner in the 21st century, we must empower the private sector to create jobs and contribute towards a sustainable future. The creation of the Pakistan-American Enterprise Fund would help to achieve this positive outcome. I ask for your support on passage of this bill.

By Mr. CARDIN (for himself, Mrs. FEINSTEIN, and Mr. LIEBERMAN):

S. 3666. A bill to authorize certain Department of State personnel, who are responsible for examining and processing United States passport applications, to be able to access certain Federal, State, and other databases, for the purpose of verifying the identity of a passport applicant, to reduce the incidence of fraud, to require the authentication of identification documents submitted by passport applicants, and for other purposes; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, on May 5, 2009, over 14 months ago, I chaired a Terrorism Subcommittee hearing entitled the Passport Issuance Process: Closing the Door to Fraud. Today we are holding Part II of that hearing. During the hearing last year, we learned about a Government Accountability Office, GAO, undercover investigation that had been requested by Senators KYL and FEINSTEIN to test the effectiveness of the passport issuance process, and to determine whether malicious individuals such as terrorists, spies, or other criminals could use counterfeit documents to obtain a genuine U.S. passport. What we learned from GAO was that ''terrorists or criminals could steal an American citizen's identity, use basic counterfeiting skills to create fraudulent documents for that identity, and obtain a genuine U.S. passport.'' But that 2009 GAO report was not the first time that problems with the passport issuance process were identified. In 2005 and 2007, GAO also brought these issues to light.

Vulnerabilities in the passport issuance process are very serious because the U.S. passport is the gold standard for identification. A U.S. passport can be used for many purposes in this country, and it gives an individual the ability to travel internationally, which is an important tool for someone who wants to do us harm, including terrorists, spies, and other criminals. So the integrity and security of the passport issuance process is extremely important because it can have a profound impact on the national security of the United States.

A new GAO undercover investigation that I requested, along with Senators KYL, FEINSTEIN, LIEBERMAN and COLLINS, has revealed that while some improvements have been made by the State Department, the passport issuance process is still susceptible to fraud.

As a result, today I am introducing, along with Senators FEINSTEIN and LIEBERMAN, the Passport Identity Verification Act. This legislation is a common-sense solution that will give the State Department the legal authorities that it needs to access information contained in Federal, State, and other databases that can be used to verify the identity of every passport applicant, and to detect passport fraud, without extending the time that the State Department takes to approve passports. The legislation also requires the State Department to promulgate regulations, procedures, and policies to limit access to this information, and to ensure that personnel involved in the passport issuance process only access this information for authorized purposes. These are very important privacy and security protections in this legislation.

The legislation also requires the Secretary of State to conduct a formal study examining whether biometric information and technology can be used to enhance the ability to verify the identity of a passport applicant and to detect passport fraud.

I understand that the American people can become concerned when their travel plans, whether for leisure or business, are linked to their ability to obtain a passport in a timely fashion. But we have got to get this right, and it is not simply a question of process, techniques, and training. We need to make sure that the agencies that are responsible for processing passport application documents are concerned about national security as well as customer service, and we need to make sure they have the legal authorities, the resources, and the technology they need to verify the identity of a passport applicant and to detect passport fraud.

We simply cannot issue U.S. passports in this country on the basis of fraudulent documents. There is too much at stake. We have the technology and the information to prevent such issuance. The Passport Identity Verification Act will dramatically improve the State Department's ability to detect passport fraud.

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. 3666

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 ''Passport Identity Verification Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) A United States passport is an official government document issued by the Department of State, which can be obtained by United States nationals.

(2) A valid United States passport has many uses, including—

(A) certifying an individual's identity and verifying that a person is a United States national;

(B) allowing the passport holder to travel to foreign countries with an internationally recognized travel document;

(C) facilitating international travel;

(D) obtaining further identification documents; and

(E) setting up bank accounts.

(3) A United States national may obtain a United States passport for the first time by applying in person to a passport acceptance facility with 2 passport photographs, proof of United States nationality, and a valid form of photo identification, such as a driver's license. Passport acceptance facilities are located throughout the United States.

(4) Because United States passports issued under a false identity enable individuals to conceal their movements and activities, passport fraud could facilitate—

(A) acts of terrorism;

(B) espionage; and

(C) other crimes, such as illegal immigration, money laundering, drug trafficking, tax evasion, and alien smuggling.

(5) Since malicious individuals may seek to exploit potential vulnerabilities in the passport issuance process, it is important that personnel who are involved in the granting, refusal, revocation, or adjudication of United States passport applications have access to certain information contained in Federal, State, and other databases for the purpose of—

(A) verifying the identity of a passport applicant; or

(B) detecting passport fraud.

(6) In its final report, the National Commission on Terrorist Attacks Upon the United States (commonly known as the ''9/11 Commission'') concluded that funding and completing a ''biometric entry-exit screening system'' for travelers to and from the United States is essential to our national security.

(7) The use of biometrics and technology for foreign nationals who are visiting the country helps to make travel simple, easy, and convenient for legitimate visitors and dramatically improves the ability to detect the activities of those who wish to do harm or violate United States laws.

SEC. 3. ACCESS TO FEDERAL, STATE, AND OTHER DATABASES.

(a) POWERS AND DUTIES OF THE SECRETARY OF STATE.—Section 104 of the Immigration and Nationality Act (8 U.S.C. 1104) is amended by adding at the end the following:

''(f) LAW ENFORCEMENT ACTIVITIES.—Notwithstanding any other provision of law, the powers, duties, and functions conferred upon Department of State personnel relating to the granting, refusal, revocation, or adjudication of passports shall be considered law enforcement activities that involve the administration of criminal justice (as defined in section 20.3 of title 28, Code of Federal Regulations) when such personnel seek to—

''(1) verify the identity of a passport applicant; or

''(2) detect passport fraud.''.

(b) DATA EXCHANGE.—Section 105 of such Act (8 U.S.C. 1105) is amended—

(1) in subsection (b), by adding at the end the following:

''(5) The Attorney General and the Director of the Federal Bureau of Investigation, after consultation with the Secretary of State, shall promptly implement a system, consistent with applicable security and training protocols and requirements, that will enable Department of State personnel designated by the Secretary of State, or by the designee of the Secretary, who are responsible for the granting, refusal, revocation, or adjudication of United States passports, to have real-time access to the criminal history information contained in the National Crime Information Center's Interstate Identification Index (NCIC–III), including the corresponding automated criminal history records, Wanted Person Files, and other files maintained by the National Crime Information Center, for the purpose of verifying the identity of the United States passport applicant, or detecting passport fraud.

''(6) The Secretary of State, or the designee of the Secretary, shall designate Department of State personnel who, in accordance with this Act shall be authorized to have real-time access to the information contained in the files described in paragraph (5), without any fee or charge, to enable named-based and other searches to be conducted for the purpose of verifying the identity of a passport applicant or detecting passport fraud.'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following:

''(c) DATA SHARING.—Notwithstanding any other provision of law, the powers, duties, and functions conferred upon Department of State personnel relating to the granting, refusal, revocation, or adjudication of passports shall be considered law enforcement activities that involve the administration of criminal justice (as defined in section 20.3 of title 28, Code of Federal Regulations) when such personnel seek to verify the identity of a passport applicant, or seek to detect passport fraud by accessing or using information contained in databases maintained by any Federal, State, tribal, territory, or local government department or agency, or private entity or organization, that contains—

''(1) criminal history information or records;

''(2) driver's license information or records;

''(3) marriage, birth, or death information or records;

''(4) naturalization and immigration records; or

''(5) other information or records that can verify the identity of the passport applicant or can detect passport fraud.''; and

(4) by adding at the end the following:

''(f) DATA SHARING REGULATIONS, PROCEDURES, AND POLICIES.—Not later than 120 days after the date of the enactment of this subsection, the Secretary of State shall promulgate final regulations, procedures, and policies to govern the access by Department of State personnel to the information contained in databases described in subsection (c). Such regulations, procedures, and policies shall—

''(1) specify which Department of State personnel have a need to know and will be given access to the databases or the information contained in the databases described in subsection (c);

''(2) require Department of State personnel who will be given access to the databases or the information contained in the databases described in subsection (c) to successfully complete all ongoing training and certification requirements for such access;

''(3) require Department of State personnel to access such databases or the information contained in such databases—

''(A) to verify the identity of each passport applicant; and

''(B) to detect whether the applicant has committed or is committing passport fraud;

''(4) ensure that such databases, or the information contained in such databases, are only accessed for the purpose of verifying the identity of each passport applicant or detecting passport fraud, and prohibit access for any other purpose;

''(5) ensure that the Department of State personnel accessing such databases or the information contained in such databases—

''(A) do not violate the security, confidentiality, and privacy of such databases or the information contained in such databases; and

''(B) successfully complete all ongoing training and certification requirements for such access;

''(6) establish audit procedures and policies to verify that such databases or the information contained in such databases are only being accessed for the purposes set forth in the Passport Identity Verification Act;

''(7) require prompt reporting to appropriate Department of State officials after each instance of—

''(A) unauthorized access to such databases or the information contained in such databases; or

''(B) access to such databases or the information contained in such databases for unauthorized purposes; and

''(8) require the appropriate Department of State personnel to conduct a regular review of—

''(A) the audit and reporting procedures and policies to determine whether such procedures and policies are working properly; and

''(B) the ongoing training and certification requirements to determine whether there has been compliance with such requirements.''.

SEC. 4. CONSULTATION AND REPORT.

(a) CONSULTATION.—

(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security, the Attorney General, and the United States Postmaster General, shall conduct an analysis to determine—

(A) if persons applying for or renewing a United States passport should provide biometric information, including photographs that meet standards that enhance the ability of facial recognition technology to verify the identity of the passport applicant and user, and to detect passport fraud; and

(B) if technology should be employed to verify the authenticity of drivers' license and other identity documents that are presented to passport acceptance facilities.

(2) FACTORS.—In conducting the analysis under paragraph (1), the Secretary shall consider all relevant factors, including—

(A) how the biometric information and technology would be used and stored;

(B) the costs and benefits to be gained; and

(C) the effect on the individual's privacy and the economy.

(b) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of State shall submit a report to the congressional committees set forth in paragraph (2) that contains the results of the analysis carried out under subsection (a), including a recommendation with respect to the use of biometric information and technology to verify the identity of a passport applicant and user, and to detect passport fraud.

(2) CONGRESSIONAL COMMITTEES.—The congressional committees set forth in this paragraph are—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on the Judiciary of the House of Representatives;

(E) the Committee on Foreign Affairs of the House of Representatives;

(F) the Committee on Homeland Security of the House of Representatives; and

(G) the Committee on Oversight and Government Reform of the House of Representatives.

By Mr. KERRY (for himself, Mrs. LINCOLN, and Mr. FRANKEN):

S. 3667. A bill to amend part A of title IV of the Social Security Act to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, our Nation has suffered through the worst recession since the 1930s. As the economy begins to recover, the availability of affordable and safe child care is a necessary component of enabling parents to find and maintain employment to support their family.

The recession has caused States across the country to scale back funding for child care. The waiting lists for subsidized child care in some States are beginning to rise and a few states have stopped or are planning to stop providing child care assistance to families who are not receiving Temporary Assistance to Needy Families, TANF, altogether. Restrictions of the availability of child care assistance make it harder for parents to afford child care and force some parents to leave their jobs and turn to welfare programs for support. That is wrong and we can do better.

Child care consumes a large portion of family budgets, and can range from $4,560 to $15,895 annually for full-time care depending on where the family lives, the type of care, and the age of the child. Child care prices are higher than other household expenses and typically exceed the average amount families spend on food. In 39 States and the District of Columbia, the average annual price for child care for an infant in a child care center was higher than a year's tuition at many 4-year public colleges.

Without assistance, low-income families can find it impossible to secure child care. For example, in 2005, the median monthly income of families receiving child care assistance was just $15,396 a year. Nearly half of, 49 percent, of families receiving child care assistance live below the poverty line and 86 percent of these families were single parent households.

The Deficit Reduction Act of 2005 increased mandatory child care funding by $1 billion over 5 years, fiscal years 2006 to 2010. Without legislative action this funding will expire on September 30, 2010.

The President's fiscal year 2011 budget calls for mandatory child care to be reauthorized and provided an $800 million increase above the past 5 years. This increase is necessary because only about one in six children eligible for Federal child care assistance receives help.

Today I am introducing the Children First Act to address the growing unmet need for affordable and safe child care. I am pleased Senator LINCOLN is an original cosponsors of this important legislation.

The Children First Act would help states meet the significant demand for child care assistance by increasing funding for mandatory child care by $800 million annually for fiscal year 2011 through 2015. This legislation would also annually index mandatory child care funding to inflation beginning in fiscal year 2012. This increased funding would allow approximately 117,500 more children to have access to safe and affordable child care.

The Children First Act would exclude child care from the definition of TANF assistance so that unemployed families who receive child care assistance will not have it count towards the 5-year time limit for Federal TANF assistance. The legislation would also ensure that the minimum child care health and safety standards required for providers receiving Child Care Development Block Grant, CCDBG, funding also apply to providers who receive funding through TANF. In Massachusetts, all licensed providers are required to the same health and safety standards regardless of subsidy type received.

This legislation would increase the availability of child care for parents who are required to work. States are currently prohibited from withholding or reducing assistance to a single parent with children under 6 who does not meet work requirements for reasons related to the unavailability or unsuitability of appropriate, affordable child care arrangements. The Children First Act would prevent States from withholding to reducing child care assistance to parents of a child with children under age 13.

Enactment of this legislation is incredibly important for my home State of Massachusetts which currently has approximately 18,000 children on a waitlist for child care subsidies. Approximately half of the parents with at least one preschool age child in the household have been on the waitlist for 13 months or more.

The high cost of child care is the most significant issue facing families currently on the waitlist in Massachusetts. Massachusetts families pay more on average than families in any other state for most types of child care; the average price of full time care in center based settings is: $15,895 for an infant and $11,678 for a preschooler. This means a single parent at the State median income in Massachusetts, $26,680, would have to spend nearly 44 percent of their income to pay for the average full day pre-kindergarten program.

I would like to thank a number of organizations who have been integral to the development of the Children First Act and who have endorsed it today, including the American Federation of State, County, and Municipal Employees, AFSCME, the Children's Defense Fund, CLASP, the First Focus Campaign for Children, the National Women's Law Center, the Service Employees International Union, SEIU, and the YMCA of the USA.

These reforms would significantly increase access to stable and affordable child care to low-income families and would make our nation's children more prepared for school and success later in life. I look forward to working with my colleagues in the Senate to pass this legislation.

By Mr. HARKIN (for himself, Mr. BAYH, and Mr. BOND):

S. 3668. A bill to require the Secretary of Health and Human Services to establish a demonstration program to award grants to, and enter into contracts with, medical-legal partnerships to assist patients and their families to navigate health-related programs and activities; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I join Senator BAYH and Senator BOND to introduce the Medical-Legal Partnership for Health Act. This legislation builds upon the great work that medical-legal partnerships are doing every day, all across the United States.

Medical-legal partnerships bring legal aid services into medical settings, such as hospitals and community health centers, to provide patients with legal help to address conditions that lead to poor health, lengthy hospital stays, and repeated emergency room visits. Imagine, for example, that your child develops chronic ear infections. You repeatedly bring your sick child to the local emergency room, struggling each time to pay the high costs of medical care and prescription antibiotics. Imagine further that you are the head of a low-income family, you don't have health insurance or the money to pay for the ER visits, and the hospital or community bears the brunt of the costs.

Medical-legal partnerships can help break this expensive and avoidable cycle. If the emergency room doctor is trained in screening for families who could benefit from legal intervention, the doctor may learn, for example, that the family's landlord refuses to turn on the heat in their apartment building. The frigid temperatures in their home have made their child more susceptible to illness, which explains the chronic ear infections. By referring the patient to the hospital's medical-legal partnership program, the family receives legal aid to go after the slumlord and require the heat to be turned on, and the children's ear infections stop. As a consequence, the family is healthier, their home is warm, and both they and the hospital save on health costs. All of this is possible because of a low-cost, common-sense intervention.

The first medical-legal partnership was started in Boston in 1993, and since

then, 85 more have sprung up in 38 States. These centers can serve multiple hospitals and clinics within a community. Currently, medical-legal partnerships support more than 200 hospitals, clinics, and health centers. They help vulnerable patients resolve social conditions that lead to poor health outcomes, such as getting a landlord to change air filters to help minimize asthma and allergies, assisting victims of domestic violence with preventing future abuse, and helping terminally ill patients make custodial arrangements for their dependent children.

In many cases, patients aren't even aware that their health challenges are caused by their living environment, or that their problem can be addressed through the legal system.

After graduating from law school, I served as a Legal Services attorney in Iowa. I learned first-hand how crucial this assistance is to struggling families and individuals who have no place else to turn when they are taken advantage of or abused. I know the invaluable legal help provided to battered women trying to leave abusive relationships while fearing for their safety and the safety of their children. I know that, without access to the legal system, the poor are often powerless against the injustices they suffer.

I am very proud to say that my home State of Iowa has a particularly successful partnership. The Iowa Legal Aid Health and Law Project harnesses the talents of Iowa physicians and attorneys to improve the lives of vulnerable Iowans. Many times these situations involve substandard housing, discrimination, elder abuse, or problems accessing disability, Social Security, health, or veteran's benefits. By partnering with 17 hospitals and health centers across my State, the Iowa Legal Aid Health and Law Project is able to extend services from Sioux City to Dubuque, and from Council Bluffs to Fort Dodge. Last year, the program served 880 Iowans, and 94 percent of their cases had a positive outcome. The Iowa Legal Aid Health and Law Project does a remarkable job. They are just one example of the great work going on across the country.

You may be surprised to learn that when it comes to medical-legal partnerships, a little money can go a long way. Iowa's program was started with a Federal investment of less than $300,000. The program prevents hospital admissions and emergency room visits that cost hospitals and patients many thousands of dollars in health care costs and insurance premiums. A modest investment in these community programs can help people achieve healthier, safer lives and prevent future hospitalizations and health care costs. That sounds like common sense to me. And that's why, today, I am proud to introduce the Medical-Legal Partnership for Health Act along with Senators Bayh and Bond: to give health care providers and lawyers across the country the opportunity to start such programs.

The Act creates a Federal demonstration program to help create, strengthen, and evaluate medical-legal partnerships. Overall, this legislation will support 60 MLP sites in community health centers, the Veterans Administration, hospitals, and other health care settings.

In the spirit of compromise and bipartisanship, we have taken contentious issues off the table. For example, the bill excludes Federal money from being used toward class action law suits, medical malpractice cases, representation of undocumented individuals, and abortion or abortion-counseling services.

In addition to having bipartisan support, medical-legal partnerships have been praised by prominent organizations representing physicians and attorneys. They have received endorsement from the American Medical Association, the American Bar Association, the American Academy of Pediatrics, the American Hospital Association, and the Accreditation Council of Graduate Medical Education, to name just a few.

Through this community-based, common-sense investment in addressing the social effects of poverty, we will be able to help so many of our most at-risk citizens to avoid illness and hospitalization.

I extend my sincere thanks to Senator BAYH and Senator BOND for their hard work and commitment to this bill. And I urge our colleagues to join us in supporting this investment in medical-legal partnerships.

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. 3668

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 ''Medical-Legal Partnership for Health Act''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Numerous studies and reports, including the annual National Healthcare Disparities Report and Unequal Treatment, the 2002 Institute of Medicine Report, document the extensiveness to which vulnerable populations suffer from health disparities across the country.

(2) These studies have found that, on average, racial and ethnic minorities and low-income populations are disproportionately afflicted with chronic and acute conditions such as asthma, cancer, diabetes, and hypertension and suffer worse health outcomes, worse health status, and higher mortality rates.

(3) Several recent studies also show that health and healthcare quality are a function of not only access to healthcare, but also the social determinants of health, including the environment, the physical structure of communities, socio-economic status, nutrition, educational attainment, employment, race, ethnicity, geography, and language preference, that directly and indirectly affect the health, healthcare, and wellness of individuals and communities.

(4) Formally integrating medical and legal professionals in the health setting can more effectively address the health needs of vulnerable populations and ultimately reduce health disparities.

(5) All over the United States, healthcare providers who take care of low-income individuals and families are partnering with legal professionals to assist them in providing better quality of healthcare.

(6) Medical-legal partnerships integrate lawyers in a health setting to help patients navigate the complex government, legal, and service systems in addressing social determinants of health, such as income supports for food insecure families and mold removal from the home of asthmatics.

(b) PURPOSES.—The purposes of this Act are to—

(1) support and advance opportunity for medical-legal partnerships to be more fully integrated in healthcare settings nationwide;

(2) to improve the quality of care for vulnerable populations by reducing health disparities among health disparities populations and addressing the social determinants of health; and

(3) identify and develop cost-effective strategies that will improve patient outcomes and realize savings for healthcare systems.

SEC. 3. MEDICAL-LEGAL PARTNERSHIPS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a nationwide demonstration project consisting of—

(1) awarding grants to, and entering into contracts with, medical-legal partnerships to assist patients and their families to navigate programs and activities; and

(2) evaluating the effectiveness of such partnerships.

(b) TECHNICAL ASSISTANCE.—The Secretary may, directly or through grants or contracts, provide technical assistance to grantees under subsection (a)(1) to support the establishment and sustainability of medical-legal partnerships. Not to exceed 5 percent of the amount appropriated to carry out this section in a fiscal year may be used for purposes of this subsection.

(c) FUNDING.—

(1) USE OF FUNDS.—Amounts received as a grant or pursuant to a contract under this section shall be used to assist patients and their families to navigate health-related programs and activities for purposes of achieving one or more of the following goals:

(A) Enhancing access to healthcare services.

(B) Improving health outcomes for low-income individuals, as defined in subsection (g).

(C) Reducing health disparities among health disparities populations.

(D) Enhancing wellness and prevention of chronic conditions and other health problems.

(E) Reducing cost of care to the healthcare system.

(F) Addressing the social determinants of health.

(G) Addressing situational contributing factors.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary, but not to exceed $10,000,000, for each of the fiscal years 2011 through 2015.

(3) MATCHING REQUIREMENT.—For each fiscal year, the Secretary may not award a grant or contract under this section to a entity unless the entity agrees to make available non-Federal contributions (which may

include in-kind contributions) toward the costs of a grant or contract awarded under this section in an amount that is not less than $1 for each $10 of Federal funds provided under the grant or contract.

(4) ALLOCATION.—Of the amounts appropriated pursuant to paragraph (2) for a fiscal year, the Secretary may obligate not more than 5 percent for the administrative expenses of the Secretary in carrying out this section.

(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant or contract under this section, an entity shall—

(1) be an organization experienced in bridging the medical and legal professions on behalf of vulnerable populations nationally; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including information demonstrating that the applicant has experience in bridging the medical and legal professions or a strategy or plan for cultivating and building medical-legal partnerships.

(e) PROHIBITIONS.—No funds under this section may be used—

(1) for any medical malpractice action or proceeding;

(2) to provide any support to an alien who is not—

(A) a qualified alien (as defined in section 431 of the Immigration and Nationality Act);

(B) a nonimmigrant under the Immigration and Nationality Act; or

(C) an alien who is paroled into the United States under section 212(d)(5) of such Act for less than one year;

(3) to provide legal assistance with respect to any proceeding or litigation which seeks to procure an abortion or to compel any individual or institution to perform an abortion, or assist in the performance of an abortion; or

(4) to initiate or participate in a class action lawsuit.

(f) REPORTS.—

(1) FINAL REPORT BY SECRETARY.—Not later than 6 months after the date of the completion of the demonstration program under this section, the Secretary shall conduct a study of the results of the program and submit to the Congress a report on such results that includes the following:

(A) An evaluation of the program outcomes, including—

(i) a description of the extent to which medical-legal partnerships funded through this section achieved the goals described in subsection (b);

(ii) quantitative and qualitative analysis of baseline and benchmark measures; and

(iii) aggregate information about the individuals served and program activities.

(B) Recommendations on whether the programs funded under this section could be used to improve patient outcomes in other public health areas.

(2) INTERIM REPORTS BY SECRETARY.—The Secretary may provide interim reports to the Congress on the demonstration program under this section at such intervals as the Secretary determines to be appropriate.

(3) REPORTS BY GRANTEES.—The Secretary may require each recipient of a grant under this section to submit interim and final reports on the programs carried out by such recipient with such grant.

(g) DEFINITIONS.—In this section:

(1) The term ''health disparities populations'' has the meaning given such term in section 485E(d) of the Public Health Service Act.

(2) The term ''low-income individuals'' refers to the population of individuals and families who earn up to 200 percent of the Federal poverty level.

(3) The term ''medical-legal partnership'' means an entity—

(A) that is a partnership between—

(i) a community health center, public hospital, children's hospital, or other provider of health care services to a significant number of low-income beneficiaries; and

(ii) one or more legal professionals; and

(B) whose primary mission is to assist patients and their families navigate health-related programs, activities, and services through the provision of relevant civil legal assistance on-site in the healthcare setting involved, in conjunction with regular training for healthcare staff and providers regarding the connections between legal interventions, social determinants, and health of low-income individuals.

(4) The term ''Secretary'' means the Secretary of Health and Human Services.

By Mr. LEAHY (for himself and Mr. FRANKEN):

S. 3669. A bill to increase criminal penalties for certain knowing violations relating to food that is misbranded or adulterated; to the Committee on Health, Education, Labor, and Pensions.

Mr. LEAHY. Mr. President, today, I am pleased to introduce the Food Safety Enforcement Act, legislation that will hold criminals who poison our food supply accountable for their crimes. This common sense bill increases the sentences that prosecutors can seek for people who knowingly violate our food safety laws. If it is passed, those who knowingly contaminate our food supply and endanger Americans could receive up to 10 years in jail.

Last year, a mother from Vermont, Gabrielle Meunier, testified before the Senate Agriculture Committee about her 7-year-old son, Christopher, who became severely ill and was hospitalized for 6 days after he developed salmonella poisoning from peanut crackers. Thankfully, Christopher recovered, and Mrs. Meunier was able to share her story, which highlighted for the Committee and for the Senate improvements that are needed in our food safety system. No parent should have to go through what Mrs. Meunier experienced. The American people should be confident that the food they buy for their families is safe.

Current statutes do not provide sufficient criminal sanctions for those who knowingly violate our food safety laws. The fines and recalls that usually result from criminal violations under current law fall short in protecting the public from harmful products. Too often, those who are willing to endanger our children in pursuit of profits view such fines or recalls as just the cost of doing business. In order to protect the public and effectively deter this unacceptable conduct, we need to make sure that those who knowingly poison the food supply will go to jail.

After hearing Mrs. Meunier's account, I called on the Department of Justice to conduct a criminal investigation into the outbreak of salmonella that made Christopher and many others so sick. The outbreak was traced to the Peanut Corporation of America. The president of that company, Stewart Parnell, came before Congress and invoked his right against self-incrimination, refusing to answer questions about his role in distributing contaminated peanut products. These products have been linked to the deaths of nine people and have sickened more than 600 others. It appears that Parnell knew that peanut products from his company had tested positive for deadly salmonella, but rather than immediately disposing of the products, he sought ways to sell them anyway. The evidence suggests that he knowingly put profit above the public's safety.

The bill I introduce today would increase sentences for people who put profits above safety by knowingly contaminating the food supply. It makes such offenses felony violations and significantly increases the chances that those who commit them will face jail time, rather than a slap on the wrist, for their criminal conduct.

I hope Senators of both parties will act quickly to pass this bill. On behalf of Mrs. Meunier and her son, Christopher, as well as many like them across the country, we must repair our broken food safety system. The Justice Department must be given the tools it needs to investigate, prosecute, and truly deter crime involving food safety. This bill will be an important step toward making our food supply safer.

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. 3669

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 ''Food Safety Enforcement Act of 2010''.

SEC. 2. CRIMINAL PENALTIES.

Section 303(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(a)) is amended—

(1) in paragraph (1), by striking ''Any'' and inserting ''Except as provided in paragraph (2) or (3), any'';

(2) in paragraph (2), by striking ''Notwithstanding the provisions of paragraph (1) of this section, if'' and inserting ''If''; and

(3) by adding at the end the following:

''(3) Any person who knowingly violates subsection (a), (b), (c), (k), or (v) of section 301 with respect to any food that is misbranded or adulterated shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.''.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 3670. A bill to establish standards limiting the amounts of arsenic and lead contained in glass beads used in pavement markings; to the Committee on Environment and Public Works.

Mr. SPECTER. Mr. President, I seek recognition to introduce the Safe Highway Markings Act of 2010, a bill that would establish minimum standards limiting the amounts of arsenic and

lead contained in glass beads for reflective pavement markings. This bill will help protect surface and ground water from contamination and protect the health and safety of highway workers.

Each year, approximately 500 million pounds of glass beads are applied to create reflective markings on roads in the United States. The source materials for the manufacturing of these glass beads can vary widely. While most engineered glass beads use environmentally-friendly materials such as recycled flat glass, some of the glass beads contain arsenic, lead and other heavy metals. As the glass degrades from the pounding of traffic, snow plows, trucks and weather, toxic materials can leach out of the glass and mix into the ground and surface water. In addition, workers who apply the glass beads with high concentrations of heavy metals are at risk for exposure.

In response to environmental and health issues, several states have adopted regulations that require the use of environmentally-friendly, nontoxic glass materials. In particular, California, Iowa, Maine, New Jersey, Vermont, Washington and Wyoming have established procurement standards for the quality of glass beads used in highways markings in their States. Several other States are currently reviewing proposals. Additionally, the European Union, China, Australia, and several Canadian provinces have also set standards limiting heavy metal concentration.

It makes no sense to continue this piecemeal approach; it is time for a national standard. This legislation establishes a minimum standard for engineered glass beads used in reflective markings. The legislation ensures that States receiving Federal funds adhere to the Environmental Protection Agency's methods and standards for engineered glass beads, specifically that the beads may contain no more than 200 parts per million of arsenic.

Similar legislation has been introduced in the House and I look forward to advancing this important legislation in the Senate. As such, I urge my colleagues to support this bill that will help safeguard the lives of highway workers and help keep public roads free of high levels of arsenic and lead.

By Mr. ROCKEFELLER (for himself and Mr. GOODWIN):

S. 3671. A bill to improve compliance with mine and occupational safety and health law, empower workers to raise safety concerns, prevent future mine and other workplace tragedies, establish rights of families of victims of workplace accidents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELER. Mr. President, today I am proud to introduce with my colleague Senator GOODWIN the Robert C. Byrd Mine and Workplace Safety and Health Act of 2010. This legislation is a first step to making sure that every miner in West Virginia can go to work each and every day without fearing for their safety. It also serves as a tribute to all miners who have lost their lives, and also to my dear friend and colleague, the late Senator Byrd, who devoted his career to improving the working condition of West Virginia's miners and worked diligently with me to develop this bill.

It has been several months since the Upper Big Branch mine disaster, but for many of us, it feels like only yesterday that we were anxiously waiting to hear news about the missing miners. Shortly after that horrible accident I came to this floor and said that ''No words are adequate to describe the grief.'' I know that for the families of those 29 miners that remains the case.

Even as the investigation into the Upper Big Branch mine continues to move forward, we owe it to the victims' families and to the miners that still get up and go to work every day, to find real solutions to keep our miners safe.

The legislation Senator GOODWIN and I are introducing today has been a team effort—particularly with my colleague and friend Congressman NICK RAHALL, who has introduced similar legislation in the U.S. House of Representatives. I would like to acknowledge Senators HARKIN and MURRAY for their effort and their commitment to addressing mine and workplace safety.

It gives teeth to existing whistleblower protections so that miners can come forward to report safety concerns. Miners should not fear for their jobs—their livelihoods—simply because they are trying to keep themselves and their coworkers safe. We have a responsibility to give them every protection necessary. Our bill gives miners up to 180 days to file a whistleblower retaliation complaint, it allows punitive damages and criminal penalties for retaliating against a whistleblower, and it makes sure that miners do not lose pay if their mines are shut down for safety reasons. It also allows miners to give private interviews with MSHA and exclude the operator or union representative from the room. I know that the industry and unions do not like this, but it is important for miners to be allowed to speak freely without intimidation or influence from anyone.

Our legislation also gives MSHA additional tools to keep miners safe, including the ability to order additional safety training at mines where it is needed, expanded authority to seek injunctions to stop dangerous practices, and the ability to subpoena documents and testimony outside of the public hearing context. But this bill also takes a hard look at MSHA to make sure they are doing their job by creating an independent panel to investigate MSHA's role in serious accidents and it requires MSHA to conduct inspections during all hours and shifts so that every miner has the same level of protection.

Importantly, this bill also fixes the broken ''pattern of violations'' process—which was meant to give MSHA authority to crack down on mines that repeatedly violate our laws, but has never been effectively implemented. Rather than the punitive process that exists under current law, our legislation focuses on rehabilitating unsafe mines so that miners can go to work confident that they will safely return home to their families at the end of the shift. Mines will have to implement safety plans, will be subject to additional inspections, and will be required to show substantial improvement in their safety records before being removed from pattern status.

Our bill contains additional protections that will apply to workers across all industries under the jurisdiction of the Occupational Safety and Health Administration. These include expanded whistleblower protections for employees, the explicit right to refuse to perform unsafe work, greater rights for victims and their families to participate in the investigation process, updated civil and criminal penalties, and the requirement that hazardous conditions be abated immediately so that litigation does not delay safety. Deadly accidents occur in mines and throughout every industry. Everyone deserves to be safe on the job, and these provisions will go a long way toward achieving that goal.

But our bill also has additional provisions that are not included in the House version. It requires an evaluation of whether MSHA has the experts it needs to effectively enforce our laws. It requires the Government Accountability Office to conduct an independent evaluation of MSHA's new ''pattern of violations'' criteria to make sure it is effective in preventing repeated violations at our most unsafe mines. It promotes greater coordination between the Department of Justice and Department of Labor in investigating criminal violations of our mine safety laws. It requires MSHA to improve its online database so that the public can more easily find out the full safety records of operators not just individual mines, and compare the safety records of various mines and operators. It requires MSHA to routinely develop long-term safety goals and strategic plans to meet those goals. These provisions will improve transparency, increase accountability, and set us on a path toward safety.

We can never change what happened at the Upper Big Branch mine, but we can change the way we do business going forward. Americans deserve the peace of mind that comes from safe working conditions. Following the Upper Big Branch tragedy, this Senate chose to honor the fallen miners with a resolution—a gesture that Senator Byrd and I very much appreciated. I hope that my colleagues will work with Senator GOODWIN and I to pass meaningful mine safety legislation in their honor as well.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 601—TO AUTHORIZE TESTIMONY OF SENATE EMPLOYEES IN A GRAND JURY PROCEEDING IN THE DISTRICT OF COLUMBIA

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

S. RES. 601

Whereas, in a proceeding before a grand jury of the United States District Court for the District of Columbia testimony has been sought from employees of the office of Senator John Ensign;

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 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 current or former employees of Senator John Ensign's office are authorized to testify in the grand jury proceeding or any related proceeding, except concerning matters for which a privilege should be asserted.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4562. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4557 submitted by Mr. MENENDEZ and intended to be proposed to the amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table.

SA 4563. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4564. Mr. REED submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4565. Mr. REED submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4566. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4567. Mr. REID (for Mrs. MURRAY (for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER)) proposed an amendment to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

SA 4568. Mr. REID proposed an amendment to amendment SA 4567 proposed by Mr. REID (for Mrs. MURRAY (for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER)) to the bill H.R. 1586, supra.

SA 4569. Mr. REID proposed an amendment to the bill H.R. 1586, supra.

SA 4570. Mr. REID proposed an amendment to amendment SA 4569 proposed by Mr. REID to the bill H.R. 1586, supra.

SA 4571. Mr. REID proposed an amendment to amendment SA 4570 proposed by Mr. REID to the amendment SA 4569 proposed by Mr. REID to the bill H.R. 1586, supra.

SA 4572. Mr. MCCAIN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 5875, making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4562. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4557 submitted by Mr. MENENDEZ and intended to be proposed to the amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, strike line 3 and all that follows through page 2, line 2, and insert the following:

(v) Nonowner-occupied commercial real estate loans.

(vi)(I) Loans secured by real estate—

(aa) that are made to finance—

(AA) land development that is preparatory to erecting new structures, including improving land, laying sewers, and laying water pipes; or

(BB) the on-site construction of industrial, commercial, residential, or farm buildings;

(bb) that is vacant land, except land known to be used or usable for agricultural purposes, such as crop and livestock production;

(cc) the proceeds of which are to be used to acquire and improve developed or undeveloped property; or

(dd) that are made under title I of the National Housing Act (12 U.S.C. 1702 et seq.).

(II) Subclause (I) shall only apply to loans that are extended to small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) in the construction industry, as such term is defined by the Secretary in consultation with the Administrator of the Small Business Administration.

(III) For purposes of this clause, the term ''construction'' includes the construction of new structures, additions or alterations to existing structures, and the demolition of existing structures to make way for new structures.

(B) LIMITATION.—Notwithstanding subparagraph (A), a loan shall constitute small business lending only if it is made to a small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)).

SA 4563. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B, add the following:

PART _____—TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

SEC. 4_____. TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM.

(a) FUNDING.—The matter under the heading ''TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM'' of title III of division C of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 619) is amended, in the matter preceding the first proviso—

(1) by striking ''$47,000,000,000'' and inserting ''$56,000,000,000''; and

(2) by striking ''$18,500,000,000'' and inserting ''$27,500,000,000''.

(b) USE OF STIMULUS FUNDS TO OFFSET SPENDING.—

(1) IN GENERAL.—The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115) (other than under title X of division A of that Act) is rescinded, on a pro rata basis, by an aggregate amount that equals the amounts necessary to offset any net increase in spending or foregone revenues resulting from this section and the amendments made by this section.

(2) REPORT.—The Director of the Office of Management and Budget shall submit to each congressional committee the amounts rescinded under paragraph (1) that are within the jurisdiction of the committee.

SA 4564. Mr. REED submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 130 of the amendment, after line 25, insert the following:

SEC. 1705. COMMUNITY DEVELOPMENT FUNDS.

Chapter 11 of title I of the Supplemental Appropriations Act, 2010, is amended by striking the heading ''Community Development Fund'' and all the matter that follows through the ninth proviso under such heading and inserting the following:

''COMMUNITY DEVELOPMENT FUND

''For an additional amount for the 'Community Development Fund', for necessary

expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas affected by flooding for which the President declared a major disaster between March 29, 2010, and May 7, 2010, which included Individual Assistance for an entire State or not fewer than 45 counties within a State under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, $100,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): *Provided*, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: *Provided further*, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State or subdivision thereof under the Community Development Fund: *Provided further*, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, 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 or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That the Secretary shall obligate to a State or subdivision thereof not less than 50 percent of the funding provided under this heading within 90 days after the enactment of this Act: *Provided further*, That not more than 50 percent of the funding provided under this heading shall be allocated to any State (including units of general local government).''.

SA 4565. Mr. REED submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IV, add the following:

SEC. 41___. ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS.

In chapter 2 of title I of the Act entitled ''An Act making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes'', strike the matter under the heading ''ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS'' under the heading ''ECONOMIC DEVELOPMENT ADMINISTRATION'' under the heading ''DEPARTMENT OF COMMERCE'' and insert the following:

''Pursuant to section 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3233), for an additional amount for '''Economic Development Assistance Programs''', for necessary expenses relating to disaster relief, long-term recovery, and restoration of infrastructure in areas affected by flooding for which the President declared a major disaster during the period beginning on March 29, 2010, and ending on May 7, 2010, which included individual assistance for an entire State or not fewer than 45 counties within a State under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), $49,000,000, to remain available until expended: *Provided*, That not more than 50 percent of the amount provided under this heading shall be allocated to any State.''.

SA 4566. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 633. SURVIVOR BENEFIT PLAN ANNUITIES FOR SPECIAL NEEDS TRUSTS ESTABLISHED FOR THE BENEFIT OF DEPENDENT CHILDREN INCAPABLE OF SELF-SUPPORT.

(a) SPECIAL NEEDS TRUST AS ELIGIBLE BENEFICIARY.—

(1) IN GENERAL.—Subsection (a) of section 1450 of title 10, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4) SPECIAL NEEDS TRUSTS FOR SOLE BENEFIT OF CERTAIN DEPENDENT CHILDREN.—Notwithstanding subsection (i), a supplemental or special needs trust established under subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4)) for the sole benefit of a dependent child considered disabled under section 1614(a)(3) of that Act (42 U.S.C. 1382c(a)(3)) who is incapable of self-support because of mental or physical incapacity.''.

(2) CONFORMING AMENDMENT.—Subsection (i) of such section is amended by inserting ''(a)(4) or'' after ''subsection''.

(b) REGULATIONS.—Section 1455(d) of such title is amended—

(1) in the subsection caption, by striking ''AND FIDUCIARIES'' and inserting '', FIDUCIARIES, AND SPECIAL NEEDS TRUSTS'';

(2) in paragraph (1)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

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

''(C) a dependent child incapable of self-support because of mental or physical incapacity for whom a supplemental or special needs trust has been established under subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4)).'';

(3) in paragraph (2)—

(A) by redesignating subparagraphs (C) through (H) as subparagraphs (D) through (I), respectively;

(B) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) In the case of an annuitant referred to in paragraph (1)(C), payment of the annuity to the supplemental or special needs trust established for the annuitant.'';

(C) in subparagraph (D), as redesignated by subparagraph (A) of this paragraph, by striking ''subparagraphs (D) and (E)'' and inserting ''subparagraphs (E) and (F)''; and

(D) in subparagraph (H), as so redesignated—

(i) by inserting ''or (1)(C)'' after ''paragraph (1)(B)'' in the matter preceding clause (i);

(ii) in clause (i), by striking ''and'' at the end;

(iii) in clause (ii), by striking the period at the end and inserting ''; and''; and

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

''(iii) procedures for determining when annuity payments to a supplemental or special needs trust shall end based on the death or marriage of the dependent child for which the trust was established.''; and

(4) in paragraph (3), by striking ''OR FIDUCIARY'' in the paragraph caption and inserting '', FIDUCIARY, OR TRUST''.

SA 4567. Mr. REID (for Mrs. MURRAY (for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER)) proposed an amendment to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the ''_____ Act of _____''.

TITLE I

EDUCATION JOBS FUND

EDUCATION JOBS FUNDS

SEC. 101. There are authorized to be appropriated and there are appropriated out of any money in the Treasury not otherwise obligated for necessary expenses for an Education Jobs Fund, $10,000,000,000: *Provided*, That the amount under this heading shall be administered under the terms and conditions of sections 14001 through 14013 and title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) except as follows:

(1) ALLOCATION OF FUNDS.—

(A) Funds appropriated under this heading shall be available only for allocation by the Secretary of Education (in this heading referred to as the Secretary) in accordance with subsections (a), (b), (d), (e), and (f) of section 14001 of division A of Public Law 111–5 and subparagraph (B) of this paragraph, except that the amount reserved under such subsection (b) shall not exceed $1,000,000 and such subsection (f) shall be applied by substituting one year for two years.

(B) Prior to allocating funds to States under section 14001(d) of division A of Public Law 111–5, the Secretary shall allocate 0.5 percent to the Secretary of the Interior for schools operated or funded by the Bureau of Indian Affairs on the basis of the schools' respective needs for activities consistent with this heading under such terms and conditions as the Secretary of the Interior may determine.

(2) RESERVATION.—A State that receives an allocation of funds appropriated under this heading may reserve not more than 2 percent for the administrative costs of carrying out its responsibilities with respect to those funds.

(3) AWARDS TO LOCAL EDUCATIONAL AGENCIES.—

(A) Except as specified in paragraph (2), an allocation of funds to a State shall be used only for awards to local educational agencies for the support of elementary and secondary education in accordance with paragraph (5) for the 2010–2011 school year (or, in the case of reallocations made under section 14001(f) of division A of Public Law 111–5, for the 2010–2011 or the 2011–2012 school year).

(B) Funds used to support elementary and secondary education shall be distributed through a State's primary elementary and secondary funding formulae or based on local educational agencies' relative shares of funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the most recent fiscal year for which data are available.

(C) Subsections (a) and (b) of section 14002 of division A of Public Law 111–5 shall not apply to funds appropriated under this heading.

(4) COMPLIANCE WITH EDUCATION REFORM ASSURANCES.—For purposes of awarding funds appropriated under this heading, any State that has an approved application for Phase II of the State Fiscal Stabilization Fund that was submitted in accordance with the application notice published in the Federal Register on November 17, 2009 (74 Fed. Reg. 59142) shall be deemed to be in compliance with subsection (b) and paragraphs (2) through (5) of subsection (d) of section 14005 of division A of Public Law 111–5.

(5) REQUIREMENT TO USE FUNDS TO RETAIN OR CREATE EDUCATION JOBS.—Notwithstanding section 14003(a) of division A of Public Law 111–5, funds awarded to local educational agencies under paragraph (3)—

(A) may be used only for compensation and benefits and other expenses, such as support services, necessary to retain existing employees, to recall or rehire former employees, and to hire new employees, in order to provide early childhood, elementary, or secondary educational and related services; and

(B) may not be used for general administrative expenses or for other support services expenditures as those terms were defined by the National Center for Education Statistics in its Common Core of Data as of the date of enactment of this Act.

(6) PROHIBITION ON USE OF FUNDS FOR RAINY-DAY FUNDS OR DEBT RETIREMENT.—A State that receives an allocation may not use such funds, directly or indirectly, to—

(A) establish, restore, or supplement a rainy-day fund;

(B) supplant State funds in a manner that has the effect of establishing, restoring, or supplementing a rainy-day fund;

(C) reduce or retire debt obligations incurred by the State; or

(D) supplant State funds in a manner that has the effect of reducing or retiring debt obligations incurred by the State.

(7) DEADLINE FOR AWARD.—The Secretary shall award funds appropriated under this heading not later than 45 days after the date of the enactment of this Act to States that have submitted applications meeting the requirements applicable to funds under this heading. The Secretary shall not require information in applications beyond what is necessary to determine compliance with applicable provisions of law.

(8) ALTERNATE DISTRIBUTION OF FUNDS.—If, within 30 days after the date of the enactment of this Act, a Governor has not submitted an approvable application, the Secretary shall provide for funds allocated to that State to be distributed to another entity or other entities in the State (notwithstanding section 14001(e) of division A of Public Law 111–5) for support of elementary and secondary education, under such terms and conditions as the Secretary may establish, provided that all terms and conditions that apply to funds appropriated under this heading shall apply to such funds distributed to such entity or entities. No distribution shall be made to a State under this paragraph, however, unless the Secretary has determined (on the basis of such information as may be available) that the requirements of clauses (i), (ii), or (iii) of paragraph 10(A) are likely to be met, notwithstanding the lack of an application from the Governor of that State.

(9) LOCAL EDUCATIONAL AGENCY APPLICATION.—Section 442 of the General Education Provisions Act shall not apply to a local educational agency that has previously submitted an application to the State under title XIV of division A of Public Law 111–5. The assurances provided under that application shall continue to apply to funds awarded under this heading.

(10) MAINTENANCE OF EFFORT.—

(A) Except as provided in paragraph (8), the Secretary shall not allocate funds to a State under paragraph (1) unless the Governor of the State provides an assurance to the Secretary that—

(i) for State fiscal year 2011, the State will maintain State support for elementary and secondary education (in the aggregate or on the basis of expenditures per pupil) and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at not less than the level of such support for each of the two categories, respectively, for State fiscal year 2009;

(ii) for State fiscal year 2011, the State will maintain State support for elementary and secondary education and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for each of the two categories, respectively, for State fiscal year 2010; or

(iii) in the case of a State in which State tax collections for calendar year 2009 were less than State tax collections for calendar year 2006, for State fiscal year 2011 the State will maintain State support for elementary and secondary education (in the aggregate) and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students)—

(I) at not less than the level of such support for each of the two categories, respectively, for State fiscal year 2006; or

(II) at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for each of the two categories, respectively, for State fiscal year 2006.

(B) Section 14005(d)(1) and subsections (a) through (c) of section 14012 of division A of Public Law 111–5 shall not apply to funds appropriated under this heading.

(11) ADDITIONAL REQUIREMENTS FOR THE STATE OF TEXAS.—The following requirements shall apply to the State of Texas:

(A) Notwithstanding paragraph (3)(B), funds used to support elementary and secondary education shall be distributed based on local educational agencies' relative shares of funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the most recent fiscal year which data are available. Funds distributed pursuant to this paragraph shall be used to supplement and not supplant State formula funding that is distributed on a similar basis to part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(B) The Secretary shall not allocate funds to the State of Texas under paragraph (1) unless the Governor of the State provides an assurance to the Secretary that the State will for fiscal years 2011, 2012, and 2013 maintain State support for elementary and secondary education at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for such purpose for fiscal year 2011 prior to the enactment of this Act.

(C) Notwithstanding paragraph (8), no distribution shall be made to the State of Texas or local education agencies therein unless the Governor of Texas makes an assurance to the Secretary that the requirements in paragraphs (11)(A) and (11)(B) will be met, notwithstanding the lack of an application from the Governor of Texas.

TITLE II—STATE FISCAL RELIEF AND OTHER PROVISIONS; REVENUE OFFSETS

Subtitle A—State Fiscal Relief and Other Provisions

EXTENSION OF ARRA INCREASE IN FMAP

SEC. 201.

Section 5001 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) in subsection (a)(3), by striking ''first calendar quarter'' and inserting ''first 3 calendar quarters'';

(2) in subsection (b)—

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

(B) by adding at the end the following:

''(3) PHASE-DOWN OF GENERAL INCREASE.—

''(A) SECOND QUARTER OF FISCAL YEAR 2011.—For each State, for the second quarter of fiscal year 2011, the FMAP percentage increase for the State under paragraph (1) or (2) (as applicable) shall be 3.2 percentage points.

''(B) THIRD QUARTER OF FISCAL YEAR 2011.—For each State, for the third quarter of fiscal year 2011, the FMAP percentage increase for the State under paragraph (1) or (2) (as applicable) shall be 1.2 percentage points.'';

(3) in subsection (c)—

(A) in paragraph (2)(B), by striking ''July 1, 2010'' and inserting ''January 1, 2011'';

(B) in paragraph (3)(B)(i), by striking ''July 1, 2010'' and inserting ''January 1, 2011'' each place it appears; and

(C) in paragraph (4)(C)(ii), by striking ''the 3-consecutive-month period beginning with January 2010'' and inserting ''any 3-consecutive-month period that begins after December 2009 and ends before January 2011'';

(4) in subsection (e), by adding at the end the following:

''Notwithstanding paragraph (5), effective for payments made on or after January 1, 2010, the increases in the FMAP for a State under this section shall apply to payments under title XIX of such Act that are attributable to expenditures for medical assistance provided to nonpregnant childless adults made eligible under a State plan under such title (including under any waiver under such title or

under section 1115 of such Act (42 U.S.C. 1315)) who would have been eligible for child health assistance or other health benefits under eligibility standards in effect as of December 31, 2009, of a waiver of the State child health plan under the title XXI of such Act.''.

(5) in subsection (g)—

(A) in paragraph (1), by striking ''September 30, 2011'' and inserting ''March 31, 2012''.

(B) in paragraph (2), by inserting ''of such Act'' after ''1923''; and

(C) by adding at the end the following:

''(3) CERTIFICATION BY CHIEF EXECUTIVE OFFICER.—No additional Federal funds shall be paid to a State as a result of this section with respect to a calendar quarter occurring during the period beginning on January 1, 2011, and ending on June 30, 2011, unless, not later than 45 days after the date of enactment of this paragraph, the chief executive officer of the State certifies that the State will request and use such additional Federal funds.''; and

(6) in subsection (h)(3), by striking ''December 31, 2010'' and inserting ''June 30, 2011''.

TREATMENT OF CERTAIN DRUGS FOR COMPUTATION OF MEDICAID AMP

SEC. 202.

Effective as if included in the enactment of Public Law 111-148, section 1927(k)(1)(B)(i)(IV) of the Social Security Act (42 U.S.C. 1396r-8(k)(1)(B)(i)(IV)), as amended by section 2503(a)(2)(B) of Public Law 111-148 and section 1101(c)(2) of Public Law 111-152, is amended by adding at the end the following: '', unless the drug is an inhalation, infusion, instilled, implanted, or injectable drug that is not generally dispensed through a retail community pharmacy; and''.

SUNSET OF TEMPORARY INCREASE IN BENEFITS UNDER THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

SEC. 203.

Section 101(a) of title I of division A of Public Law 111-5 (123 Stat. 120), as amended by section 4262 of this Act, is amended by striking paragraph (2) and inserting the following:

''(2) TERMINATION.—The authority provided by this subsection shall terminate after March 31, 2015.''.

Subtitle B—Revenue Offsets

RULES TO PREVENT SPLITTING FOREIGN TAX CREDITS FROM THE INCOME TO WHICH THEY RELATE

SEC. 211.

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

''SEC. 909. SUSPENSION OF TAXES AND CREDITS UNTIL RELATED INCOME TAKEN INTO ACCOUNT.

''(a) IN GENERAL.—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by the taxpayer, such tax shall not be taken into account for purposes of this title before the taxable year in which the related income is taken into account under this chapter by the taxpayer.

''(b) SPECIAL RULES WITH RESPECT TO SECTION 902 CORPORATIONS.—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by a section 902 corporation, such tax shall not be taken into account—

''(1) for purposes of section 902 or 960, or

''(2) for purposes of determining earnings and profits under section 964(a),

before the taxable year in which the related income is taken into account under this chapter by such section 902 corporation or a domestic corporation which meets the ownership requirements of subsection (a) or (b) of section 902 with respect to such section 902 corporation.

''(c) SPECIAL RULES.—For purposes of this section—

''(1) APPLICATION TO PARTNERSHIPS, ETC.—In the case of a partnership, subsections (a) and (b) shall be applied at the partner level. Except as otherwise provided by the Secretary, a rule similar to the rule of the preceding sentence shall apply in the case of any S corporation or trust.

''(2) TREATMENT OF FOREIGN TAXES AFTER SUSPENSION.—In the case of any foreign income tax not taken into account by reason of subsection (a) or (b), except as otherwise provided by the Secretary, such tax shall be so taken into account in the taxable year referred to in such subsection (other than for purposes of section 986(a)) as a foreign income tax paid or accrued in such taxable year.

''(d) DEFINITIONS.—For purposes of this section—

''(1) FOREIGN TAX CREDIT SPLITTING EVENT.—There is a foreign tax credit splitting event with respect to a foreign income tax if the related income is (or will be) taken into account under this chapter by a covered person.

''(2) FOREIGN INCOME TAX.—The term 'foreign income tax' means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

''(3) RELATED INCOME.—The term 'related income' means, with respect to any portion of any foreign income tax, the income (or, as appropriate, earnings and profits) to which such portion of foreign income tax relates.

''(4) COVERED PERSON.—The term 'covered person' means, with respect to any person who pays or accrues a foreign income tax (hereafter in this paragraph referred to as the 'payor')—

''(A) any entity in which the payor holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value),

''(B) any person which holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value) in the payor,

''(C) any person which bears a relationship to the payor described in section 267(b) or 707(b), and

''(D) any other person specified by the Secretary for purposes of this paragraph.

''(5) SECTION 902 CORPORATION.—The term 'section 902 corporation' means any foreign corporation with respect to which one or more domestic corporations meets the ownership requirements of subsection (a) or (b) of section 902.

''(e) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provides—

''(1) appropriate exceptions from the provisions of this section, and

''(2) for the proper application of this section with respect to hybrid instruments.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 909. Suspension of taxes and credits until related income taken into account.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) foreign income taxes (as defined in section 909(d) of the Internal Revenue Code of 1986, as added by this section) paid or accrued in taxable years beginning after December 31, 2010; and

(2) foreign income taxes (as so defined) paid or accrued by a section 902 corporation (as so defined) in taxable years beginning on or before such date (and not deemed paid under section 902(a) or 960 of such Code on or before such date), but only for purposes of applying sections 902 and 960 with respect to periods after such date.

Section 909(b)(2) of the Internal Revenue Code of 1986, as added by this section, shall not apply to foreign income taxes described in paragraph (2).

DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS

SEC. 212.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.—

''(1) IN GENERAL.—In the case of a covered asset acquisition, the disqualified portion of any foreign income tax determined with respect to the income or gain attributable to the relevant foreign assets—

''(A) shall not be taken into account in determining the credit allowed under subsection (a), and

''(B) in the case of a foreign income tax paid by a section 902 corporation (as defined in section 909(d)(5)), shall not be taken into account for purposes of section 902 or 960.

''(2) COVERED ASSET ACQUISITION.—For purposes of this section, the term 'covered asset acquisition' means—

''(A) a qualified stock purchase (as defined in section 338(d)(3)) to which section 338(a) applies,

''(B) any transaction which—

''(i) is treated as an acquisition of assets for purposes of this chapter, and

''(ii) is treated as the acquisition of stock of a corporation (or is disregarded) for purposes of the foreign income taxes of the relevant jurisdiction,

''(C) any acquisition of an interest in a partnership which has an election in effect under section 754, and

''(D) to the extent provided by the Secretary, any other similar transaction.

''(3) DISQUALIFIED PORTION.—For purposes of this section—

''(A) IN GENERAL.—The term 'disqualified portion' means, with respect to any covered asset acquisition, for any taxable year, the ratio (expressed as a percentage) of—

''(i) the aggregate basis differences (but not below zero) allocable to such taxable year under subparagraph (B) with respect to all relevant foreign assets, divided by

''(ii) the income on which the foreign income tax referred to in paragraph (1) is determined (or, if the taxpayer fails to substantiate such income to the satisfaction of the Secretary, such income shall be determined by dividing the amount of such foreign income tax by the highest marginal tax rate applicable to such income in the relevant jurisdiction).

''(B) ALLOCATION OF BASIS DIFFERENCE.—For purposes of subparagraph (A)(i)—

''(i) IN GENERAL.—The basis difference with respect to any relevant foreign asset shall be allocated to taxable years using the applicable cost recovery method under this chapter.

''(ii) SPECIAL RULE FOR DISPOSITION OF ASSETS.—Except as otherwise provided by the Secretary, in the case of the disposition of any relevant foreign asset—

''(I) the basis difference allocated to the taxable year which includes the date of such disposition shall be the excess of the basis difference with respect to such asset over the aggregate basis difference with respect to such asset which has been allocated under clause (i) to all prior taxable years, and

''(II) no basis difference with respect to such asset shall be allocated under clause (i) to any taxable year thereafter.

''(C) BASIS DIFFERENCE.—

''(i) IN GENERAL.—The term 'basis difference' means, with respect to any relevant foreign asset, the excess of—

''(I) the adjusted basis of such asset immediately after the covered asset acquisition, over

''(II) the adjusted basis of such asset immediately before the covered asset acquisition.

''(ii) BUILT-IN LOSS ASSETS.—In the case of a relevant foreign asset with respect to which the amount described in clause (i)(II) exceeds the amount described in clause (i)(I), such excess shall be taken into account under this subsection as a basis difference of a negative amount.

''(iii) SPECIAL RULE FOR SECTION 338 ELECTIONS.—In the case of a covered asset acquisition described in paragraph (2)(A), the covered asset acquisition shall be treated for purposes of this subparagraph as occurring at the close of the acquisition date (as defined in section 338(h)(2)).

''(4) RELEVANT FOREIGN ASSETS.—For purposes of this section, the term 'relevant foreign asset' means, with respect to any covered asset acquisition, any asset (including any goodwill, going concern value, or other intangible) with respect to such acquisition if income, deduction, gain, or loss attributable to such asset is taken into account in determining the foreign income tax referred to in paragraph (1).

''(5) FOREIGN INCOME TAX.—For purposes of this section, the term 'foreign income tax' means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

''(6) TAXES ALLOWED AS A DEDUCTION, ETC.—Sections 275 and 78 shall not apply to any tax which is not allowable as a credit under subsection (a) by reason of this subsection.

''(7) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including to exempt from the application of this subsection certain covered asset acquisitions, and relevant foreign assets with respect to which the basis difference is de minimis.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to covered asset acquisitions (as defined in section 901(m)(2) of the Internal Revenue Code of 1986, as added by this section) after December 31, 2010.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any covered asset acquisition (as so defined) with respect to which the transferor and the transferee are not related if such acquisition is—

(A) made pursuant to a written agreement which was binding on January 1, 2011, and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before May 20, 2010, or

(C) described on or before January 1, 2011, in a public announcement or in a filing with the Securities and Exchange Commission.

(3) RELATED PERSONS.—For purposes of this subsection, a person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b) of the Internal Revenue Code of 1986.

SEPARATE APPLICATION OF FOREIGN TAX CREDIT LIMITATION, ETC., TO ITEMS RESOURCED UNDER TREATIES

SEC. 213.

(a) IN GENERAL.—Subsection (d) of section 904 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

''(6) SEPARATE APPLICATION TO ITEMS RESOURCED UNDER TREATIES.—

''(A) IN GENERAL.—If—

''(i) without regard to any treaty obligation of the United States, any item of income would be treated as derived from sources within the United States,

''(ii) under a treaty obligation of the United States, such item would be treated as arising from sources outside the United States, and

''(iii) the taxpayer chooses the benefits of such treaty obligation,

subsections (a), (b), and (c) of this section and sections 902, 907, and 960 shall be applied separately with respect to each such item.

''(B) COORDINATION WITH OTHER PROVISIONS.—This paragraph shall not apply to any item of income to which subsection (h)(10) or section 865(h) applies.

''(C) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance which provides that related items of income may be aggregated for purposes of this paragraph.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

LIMITATION ON THE AMOUNT OF FOREIGN TAXES DEEMED PAID WITH RESPECT TO SECTION 956 INCLUSIONS

SEC. 214.

(a) IN GENERAL.—Section 960 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(c) LIMITATION WITH RESPECT TO SECTION 956 INCLUSIONS.—

''(1) IN GENERAL.—If there is included under section 951(a)(1)(B) in the gross income of a domestic corporation any amount attributable to the earnings and profits of a foreign corporation which is a member of a qualified group (as defined in section 902(b)) with respect to the domestic corporation, the amount of any foreign income taxes deemed to have been paid during the taxable year by such domestic corporation under section 902 by reason of subsection (a) with respect to such inclusion in gross income shall not exceed the amount of the foreign income taxes which would have been deemed to have been paid during the taxable year by such domestic corporation if cash in an amount equal to the amount of such inclusion in gross income were distributed as a series of distributions (determined without regard to any foreign taxes which would be imposed on an actual distribution) through the chain of ownership which begins with such foreign corporation and ends with such domestic corporation.

''(2) AUTHORITY TO PREVENT ABUSE.—The Secretary shall issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which prevent the inappropriate use of the foreign corporation's foreign income taxes not deemed paid by reason of paragraph (1).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to acquisitions of United States property (as defined in section 956(c) of the Internal Revenue Code of 1986) after December 31, 2010.

SPECIAL RULE WITH RESPECT TO CERTAIN REDEMPTIONS BY FOREIGN SUBSIDIARIES

SEC. 215.

(a) IN GENERAL.—Paragraph (5) of section 304(b) of the Internal Revenue Code of 1986 is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) SPECIAL RULE IN CASE OF FOREIGN ACQUIRING CORPORATION.—In the case of any acquisition to which subsection (a) applies in which the acquiring corporation is a foreign corporation, no earnings and profits shall be taken into account under paragraph (2)(A) (and subparagraph (A) shall not apply) if more than 50 percent of the dividends arising from such acquisition (determined without regard to this subparagraph) would neither—

''(i) be subject to tax under this chapter for the taxable year in which the dividends arise, nor

''(ii) be includible in the earnings and profits of a controlled foreign corporation (as defined in section 957 and without regard to section 953(c)).''.

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

MODIFICATION OF AFFILIATION RULES FOR PURPOSES OF RULES ALLOCATING INTEREST EXPENSE

SEC. 216.

(a) IN GENERAL.—Subparagraph (A) of section 864(e)(5) of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''Notwithstanding the preceding sentence, a foreign corporation shall be treated as a member of the affiliated group if—

''(i) more than 50 percent of the gross income of such foreign corporation for the taxable year is effectively connected with the conduct of a trade or business within the United States, and

''(ii) at least 80 percent of either the vote or value of all outstanding stock of such foreign corporation is owned directly or indirectly by members of the affiliated group (determined with regard to this sentence).''.

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

TERMINATION OF SPECIAL RULES FOR INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS

SEC. 217.

(a) IN GENERAL.—Paragraph (1) of section 861(a) of the Internal Revenue Code of 1986 is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) GRANDFATHER RULE WITH RESPECT TO WITHHOLDING ON INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.—

(1) IN GENERAL.—Subparagraph (B) of section 871(i)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) The active foreign business percentage of—

''(i) any dividend paid by an existing 80/20 company, and

''(ii) any interest paid by an existing 80/20 company.''.

(2) DEFINITIONS AND SPECIAL RULES.—Section 871 of such Code is amended by redesignating subsections (l) and (m) as subsections (m) and (n), respectively, and by inserting after subsection (k) the following new subsection:

''(l) RULES RELATING TO EXISTING 80/20 COMPANIES.—For purposes of this subsection and subsection (i)(2)(B)—

''(1) EXISTING 80/20 COMPANY.—

''(A) IN GENERAL.—The term 'existing 80/20 company' means any corporation if—

''(i) such corporation met the 80-percent foreign business requirements of section 861(c)(1) (as in effect before the date of the enactment of this subsection) for such corporation's last taxable year beginning before January 1, 2011,

''(ii) such corporation meets the 80-percent foreign business requirements of subparagraph (B) with respect to each taxable year after the taxable year referred to in clause (i), and

''(iii) there has not been an addition of a substantial line of business with respect to such corporation after the date of the enactment of this subsection.

''(B) FOREIGN BUSINESS REQUIREMENTS.—

''(i) IN GENERAL.—Except as provided in clause (iv), a corporation meets the 80-percent foreign business requirements of this subparagraph if it is shown to the satisfaction of the Secretary that at least 80 percent of the gross income from all sources of such corporation for the testing period is active foreign business income.

''(ii) ACTIVE FOREIGN BUSINESS INCOME.—For purposes of clause (i), the term 'active foreign business income' means gross income which—

''(I) is derived from sources outside the United States (as determined under this subchapter), and

''(II) is attributable to the active conduct of a trade or business in a foreign country or possession of the United States.

''(iii) TESTING PERIOD.—For purposes of this subsection, the term 'testing period' means the 3-year period ending with the close of the taxable year of the corporation preceding the payment (or such part of such period as may be applicable). If the corporation has no gross income for such 3-year period (or part thereof), the testing period shall be the taxable year in which the payment is made.

''(iv) TRANSITION RULE.—In the case of a taxable year for which the testing period includes 1 or more taxable years beginning before January 1, 2011—

''(I) a corporation meets the 80-percent foreign business requirements of this subparagraph if and only if the weighted average of—

''(aa) the percentage of the corporation's gross income from all sources that is active foreign business income (as defined in subparagraph (B) of section 861(c)(1) (as in effect before the date of the enactment of this subsection)) for the portion of the testing period that includes taxable years beginning before January 1, 2011, and

''(bb) the percentage of the corporation's gross income from all sources that is active foreign business income (as defined in clause (ii) of this subparagraph) for the portion of the testing period, if any, that includes taxable years beginning on or after January 1, 2011,

is at least 80 percent, and

''(II) the active foreign business percentage for such taxable year shall equal the weighted average percentage determined under subclause (I).

''(2) ACTIVE FOREIGN BUSINESS PERCENTAGE.—Except as provided in paragraph (1)(B)(iv), the term 'active foreign business percentage' means, with respect to any existing 80/20 company, the percentage which—

''(A) the active foreign business income of such company for the testing period, is of

''(B) the gross income of such company for the testing period from all sources.

''(3) AGGREGATION RULES.—For purposes of applying paragraph (1) (other than subparagraphs (A)(i) and (B)(iv) thereof) and paragraph (2)—

''(A) IN GENERAL.—The corporation referred to in paragraph (1)(A) and all of such corporation's subsidiaries shall be treated as one corporation.

''(B) SUBSIDIARIES.—For purposes of subparagraph (A), the term 'subsidiary' means any corporation in which the corporation referred to in subparagraph (A) owns (directly or indirectly) stock meeting the requirements of section 1504(a)(2) (determined by substituting '50 percent' for '80 percent' each place it appears and without regard to section 1504(b)(3)).

''(4) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provide for the proper application of the aggregation rules described in paragraph (3).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 861 of the Internal Revenue Code of 1986 is amended by striking subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) Paragraph (9) of section 904(h) of such Code is amended to read as follows:

''(9) TREATMENT OF CERTAIN DOMESTIC CORPORATIONS.—In the case of any dividend treated as not from sources within the United States under section 861(a)(2)(A), the corporation paying such dividend shall be treated for purposes of this subsection as a United States-owned foreign corporation.''.

(3) Subsection (c) of section 2104 of such Code is amended in the last sentence by striking ''or to a debt obligation of a domestic corporation'' and all that follows and inserting a period.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) GRANDFATHER RULE FOR OUTSTANDING DEBT OBLIGATIONS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to payments of interest on obligations issued before the date of the enactment of this Act.

(B) EXCEPTION FOR RELATED PARTY DEBT.—Subparagraph (A) shall not apply to any interest which is payable to a related person (determined under rules similar to the rules of section 954(d)(3)).

(C) SIGNIFICANT MODIFICATIONS TREATED AS NEW ISSUES.—For purposes of subparagraph (A), a significant modification of the terms of any obligation (including any extension of the term of such obligation) shall be treated as a new issue.

LIMITATION ON EXTENSION OF STATUTE OF LIMITATIONS FOR FAILURE TO NOTIFY SECRETARY OF CERTAIN FOREIGN TRANSFERS

SEC. 218.

(a) IN GENERAL.—Paragraph (8) of section 6501(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''In the case of any information'' and inserting the following:

''(A) IN GENERAL.—In the case of any information''; and

(2) by adding at the end the following:

''(B) APPLICATION TO FAILURES DUE TO REASONABLE CAUSE.—If the failure to furnish the information referred to in subparagraph (A) is due to reasonable cause and not willful neglect, subparagraph (A) shall apply only to the item or items related to such failure.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 513 of the Hiring Incentives to Restore Employment Act.

TITLE III

RESCISSIONS

SEC. 301. There is rescinded from accounts under the heading ''Department of Agriculture—Rural Development'', $122,000,000, to be derived from the unobligated balances of funds that were provided for such accounts in prior appropriation Acts (other than Public Law 111–5) and that were designated by the Congress in such Acts as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 302. Of the funds made available for ''Department of Agriculture—Rural Utilities Service—Distance Learning, Telemedicine, and Broadband Program'' in title I of division A of Public Law 111–5 (123 Stat. 118), $300,000,000 are rescinded.

SEC. 303. There is rescinded from accounts under the heading ''Department of Agriculture—Food and Nutrition Service—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)'', $361,825,000, to be derived from unobligated balances available from amounts placed in reserve in title I of division A of Public Law 111–5 (123 Stat. 115).

SEC. 304. Of the funds made available for ''Department of Commerce—National Telecommunications and Information Administration—Broadband Technology Opportunities Program'' in title II of division A of Public Law 111–5, $302,000,000 are rescinded.

SEC. 305. (a) Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are rescinded from the following accounts in the specified amounts:

''Shipbuilding and Conversion, Navy, 2006/2010'', $107,000,000;

''Aircraft Procurement, Army, 2008/2010'', $21,000,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2008/2010'', $21,000,000;

''Procurement of Ammunition, Army, 2008/2010'', $17,000,000;

''Other Procurement, Army, 2008/2010'', $75,000,000;

''Weapons Procurement, Navy, 2008/2010'', $26,000,000;

''Other Procurement, Navy, 2008/2010'', $42,000,000;

''Procurement, Marine Corps, 2008/2010'', $13,000,000;

''Aircraft Procurement, Air Force, 2008/2010'', $102,000,000;

''Missile Procurement, Air Force, 2008/2010'', $28,000,000;

''Procurement of Ammunition, Air Force, 2008/2010'', $7,000,000;

''Other Procurement, Air Force, 2008/2010'', $130,000,000;

''Procurement, Defense-Wide, 2008/2010'', $33,000,000;

''Research, Development, Test and Evaluation, Army, 2009/2010'', $76,000,000;

''Research, Development, Test and Evaluation, Navy, 2009/2010'', $131,000,000;

''Research, Development, Test and Evaluation, Air Force, 2009/2010'', $164,000,000;

''Research, Development, Test and Evaluation, Defense-Wide, 2009/2010'', $137,000,000;

''Operation, Test and Evaluation, Defense, 2009/2010'', $1,000,000;

''Operation and Maintenance, Army, 2010'', $154,000,000;

''Operation and Maintenance, Navy, 2010'', $155,000,000;

''Operation and Maintenance, Marine Corps, 2010'', $25,000,000;

''Operation and Maintenance, Air Force, 2010'', $155,000,000;

''Operation and Maintenance, Defense-Wide, 2010'', $126,000,000;

''Operation and Maintenance, Army Reserve, 2010'', $12,000,000;

''Operation and Maintenance, Navy Reserve, 2010'', $6,000,000;

''Operation and Maintenance, Marine Corps Reserve, 2010'', $1,000,000;

''Operation and Maintenance, Air Force Reserve, 2010'', $14,000,000;

''Operation and Maintenance, Army National Guard, 2010'', $28,000,000; and

''Operation and Maintenance, Air National Guard, 2010'', $27,000,000.

(b) Section 3002 shall not apply to amounts in this section.

SEC. 306. (a) Of the funds appropriated in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), the following funds are rescinded from the following accounts in the specified amounts:

''Operation and Maintenance, Army, 2009/2010'', $113,500,000;

''Operation and Maintenance, Navy, 2009/2010'', $34,000,000;

''Operation and Maintenance, Marine Corps, 2009/2010'', $7,000,000;

''Operation and Maintenance, Air Force, 2009/2010'', $61,000,000;

''Operation and Maintenance, Army Reserve, 2009/2010'', $3,500,000;

''Operation and Maintenance, Navy Reserve, 2009/2010'', $8,000,000;

''Operation and Maintenance, Marine Corps Reserve, 2009/2010'', $1,000,000;

''Operation and Maintenance, Air Force Reserve, 2009/2010'', $2,000,000;

''Operation and Maintenance, Army National Guard, 2009/2010'', $1,000,000;

''Operation and Maintenance, Air National Guard, 2009/2010'', $2,500,000; and

''Defense Health Program, 2009/2010'', $27,000,000.

(b) Of the funds appropriated in the Supplemental Appropriations Act, 2008 (Public Law 110–252), the following funds are rescinded from the following account in the specified amount:

''Procurement, Marine Corps, 2009/2011'', $122,000,000.

SEC. 307. (a) Of the funds appropriated for ''Procurement of Weapons and Tracked Combat Vehicles, Army'' in title III of division A of public Law 111–118, $116,000,000 are rescinded.

(b) Of the funds appropriated for ''Other Procurement, Army'' in title III of division C of Public Law 110–329, $87,000,000 are rescinded.

(c) Section 3002 shall not apply to amounts in this section.

SEC. 308. (a) There are rescinded the following amounts from the specified accounts:

(1) $20,000,000, to be derived from unobligated balances of funds made available in prior appropriations Acts under the heading ''Department of Energy—Nuclear Energy''.

(b) Section 3002 shall not apply to amounts in this section.

SEC. 309. Of the unobligated balances of funds provided under the heading ''Nuclear Regulatory Commission'' in prior appropriations Acts, $18,000,000 is permanently rescinded: *Provided*, That section 3002 shall not apply to the amount in this section.

SEC. 310. Of the funds made available for ''Department of Energy—Title 17—Innovative Technology Loan Guarantee Program'' in title III of division A of Public Law 111–5, $1,500,000,000 are rescinded.

SEC. 311. There are permanently rescinded from ''General Services Administration—Real Property Activities—Federal Building Fund'', $75,000,000 from Rental of Space and $25,000,000 from Building Operations, to be derived from unobligated balances that were provided in previous appropriations Acts: *Provided*, That section 3002 shall not apply to the amount in this section.

SEC. 312. Of the funds made available for ''Bureau of Indian Affairs—Indian Guaranteed Loan Program Account'' in title VII of division A of Public Law 111–5, $6,820,000 are rescinded.

SEC. 313. Of the funds made available for ''Environmental Protection Agency—Hazardous Substance Superfund'' in title VII of division A of Public Law 111–5, $2,600,000 are rescinded.

SEC. 314. Of the funds made available for ''Environmental Protection Agency—Leaking Underground Storage Tank Trust Fund Program'' in title VII of division A of Public Law 111–5, $9,200,000 are rescinded.

SEC. 315. Of the funds made available for transfer in title VII of division A of Public Law 111–5, ''Environmental Protection Agency—Environmental Programs and Management'', $10,000,000 are rescinded.

SEC. 316. Of the funds made available for ''National Park Service—Construction'' in chapter 7 of division B of Public Law 108–324, $4,800,000 are rescinded.

SEC. 317. Of the funds made available for ''National Park Service—Construction'' in chapter 5 of title II of Public Law 109–234, $6,400,000 are rescinded.

SEC. 318. Of the funds made available for ''Fish and Wildlife Service—Construction'' in chapter 6 of title I of division B of Public Law 110–329, $3,000,000 are rescinded.

SEC. 319. The unobligated balance of funds appropriated in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1995 (Public Law 103–333; 108 Stat. 2574) under the heading ''Public Health and Social Services Emergency Fund'' is rescinded.

SEC. 320. Of the funds appropriated for the Commissioner of Social Security under section 2201(e)(2)(B) in title II of division B of Public Law 111–5, $47,000,000 are rescinded.

SEC. 321. Of the funds appropriated in part VI of subtitle I of title II of division B of Public Law 111–5, $110,000,000 are rescinded, to be derived only from the amount provided under section 1899K(b) of such title.

SEC. 322. Of the funds appropriated for ''Department of Education—Education for the Disadvantaged'' in division D of Public Law 111–117, $50,000,000 are rescinded, to be derived only from the amount provided for a comprehensive literacy development and education program under section 1502 of the Elementary and Secondary Education Act of 1965: *Provided*, That section 3002 of this Act shall not apply to this amount.

SEC. 323. Of the funds appropriated for ''Department of Education—Student Aid Administration'' in division D of Public Law 111–117, $82,000,000 are rescinded: *Provided*, That section 3002 of this Act shall not apply to this amount.

SEC. 324. Of the funds appropriated for ''Department of Education—Innovation and Improvement'' in division D of Public Law 111–117, $10,700,000 are rescinded, to be derived only from the amount provided to carry out subpart 8 of part D of title V of the Elementary and Secondary Education Act of 1965: *Provided*, That section 3002 of this Act shall not apply to this amount.

SEC. 325. Of the unobligated balances available under ''Department of Defense, Military Construction, Army'' from prior appropriations Acts, $340,000,000 is rescinded: *Provided*, That no funds may be rescinded from amounts that were designated by the Congress as an emergency requirement or as appropriations for overseas deployments and other activities pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That section 3002 shall not apply to the amount in this section.

SEC. 326. Of the unobligated balances available under ''Department of Defense, Military Construction, Navy and Marine Corps'' from prior appropriations Acts, $110,000,000 is rescinded: *Provided*, That no funds may be rescinded from amounts that were designated by the Congress as an emergency requirement or as appropriations for overseas deployments and other activities pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That section 3002 shall not apply to the amount in this section.

SEC. 327. Of the unobligated balances available under ''Department of Defense, Military Construction, Air Force'' from prior appropriations Acts, $50,000,000 is rescinded: *Provided*, That no funds may be rescinded from amounts that were designated by the Congress as an emergency requirement or as appropriations for overseas deployments and other activities pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That section 3002 shall not apply to the amount in this section.

SEC. 328. Of the funds made available for the General Operating Expenses account of the Department of Veterans Affairs in section 2201(e)(4)(A)(ii) of division B of Public Law 111–5 (123 Stat. 454; 26 U.S.C. 6428 note), $6,100,000 are rescinded.

SEC. 329. Of the amount appropriated or otherwise made available by title X of division A of Public Law 111–5, the American Recovery and Reinvestment Act of 2009, under the heading '' Departmental Administration, Information Technology Systems'' $5,000,000 is hereby rescinded.

SEC. 330. (a) MILLENNIUM CHALLENGE CORPORATION.—Of the unobligated balances available under the heading ''Millennium Challenge Corporation'' in title III of division H of Public Law 111–8 and under such heading in prior Acts making appropriations for the Department of State, foreign operations, and related programs, $50,000,000 are rescinded.

(b) CIVILIAN STABILIZATION INITIATIVE.—

(1) DEPARTMENT OF STATE.—Of the unobligated balances available under the heading ''Department of State—Administration of Foreign Affairs—Civilian Stabilization Initiative'' in prior Acts making appropriations for the Department of State, foreign operations, and related programs, $40,000,000 are rescinded.

(2) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—Of the unobligated balances available under the heading ''United States Agency for International Development—Funds Appropriated to the President—Civilian Stabilization Initiative'' in prior Acts making appropriations for the Department of State, foreign operations, and related programs, $30,000,000 are rescinded.

(c) Section 3002 shall not apply to the amounts in this section.

SEC. 331. There are rescinded the following amounts from the specified accounts:

(1) ''Department of Transportation—Federal Aviation Administration—Facilities and Equipment'', $2,182,544, to be derived from unobligated balances made available under this heading in Public Law 108–324.

(2) ''Department of Transportation—Federal Aviation Administration—Facilities and Equipment'', $5,705,750, to be derived from unobligated balances made available under this heading in Public Law 109–148.

SEC. 332. Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $2,200,000,000 are permanently rescinded: *Provided*, That such rescission shall be distributed among the States in the same proportion as the funds subject to such rescission were apportioned to the States for fiscal year 2009: *Provided further*, That such rescission shall not apply to the funds distributed

in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109–59; and the first sentence of section 133(d)(3)(A) of such title: *Provided further*, That notwithstanding section 1132 of Public Law 110–140, in administering the rescission required under this heading, the Secretary of Transportation shall allow each State to determine the amount of the required rescission to be drawn from the programs to which the rescission applies.

TITLE IV

BUDGETARY PROVISIONS

BUDGETARY PROVISIONS

SEC. 401. (a) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled Budgetary Effects of PAYGO Legislation for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

(b) EXCLUSION FROM PAYGO.—

(1) Savings in this Act that would be subject to inclusion in the Statutory Pay-As-You-Go scorecards are providing an offset to increased discretionary spending. As such, they should not be available on the scorecards maintained by the Office of Management and Budget to provide offsets for future legislation.

(2) The Director of the Office of Management and Budget shall not include any net savings resulting from the changes in direct spending or revenues contained in this Act on the scorecards required to be maintained by OMB under the Statutory Pay-As-You-Go Act of 2010.

SA 4568. Mr. REID proposed an amendment to amendment SA 4567 proposed by Mr. REID (for Mrs. MURRAY (for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER)) to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end of the amendment, insert the following:

The provisions of this Act shall become effective 5 days after enactment.

SA 4569. Mr. REID proposed an amendment to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end insert the following:

The Appropriations Committee is requested to study the impact of any delay in providing funding to educators across the country.

SA 4570. Mr. REID proposed an amendment to amendment SA 4569 proposed by Mr. REID to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end, insert the following: ''and include any data on the impact on local school districts''.

SA 4571. Mr. REID proposed an amendment to amendment SA 4570 proposed by Mr. REID to the amendment SA 4569 proposed by Mr. REID to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end, insert the following: ''and the impact on local community''.

SA 4572. Mr. MCCAIN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 5875, making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $356,900,000, to remain available until September 30, 2012, of which $78,000,000 shall be for costs to maintain U.S. Customs and Border Protection Officer staffing on the Southwest Border of the United States, $58,000,000 shall be for hiring additional U.S. Customs and Border Protection Officers for deployment at ports of entry on the Southwest Border of the United States, $208,400,000 shall be for hiring additional Border Patrol agents for deployment to the Southwest Border of the United States, $2,500,000 shall be for forward operating bases on the Southwest Border of the United States, and $10,000,000 shall be to support integrity and background investigation programs.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For an additional amount for ''Border Security Fencing, Infrastructure, and Technology,'' $14,000,000, to remain available until September 30, 2012, for costs of designing, building, and deploying tactical communications for support of enforcement activities on the Southwest Border of the United States.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for ''Air and Marine Interdiction, Operations, Maintenance, and Procurement'', $32,000,000, to remain available until September 30, 2012, for costs of acquisition and deployment of unmanned aircraft systems.

CONSTRUCTION AND FACILITIES MANAGEMENT

For an additional amount for ''Construction and Facilities Management'', $9,000,000, to remain available until September 30, 2012, for costs to construct up to three forward operating bases for use by the Border Patrol to carry out enforcement activities on the Southwest Border of the United States.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $30,000,000 to remain available until September 30, 2012, for law enforcement activities targeted at reducing the threat of violence along the Southwest Border of the United States.

FEDERAL EMERGENCY MANAGEMENT AGENCY

STATE AND LOCAL PROGRAMS

For an additional amount for ''State and Local Programs'', $50,000,000, to remain available until September 30, 2011, for Operation Stonegarden.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $8,100,000, to remain available until September 30, 2011, for costs to provide basic training for new U.S. Customs and Border Protection Officers and Border Patrol agents.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 101.

For an additional amount for the Department of Justice for necessary expenses for increased law enforcement activities related to Southwest border enforcement, $201,000,000, to remain available until September 30, 2012: *Provided*, That funds shall be distributed to the following accounts and in the following specified amounts—

(1) ''Administrative Review and Appeals'', $2,118,000;

(2) ''Detention Trustee'', $7,000,000;

(3) ''Legal Activities, Salaries and Expenses, General Legal Activities'', $3,862,000;

(4) ''Legal Activities, Salaries and Expenses, United States Attorneys'', $9,198,000;

(5) ''United States Marshals Service, Salaries and Expenses'', $29,651,000;

(6) ''United States Marshals Service, Construction'', $8,000,000;

(7) ''Interagency Law Enforcement, Interagency Crime and Drug Enforcement'', $21,000,000;

(8) ''Federal Bureau of Investigation, Salaries and Expenses'', $25,262,000;

(9) ''Drug Enforcement Administration, Salaries and Expenses'', $35,805,000;

(10) ''Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses'', $39,104,000; and

(11) ''Federal Prison System, Salaries and Expenses'', $20,000,000.

SEC. 102.

From unobligated balances made available to U.S. Customs and Border Protection ''Border Security Fencing, Infrastructure, and Technology'', $100,000,000 are rescinded.

SEC. 103.

Notwithstanding any other provision of law, from available funds, the Department of Defense shall pay, in fiscal years 2010 and 2011, the full costs associated with the deployment of the National Guard along the Southwest Border of the United States.

SEC. 104. USE OF STIMULUS FUNDS TO OFFSET COSTS OF BORDER SECURITY.

(a) IN GENERAL.—The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5)

(other than under title X of division A of such Act) is rescinded on a pro rata basis so that the aggregate amount of such rescissions is equal to the net reduction in revenues to the Treasury resulting from amounts appropriated under this Act, after factoring in the rescission under section 102.

(b) REPORT.—The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

This Act may be cited as the ''Emergency Border Security Supplemental Appropriations Act, 2010''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 29, 2010, at 9:30 a.m.

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

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 29, 2010, at 3 p,n,

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 29, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on July 29, 2010 in the President's Room.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''The State of the American Child: The Impact of Federal Policies on Children'' on July 29, 2010. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet, during the session of the Senate, on July 29, 2010, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet, during the session of the Senate, on July 29, 2010, at 10 a.m. in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Terrorism and Homeland Security, be authorized to meet, during the session of the Senate, on July 29, 2010, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Passport Issuance Process: Closing the Door to Fraud, Part II.''

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

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mr. REID. 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 July 29, 2010, at 10 a.m. to conduct a hearing entitled, ''Mismanagement of Contracts at Arlington National Cemetery.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence by authorized to meet during the session of the Senate on July 29, 2010, at 2 p.m.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Forkforce, and the District of Columbia be authorized to meet during the session of the Senate on July 29, 2010, at 2:30 p.m. to conduct a hearing entitled ''Closing the Language Gap: Improving the Federal Government's Foreign Language Capabilities.''

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

SAVING KIDS FROM DANGEROUS DRUGS ACT OF 2010

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 477, S. 258.

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

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 258) to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Saving Kids From Dangerous Drugs Act of 2010''.

SEC. 2. OFFENSES INVOLVING CONTROLLED SUBSTANCES MARKETED TO MINORS.

Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following:

''(h) OFFENSES INVOLVING CONTROLLED SUBSTANCES MARKETED TO MINORS.—

''(1) UNLAWFUL ACTS.—Except as authorized under this title, including paragraph (3), it shall be unlawful for any person at least 18 years of age to knowingly or intentionally manufacture or create, with intent to manufacture, create, distribute, or dispense, a controlled substance listed in schedule I or II that is—

''(A) combined with a candy product;

''(B) marketed or packaged to appear similar to a candy product; and

''(C) modified by flavoring or coloring the controlled substance with the intent to distribute, dispense, or sell the controlled substance to a person under 18 years of age.

''(2) PENALTIES.—Except as provided in section 418, 419, or 420, any person who violates paragraph (1) of this subsection shall be subject to—

''(A) 2 times the maximum punishment and at least 2 times any term of supervised release authorized by subsection (b) of this section for a first offense involving the same controlled substance and schedule; and

''(B) 3 times the maximum punishment and at least 3 times any term of supervised release authorized by subsection (b) of this section for a second or subsequent offense involving the same controlled substance and schedule.

''(3) EXCEPTIONS.—Paragraph (1) shall not apply to any controlled substance that—

''(A) has been approved by the Secretary under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), if the contents, marketing, and packaging of the controlled substance have not been altered from the form approved by the Secretary; or

''(B) has been altered at the direction of a practitioner who is acting for a legitimate medical purpose in the usual course of professional practice.''.

SEC. 3. SENTENCING GUIDELINES.

Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and policy statements to ensure that the guidelines provide an appropriate additional penalty increase of up to 3 offense levels above the sentence otherwise applicable in Part D of the Guidelines Manual if the defendant was convicted of a violation of section 401(h) of the Controlled Substances Act, as added by section 2 of this Act.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the committee-reported substitute be agreed to, the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statement related to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 258), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP ACT OF 2009

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 486, H.R. 1454.

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

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1454) to provide for the issuance of a Multinational Species Conservation Fund Semipostal Stamp.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Multinational Species Conservation Funds Semipostal Stamp Act of 2010''.

SEC. 2. MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP.

(a) IN GENERAL.—In order to afford a convenient way for members of the public to contribute to funding for the operations supported by the Multinational Species Conservation Funds, the United States Postal Service shall issue a semipostal stamp (hereinafter in this Act referred to as the ''Multinational Species Conservation Funds Semipostal Stamp'') in accordance with succeeding provisions of this section.

(b) COST AND USE.—

(1) IN GENERAL.—The Multinational Species Conservation Funds Semipostal Stamp shall be offered at a cost equal to the cost of mailing a letter weighing 1 ounce or less at the nonautomation single-piece first-ounce letter rate, in effect at the time of purchase, plus a differential of not less than 15 percent.

(2) VOLUNTARY USE.—The use of any semipostal issued under this section shall be voluntary on the part of postal patrons.

(3) SPECIAL RATE.—The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.

(c) OTHER TERMS AND CONDITIONS.—The issuance and sale of the Multinational Species Conservation Funds Semipostal Stamp shall be governed by the provisions of section 416 of title 39, United States Code, and regulations issued under such section, subject to subsection (b) and the following:

(1) DISPOSITION OF PROCEEDS.—

(A) IN GENERAL.—All amounts becoming available from the sale of the Multinational Species Conservation Funds Semipostal Stamp (as determined under section 416(d) of such title 39) shall be transferred to the United States Fish and Wildlife Service, for the purpose described in subsection (a), through payments which shall be made at least twice a year, with the proceeds to be divided equally among the African Elephant Conservation Fund, the Asian Elephant Conservation Fund, the Great Ape Conservation Fund, the Marine Turtle Conservation Fund, the Rhinoceros and Tiger Conservation Fund, and other international wildlife conservation funds authorized by the Congress after the date of the enactment of this Act and administered by the Service as part of the Multinational Species Conservation Fund.

(B) PROCEEDS NOT TO BE OFFSET.—In accordance with section 416(d)(4) of such title 39, amounts becoming available from the sale of the Multinational Species Conservation Funds Semipostal Stamp (as so determined) shall not be taken into account in any decision relating to the level of appropriations or other Federal funding to be furnished in any year to—

(i) the United States Fish and Wildlife Service; or

(ii) any of the funds identified in subparagraph (A).

(2) DURATION.—The Multinational Species Conservation Funds Semipostal Stamp shall be made available to the public for a period of at least 2 years, beginning no later than 12 months after the date of the enactment of this Act.

(3) LIMITATION.—The Multinational Species Conservation Funds Semipostal Stamp shall not be subject to, or taken into account for purposes of applying, any limitation under section 416(e)(1)(C) of such title 39.

(4) RESTRICTION ON USE OF FUNDS.—Amounts transferred under paragraph (1) shall not be used to fund or support the Wildlife Without Borders Program or to supplement funds made available for the Neotropical Migratory Bird Conservation Fund.

(d) DEFINITION.—For purposes of this Act, the term ''semipostal stamp'' refers to a stamp described in section 416(a)(1) of title 39, United States Code.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table, without any intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (H.R. 1454), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

UNITED STATES PATENT AND TRADEMARK OFFICES SUPPLEMENTAL APPROPRIATIONS ACT, 2010

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5874, received from the House and is at the desk.

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

The assistant legislative clerk read as follows:

A bill (H.R. 5874) making supplemental appropriations for the United States Patent and Trademark Office for the fiscal year ending September 30, 2010, and for other purposes.

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

Ms. MIKULSKI. Mr, President, I support H.R. 5874, the U.S. Patent and Trademark Office Supplemental Appropriations Act of 2010. This bill gives the Patent and Trademark Office additional funding to tackle the patent backlog, helping innovative businesses protect new ideas faster.

The Patent and Trademark Office is the central hub of an innovation friendly Government. It protects intellectual property in the United States and encourages invention, innovation, and investment. New patents boost America's competitiveness, increase productivity, bring new products and services to market, support entrepreneurs and small businesses, and, most importantly, help to create new jobs.

As chairwoman of the Commerce, Justice, Science Appropriations Subcommittee that funds the Patent and Trademark Office, I have been critical of this agency's performance. The Patent and Trademark Office has struggled for years to reduce patent pendency and tackle the overall patent backlog. I have heard from inventors and businesses about how long it takes the Patent and Trademark Office to protect their ideas.

I have also heard from Patent employees about their unrealistic job performance standards which have led to high turnover of patent examiners. Numerous reviews conducted by the Government Accountability Office showed that for every two examiners hired one leaves the agency.

But the good news is that Patent and Trademark Office has new direction, and within the past year, the agency has made some very positive changes. Thanks to Director Kappos, employee management has been reformed, meaning more patent examiners are staying and working. The Patent and Trademark Office has also created a better strategy for approving patents quicker and reducing the patent backlog. We are finally seeing the Patent and Trademark Office make strides in the right direction, and I want to support this momentum.

This year, the Patent and Trademark Office will collect $129 million more fees than originally expected. These extra funds mean that Patent and Trademark Office has the potential to further reduce the backlog even faster. H.R. 5874 allows the Patent and Trademark Office to spend this additional revenue. This amendment is fully offset by rescinding unused funds from the 2010 census.

This bill has the same goals as an amendment I offered this week to H.R. 5297, the small business bill, because improving patent protection is critical to helping innovative small businesses grow. This bill also mirrors the President's request he sent Congress on July 12, 2010, asking for these exact funds for the Patent and Trademark Office, offset by the rescission from the Census.

I urge my colleagues to support H.R. 5874, the U.S. Patent and Trademark Office Supplemental Appropriations Act of 2010. The Patent and Trademark Office needs to get back on track, and funding within this bill ensures the Patent and Trademark Office has the resources it needs to process applications in a reasonable time and keep critical examiners on board to continue issuing patents. By supporting this

bill, we can give American businesses and inventors a helping hand to stay innovative.

Mr. LEAHY. Mr. President, I am pleased that the Senate has acted quickly and in a bipartisan way to ensure that fees collected by United States Patent and Trademark Office, USPTO, are not diverted for other purposes this fiscal year.

The Director of the USPTO has done a remarkable job in his short tenure dealing with a massive backload of patent applications and a serious budget shortfall. The action that Congress has taken today will at least provide short term financial help to the agency by ensuring that the USPTO is not penalized for having done more work this fiscal year than it had anticipated.

More needs to be done to modernize and improve our patent system, which is a crucial component of our economic recovery. Bipartisan patent reform legislation is ready for Senate action. This bill will provide the legal structure we need to allow our inventors to flourish. It will improve our economy and create jobs without adding a penny to the deficit.

While I strongly support the action the Senate has taken today, we cannot fix our overburdened and outdated patent system simply through additional appropriations. Congress must act on meaningful patent reform legislation this year.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD, without further intervening action or debate.

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

The bill (H.R. 5874) was ordered to a third reading, was read the third time, and passed.

POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 592, and the Senate proceed to its immediate consideration.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 592) designating the week of September 13–19, 2010, as ''Polycystic Kidney Disease Awareness Week,'' and supporting the goals and ideals of Polycystic Kidney Disease Awareness Week to raise awareness and understanding of polycystic kidney disease and the impact the disease has on patients now and for future generations until it can be cured.

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

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

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

The resolution (S. Res. 592) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 592

Whereas polycystic kidney disease (known as ''PKD'') is one of the most prevalent life-threatening genetic diseases in the world, affecting an estimated 600,000 people in the United States, including newborn babies, children, and adults, regardless of sex, age, race, geography, income, or ethnicity;

Whereas polycystic kidney disease comes in 2 forms, autosomal dominant, which affects 1 in 500 people worldwide, and autosomal recessive, a rare form that affects 1 in 20,000 live births and frequently leads to early death;

Whereas polycystic kidney disease causes multiple cysts to form on both kidneys, leading to an increase in kidney size and weight;

Whereas the cysts caused by polycystic kidney disease can be as small as the head of a pin or as large as a grapefruit;

Whereas polycystic kidney disease is a systemic disease that damages the kidneys and the cardiovascular, endocrine, hepatic, and gastrointestinal systems;

Whereas patients with polycystic kidney disease often experience no symptoms during the early stages of the disease, and many patients do not realize they have PKD until the disease affects other organs;

Whereas the symptoms of polycystic kidney disease can include high blood pressure, chronic pain in the back, sides or abdomen, blood in the urine, urinary tract infections, heart disease, and kidney stones;

Whereas polycystic kidney disease is the leading genetic cause of kidney failure in the United States;

Whereas more than half of patients suffering from polycystic kidney disease will reach kidney failure, requiring dialysis or a kidney transplant to survive, thus placing an extra strain on dialysis and kidney transplantation resources;

Whereas polycystic kidney disease has no treatment or cure;

Whereas polycystic kidney disease instills in patients the fear of an unknown future with a life-threatening genetic disease, and of possible genetic discrimination;

Whereas polycystic kidney disease is an example of how collaboration, technological innovation, scientific momentum, and public-private partnerships can—

(1) generate therapeutic interventions that directly benefit the people suffering from polycystic kidney disease;

(2) save billions of Federal dollars paid by Medicare, Medicaid, and other programs for dialysis, kidney transplants, immunosuppressant drugs, and related therapies; and

(3) open several thousand spots on the kidney transplant waiting list;

Whereas improvements in diagnostic technology and the expansion of scientific knowledge about polycystic kidney disease have led to—

(1) the discovery of the 3 primary genes that cause polycystic kidney disease and the 3 primary protein products of the genes; and

(2) the understanding of cell structures and signaling pathways that cause cyst growth, which has produced multiple polycystic kidney disease clinical drug trials; and

Whereas thousands of volunteers throughout the United States are dedicated to expanding essential research, fostering public awareness and understanding, educating patients and their families about polycystic kidney disease to improve treatment and care, providing appropriate moral support, and encouraging people to become organ donors: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 13–19, 2010, as ''Polycystic Kidney Disease Awareness Week'';

(2) supports the goals and ideals of a national week to raise public awareness and understanding of polycystic kidney disease;

(3) recognizes the need for additional research into a treatment and a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups to—

(A) support Polycystic Kidney Disease Awareness Week through appropriate ceremonies and activities;

(B) promote public awareness of polycystic kidney disease; and

(C) foster understanding of the impact of the disease on patients and their families.

AUTHORIZING TESTIMONY OF SENATE EMPLOYEES

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 601, submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 601) to authorize testimony of Senate employees in a grand jury proceeding in the District of Columbia.

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

Mr. REID. Mr. President, this resolution would authorize employees in the office of Senator JOHN ENSIGN to respond to subpoenas or requests for testimony by a Federal grand jury convened in the District of Columbia to investigate matters relating to Senator ENSIGN. The Senator would like to cooperate with this request. This resolution would authorize the Senator's staff to testify in these or related proceedings, except where a privilege should be asserted.

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

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

The resolution (S. Res. 601) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 601

Whereas, in a proceeding before a grand jury of the United States District Court for the District of Columbia testimony has been sought from employees of the office of Senator John Ensign;

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 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 current or former employees of Senator John Ensign's office are authorized to testify in the grand jury proceeding or any related proceeding, except concerning matters for which a privilege should be asserted.

ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 308, the adjournment resolution, received from the House and at the desk.

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

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 308) providing for conditional adjournment of the House of Representatives.

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

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 308) was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 1000, the nomination of RADM Sandra L. Stosz to serve as Director of the Coast Guard Reserve; that the nomination be confirmed and the motion to reconsider be made and laid upon the table; that upon confirmation, the President be immediately notified of the Senate's action, any statements relating to the nomination be printed in the RECORD, and the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

COAST GUARD

The following named officer for appointment to serve as the Director of the Coast Guard Reserve pursuant to Title 14, U.S.C., section 53 in the grade indicated:

To be rear admiral lower half

Rear Adm. (lh) Sandra L. Stosz

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR FRIDAY, JULY 30, 2010

Ms. LANDRIEU. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Friday, July 30; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

PROGRAM

Ms. LANDRIEU. Mr. President, there will be no rollcall votes during Friday's session of the Senate. Senators should expect the next vote between 5:30 and 5:45 p.m. on Monday, August 2.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. LANDRIEU. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:58 p.m., adjourned until Friday, July 30, 2010, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate, Thursday, July 29, 2010:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO SERVE AS THE DIRECTOR OF THE COAST GUARD RESERVE PURSUANT TO TITLE 14, U.S.C., SECTION 53 IN THE GRADE INDICATED:

To be rear admiral lower half

REAR ADM. (LH) SANDRA L. STOSZ

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

HONORING RUSSELL VOUGHT

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. PENCE. Madam Speaker, I rise to pay tribute to Russell Vought, currently the policy director for the House Republican Conference, who will leave the House after more than twelve years of service. Losing such a committed conservative and long-serving congressional staff member is a bittersweet moment for many House Republican Members, staff, and the conservative cause here on Capitol Hill.

It is written in the Good Book, "Do your best to present yourself to God as one approved, a workman who does not need to be ashamed and who correctly handles the word of truth." Russell Vought embodies these words.

A native of Trumbull, Connecticut, Russell Thurlow Vought is the youngest of seven children and a die-hard Yankees fan. The son of an electrician and a schoolteacher, he graduated from Wheaton College in Illinois in 1998 with a bachelor's degree in history and political science. He came to Capitol Hill soon thereafter.

Mr. Vought began his career in public policy in the United States Senate. He first worked under retiring Senator Dan Coats of Indiana and soon moved to the staff of Senator Phil Gramm of Texas. During that time, he completed a Doctor of Jurisprudence degree at George Washington University Law School.

Mr. Vought later joined the staff of Representative JEB HENSARLING of Texas, where he was instrumental in helping craft the Family Budget Protection Act, a comprehensive piece of legislation to reform the federal budget process and limit government spending.

I became acquainted with Mr. Vought when I was privileged to serve as the chairman of the Republican Study Committee during the 109th Congress. He was the policy director and later served as the executive director of that conservative caucus.

After being elected Republican Conference Chairman last year, I asked Mr. Vought to join the Conference staff at the start of the 111th Congress. As Policy Director, he has superbly led the Conference policy team, which serves as the main hub of legislative information for Republican Members and their staff. His expertise in areas such as the federal budget, appropriations, entitlements and legislative procedure have been invaluable in promoting conservative solutions to the issues that face our nation.

As Members of Congress, we are constantly reminded of the important role played by reliable, like-minded staff members like Russell Vought. While we are sorry to lose one of the strongest advocates for the principles that guide us, Mr. Vought's infectious passion for the principles of life, liberty and limited government will long outlive his tenure here on Capitol Hill. On behalf of the House Republican Conference, I wish him continued success as he begins a new chapter in his professional life.

TRIBUTE TO AMYRA FAISAL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Amyra Faisal of Ames, Iowa on the occasion of being named the 2010 Iowa Shrine Bowl Queen.

Amyra enjoys makeup, animals, hula-hooping and figure skating. Despite being an active eight year old, Amyra has a degenerative bone condition called osteogenesis imperfecta, which results in brittle bones. She has been treated by the Shriners Hospital in Montreal, Canada since she was born. Amyra is able live an active life due to the donations of the Za-Ga-Zig Shrine in Altoona, Iowa. The Za-Ga-Zig Shrine pays for around 80 percent of the costs related to travelling and staying near the Montreal hospital. Since Amyra is a longtime Shriner patient, she was chosen to be the 2010 Iowa Shrine Bowl Queen. By being the Shrine Bowl queen, she will be participating in the parade and will be recognized at the football game. I have been informed that Amyra has already been practicing her parade wave and has picked out a white dress to wear.

I congratulate Amyra on being named the 2010 Iowa Shrine Bowl queen. I am honored to represent Amyra and her family in Congress and wish her the best in the future.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5822) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes:

Mr. TIAHRT. Madam Chair, we have a moral obligation to fully fund our veteran programs. The liberties we enjoy today were earned through the bravery and sacrifice of patriotic Americans. Congress must ensure that these honorable men and women have access to benefits and top-notch healthcare. We can never turn our back on our veterans.

As such, I am pleased to support H.R. 5822, the Fiscal Year (FY) 2011 Military Construction/Department of Veterans Affairs Appropriations bill. This legislation continues the goal set by the Republican majority to prioritize veteran programs. H.R. 5822 provides $56.8 billion in discretionary funding for the VA and $64.0 billion for mandatory VA programs. The legislation also makes available $37.1 billion to improve access to medical services for all veterans, $2.4 billion above last year's level.

Among some of its most significant provisions, H.R. 5822 provides $50.6 billion in advance appropriations for VA medical accounts to ensure stable and uninterrupted services. It also provides new family caregiver benefits for disabled veterans as well as additional VA workers to address the continuing claims backlogs and to process new educational benefits. To address the needs of rural veterans, the legislation provides $250 million for innovative practices to improve access to care for veterans in rural areas. This is particularly important to many Kansas veterans.

In addition to supporting this legislation, I applaud the work of all the Veteran Service Organizations (VSOs) who contributed to the bill. From the Veterans of Foreign Wars to the American Legion, VSOs provide the appropriations committee invaluable information on the needs of the veteran community. They are tremendous advocates for all veterans.

H.R. 5822 is a good bill worthy of strong bipartisan support. I encourage my colleagues to join with me in voting for this legislation.

TRIBUTE TO GERALD WILLIAM BEARD

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. GARY G. MILLER of California. Madam Speaker, I rise today to pay tribute to Mr. Gerald William Beard, a small business pioneer who helped shape the history and economy of San Bernardino County, California.

In 1973, San Bernardino County wasn't much more than tumbleweeds, sleepy farm towns and seemly endless, desolate highways that connected Los Angeles to the rest of the country. To the causal observer at the time, much of this vast track of arid land could be considered inhospitable and worthless.

But Mr. Beard saw something different when he arrived. He understood the economic potential San Bernardino County had to offer as the gateway to Southern California and the Pacific Ocean. He knew this inexpensive land—nestled along the snow covered caps of the San Bernardino Mountains—was a great opportunity for countless families to realize the American dream of homeownership.

So in 1973, Mr. Beard founded Gerald W. Beard Realty, Incorporated and with it pinned his own hopes and dreams on changing this forgotten, barren land into the economic powerhouse and success it is today.

Because of Mr. Beard's hard work and true American entrepreneurial spirit, thousands of

homeowners and business owners have benefited. And this once mostly desert land has given way to a vibrant community and a place millions call home.

As Mr. Beard enters the sunset of his life with his loving wife, Cherrell, at his side and reflects on his enormous accomplishments, his legacy continues with his children, Bradley, Scott G., Scott C., Kimberly and Michael, and the countless people he has helped.

Madam Speaker, I ask that we all stand to recognize the service, passion and dedication of a great American—Gerald William Beard—and wish him many more years of health and happiness.

NATIONAL MANUFACTURING STRATEGY ACT OF 2010

SPEECH OF

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H.R. 4692, the National Manufacturing Strategy Act of 2010. I would like to thank Representative LIPINSKI for introducing this bill which put in place a plan to invigorate our nation's manufacturing sector.

It is no secret that our nation's manufacturers are struggling, and have been for a long time. In this globalized economy, it is now time to develop a strategy for the proper management of our manufacturing sector. Every day, manufacturing jobs move overseas. This outsourcing is hurting American families and shifting our economy from manufacturing to service. The plan developed through this legislation will improve our domestic manufacturing competitiveness in these new emerging markets so that we can keep our jobs at home. Moreover, there must be an established minimum domestic manufacturing capability in order to rapidly respond in times of national emergencies. This plan takes this important measure into account by further emphasizing the key role of continued domestic manufacturing to our national security.

Mr. Speaker, I also support the provisions of this bill that provide the necessary oversight for these improvements to be properly implemented. I think that the creation of a Manufacturing Strategy Board for the President is a tremendous idea. It enables a more focused body to narrow in on the needs and opportunities for the manufacturing sector and then report back to the President for action. This will enable budgeting requests to be in line with the recommendations and goals included in the strategy of this new board.

Overall, a unified, definitive plan is what the manufacturing sector needs in order to continue to grow and flourish. I urge my colleagues to support this bill.

NO ENFORCEMENT MEANS LOWER WAGES, HIGHER UNEMPLOYMENT

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. SMITH of Texas. Madam Speaker, Arizona's pleadings in support of their immigration enforcement law include an important declaration by Harvard Economics Professor George Borjas.

In his analysis of interstate wage trends from 1960 through 2006, Borjas found: "that the presence of unauthorized aliens in the Arizona workforce reduced the earnings of low-skilled authorized workers in Arizona by 4.7 percent.

Borjas says, "The overall wage depression for all Arizona workers is approximately $1.4 billion.

"The evidence further indicates that the presence of unauthorized aliens in the Arizona workforce reduced the employment rate of Arizona's low-skilled authorized workers by 1.6 percent . . ."

This reinforces what we already know: the Obama administration's failure to secure the border and enforce our immigration laws means citizens and legal immigrants face higher unemployment and lower wages.

TRIBUTE TO DAVID WILLIAMSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize David Williamson of Ogden, Iowa and his work with Project AWARE (A Watershed Awareness River Expedition), which is a volunteer river clean-up project organized by the Iowa Department of Natural Resources.

David utilizes metals collected from local rivers to create sculptures and other artwork to promote Project AWARE. He travels to the Iowa State Fair every summer and creates a metal sculpture to help increase the awareness and the importance of cleaning and maintaining Iowa's rivers.

I know that my colleagues in the United States Congress join me in commending David Williamson for his dedicated work with Project AWARE. I consider it an honor to represent David in Congress and I wish him continued success in supporting Project AWARE through his artwork.

IN RECOGNITION OF CELIA G. KUPERSMITH

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Celia Kupersmith, who is resigning after 11 years of service as General Manager of the Golden Gate Bridge, Highway, and Transportation District in Northern California.

A native Texan, Celia Kupersmith attended Southwest Texas State University where she earned her Bachelor of Arts Degree in Geography and Planning, followed by a Master's Degree in Urban Planning at Texas A&M University. Prior to joining the Bridge District in 1999, Ms. Kupersmith served as Executive Director of the Regional Transportation Commission in Reno, Nevada.

As General Manager, Celia Kupersmith has led an organization that comprises the landmark Golden Gate Bridge and two public transit systems, including a network of almost 200 buses and five ferries serving the North Bay Area and San Francisco County. Under her direction, approximately 825 employees serve more than 50 million Bridge and transit customers, as well as six million tourists each year.

During her tenure, Ms. Kupersmith moved the Bridge District forward in many ways, including leading efforts to seismically retrofit the Bridge, now two-thirds complete; enhance overall security of the Bridge; transform Golden Gate Ferry services into an expeditious 30 minute crossing; lead the introduction of new technology including FasTrak and TransLink; and improve internal business operations and long-term financial stability.

Celia Kupersmith has also been active in various professional organizations including serving as Chair of the American Public Transportation Association and on various committees of the International Bridge, Tunnel, and Turnpike Association. She has been a member of the Mineta Transportation Institute's Board of Directors, the Transit Cooperative Research Project Selection Committee, and the National Transportation Institute's Advisory Board.

Ms. Kupersmith leaves the Bridge District to pursue a new career as Deputy Chief Executive Officer of Sound Transit in the Seattle, Washington area where she will oversee the construction and operation of commuter and light rail systems, as well as a regional commuter bus service.

Madam Speaker, it is appropriate at this time that we honor Celia Kupersmith for her extraordinary contributions to the Golden Gate Bridge, Highway, and Transportation District. I thank Ms. Kupersmith for her service and join her colleagues in wishing her continued success in her new career.

EMERGENCY BORDER SECURITY SUPPLEMENTAL APPROPRIATIONS ACT, 2010

SPEECH OF

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. GARY G. MILLER of California. Mr. Speaker, I rise in support of H.R. 5875, but am disappointed the bill does not contain critical spending for the overwhelmed district courts along our Nation's Southwest border.

During the last several years, stepped up enforcement and prosecution efforts in Southwest border jurisdictions have resulted in a significant increase in the number of drug, immigration, and weapons cases being filed in courts along the border. Consequently, the current workload experienced by the five district courts along the Southwest border is staggering. When combined, border districts handled nearly 75 percent of criminal immigration cases in the Nation's 94 districts in fiscal year 2009 and almost 40 percent of all the Nation's federal criminal case filings.

Here's a brief snapshot of the district court in Arizona:

Last year in the Tucson division of the district court for Arizona, felony cases and defendants increased by more than 65 percent

from the previous year. Ninety percent of those cases were drug and immigration related. In addition, there were 300,000 apprehensions during the first six months of 2009, and 1.2 million pounds of marijuana were seized. Although the court facility is sized to handle no more than 120 detainees a day, at one point the Tucson court processed 323 detainees in a single day.

It is clear that the Judiciary's resources must continue to keep pace with these workload increases.

As written, the Border Security Emergency Supplemental provides a total of $701 million for border security. Spending in the bill includes critical funding for border patrol agents, Department of Justice programs, Customs and Border Protection, among other items.

While this spending is needed to secure our border and protect our communities from the escalating drug-related violence, it must be coupled with adequate resources to the Judiciary in order to keep pace with the anticipated growth in workload. As it stands now, the district courts along the Southwest border are already overwhelmed and understaffed.

In June, the Judicial Conference of the United States wrote to the Office of Management and Budget Director, Peter Orszag, requesting $40 million for the Judiciary. To ensure the federal government's stepped-up border security plan is full-circle, several of my colleagues and I have urged Congressional Appropriators to make these funds available to the Judiciary.

Unfortunately, the $40 million requested for the Judiciary is not included in this emergency spending bill. Without these resources, a bottleneck in the judicial system will occur because the courts will lack the resources necessary to process the additional criminal cases brought by the Department of Justice.

As Congress continues to debate a comprehensive border security strategy, we must consider the Judiciary. It would be a shame to spend so much money on border security and then fail to provide the Judiciary the resources necessary to ensure justice is met along the border.

IN SUPPORT OF THE NATIONAL MANUFACTURING STRATEGY ACT OF 2010 (H.R. 4692), THE CLEAN ENERGY TECHNOLOGY MANUFACTURING AND EXPORT ASSISTANCE ACT (H.R. 5156), THE END THE TRADE DEFICIT ACT (H.R. 1875), AND H. RES. 1558

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. VAN HOLLEN. Madam Speaker, I rise in support of today's manufacturing legislation and strongly endorse the "Make It In America" agenda it represents. Given the erosion of our manufacturing base in an increasingly global economy, a deliberate and comprehensive "Make It In America" strategy is long overdue.

In that regard, the National Manufacturing Strategy Act of 2010 (H.R. 4692) will kick start this effort by directing the President to establish a Manufacturing Strategy Task Force charged with thoroughly analyzing the nation's manufacturing sector and developing a comprehensive national manufacturing action plan by February 28, 2011—and every four years thereafter. Standardizing this process will help drive economic growth, increase employment and promote American exports.

As Co-Chair of the House Renewable Energy and Energy Efficiency Caucus, I am especially pleased to support the Clean Energy Technology Manufacturing and Export Assistance Act (H.R. 5156). This legislation directs the Department of Commerce's International Trade Administration to develop a National Clean Energy Technology Export Strategy aimed at increasing exports in our clean energy sector while promoting policies that reduce production costs and encourage innovation in the clean energy sector here at home. We can and must be a world leader in the 21st century clean energy revolution.

Finally, I urge a "yes" vote on today's End The Trade Deficit Act (H.R. 1875), which will establish an Emergency Trade Deficit Commission to examine the causes and potential solutions for reducing our current trade imbalance. Since growing trade deficits both reflect and exacerbate the erosion of our manufacturing base, this initiative—along with Mr. CARDOZA's resolution encouraging America's fruit, vegetable and commodity producers to display the American flag on the labels of products grown in the United States—are an important part of the Make It In America agenda.

TRIBUTE TO KEVIN GEIS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Kevin Geis of Ames, Iowa, who is currently in the process of riding his bike to Wyoming to raise money for charity.

Kevin usually rides his bicycle as an escape from work and to stay in shape but is now utilizing cycling as a philanthropic tool. Kevin has embarked on a 1,200 mile journey from Iowa to Wyoming to raise money for the Matthew 25 House located in Ames, Iowa. The Matthew 25 House is a faith-based halfway house for former prison inmates. Kevin began his adventure on July 23, 2010 and plans on arriving at his final destination of Wheatland, Wyoming on August 3, 2010.

I commend Kevin for putting forth a tremendous effort for the Matthew 25 House. Kevin should be admired for literally going a great distance for a cause he believes in and supports. Kevin is an inspiration to all for doing such a selfless act to help, not only the Matthew 25 House but also the community as a whole. I am honored to represent Kevin and his family in the United States Congress, and I wish him the best of luck in this ride and in his future endeavors.

HONORING THE LIFE AND SERVICE OF EMILIO "MIM" DADDARIO

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Ms. DELAURO. Madam Speaker, I rise today to pay tribute to Emilio "Mim" Daddario, a Connecticut statesman and member of this body who passed away earlier this month, and to honor his exemplary career of service to our nation.

A graduate of Wesleyan University and the University of Connecticut School of Law, Mim enlisted in the Army during World War II and was sent to Italy as part of the Office of Strategic Services, a precursor to the CIA. For his courageous service in that theater, which included capturing Benito Mussolini's Chief of Staff in 1945, he was awarded the Legion of Merit, the Bronze Star Medal, and the Italian Medaglia d'Argento.

After terms as mayor of Middletown, Connecticut, and as a judge on the Middletown Municipal Court, he once again heard the call of service overseas. During the Korean War, he defended our nation as a member of the National Guard in Korea and Japan.

In 1958, Mim Daddario was elected to Congress from the First District, and he served in these halls ably for six terms. As a member of the House Science Committee, he was a forceful advocate for enhancing our technological capacity and harnessing American innovation.

Mim chaired the subcommittees on science R&D and patents, and he helped to plan the Apollo missions that took our nation to the moon. After his congressional service and a gubernatorial run, Mim continued his commitment to promoting technology and innovation, as director of the Office of Technology Assessment and president of the American Association for the Advancement of Science.

As we mourn his loss today, we can take solace that Mim has rejoined Bernice, his wife of 66 years, who passed in 2007. And we know that his legacy of service lives on—in America's continued commitment to the scientific inquiry and space exploration that he held dear, and in the love and service of his sons Anthony, Stephen, and Richard, his sister Laura, and his seven grandchildren. I offer condolences to the Daddario family on their loss, as I thank them for Mim's lifelong commitment to our community.

PERSONAL EXPLANATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. CROWLEY. Madam Speaker, on July 28th, 2010, I was absent for three Rollcall votes because I was attending a wake in New York. If I had been here, I would have voted: no on rollcall vote 480, no on rollcall vote 481, and yes on rollcall vote 482.

HONORING STEVE LAMANTIA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. CUELLAR. Madam Speaker, I rise today to honor the accomplishments of Mr. Steve LaMantia, the award recipient for the 2010 Laredo Business Person of the Year. Mr. LaMantia is currently Vice-President and general manager of L&F Distributors in Laredo.

Mr. LaMantia has contributed to the community of south Texas as a savvy businessman and plays an active role in many nonprofit organizations to benefit students and education. He is recognized as the Laredo Business Person of the Year at the Distinguished Business Awards Ceremony hosted by the Laredo Chamber of Commerce. Annually, the Laredo Chamber of Commerce awards and commemorates an individual that upholds characteristics of strong work ethic, integrity, a substantiated history as an established business, growth in number of employees, and philanthropy. Mr. LaMantia's business and presence of community-orientated projects have impacted the development and growth of Laredo and south Texas.

Along with a profitable and successful business of L&F Distributors, he serves on several boards and civic organizations, such as Chairman of the Board of Laredo Medical Center, former President of the Washington's Birthday Celebration, Wholesale Beer Distributors of Texas, Mr. South Texas Selection Committee, Border Olympics, and Cola Blanca, to name a few. He has volunteered his time at Saint Augustine High School, Boys and Girls Club, and coached the Gateway Girls Softball organization.

His contributions to the area have impacted students and the education community greatly. In 1991, he formed a partnership with the Hispanic Scholarship Fund, which raised over $5 million and awarded over 2,600 scholarships to students in south Texas over an eleven-year period. In 2003, LaMantia also helped to establish a nonprofit organization, South Texas Academic Rising Scholars (STARS), which provides scholarships to students to attend the college of their choice. STARS has raised over $9 million and have awarded scholarships to 4,100 students from south Texas. He has also been an extremely active member of the Laredo Chamber of Commerce Cola Blanca Big Buck Contest. Mr. LaMantia also dedicates his time with his wife of 27 years, Linda and his five daughters.

Madam Speaker, I am honored to have had this time to recognize Mr. Steve LaMantia, the 2010 Laredo Business Person of the Year. He has truly impacted the business community and dedicated his time for many nonprofit organizations in south Texas and Laredo.

HONORING THE LIFE OF ELMER LEON DAGENAIS OF ESCANABA, MICHIGAN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. STUPAK. Madam Speaker, I rise to recognize the life and achievements of Elmer Leon Dagenais of Escanaba, Michigan. Elmer was beloved by his large family, countless friends and was an Escanaba legend. He was an entrepreneur, philanthropist and an active member of the community throughout his 93 years.

Born on January 30, 1917, just blocks from where his store Elmer's County Market currently stands, Elmer was the son of John and Alexina (Benoit) Dagenais. Elmer started working for his father as a young boy, running moonshine and working at the family gas station in Brimley. When Elmer was 17 he joined the Civilian Conservation Corps (CCC), leading to his involvement in a peace time army program with the goal of protecting the nation's natural resources. Elmer attributed his lifelong belief in hard work and respect for others to his time in the CCC.

After taking on several jobs outside the Upper Peninsula, including a year working for General Motors, Elmer returned to Escanaba and opened a grocery store. The store, still operating today, is now 100,000 square feet and is one of the largest stores in the Upper Peninsula of Michigan.

As a young boy Elmer attended St. Anne's School and later transferred to public school, dropping out at the seventh grade to help support his family. Last year, his family and Escanaba High School came together to present Elmer with an honorary high school diploma and, at age 92, he walked alongside his great-grandson as a graduating member of the class of 2009.

Elmer was a member of St. Anne and St. Thomas Catholic Church, the Elks, the Eagles, Knights of Columbus and the Lions Club. In addition to Elmer's County Market, Elmer's many successful business ventures included Elmer's Diner, Mel & Elmer's and Elmer's Restaurant. Over the years, Elmer was named Citizen of the Year by Escanaba Elks Lodge 354, received a Lifetime Achievement Award, the Good News Award and a Business of the Year award. From 1957 on, Elmer also purchased livestock at the U.P. State Fair from 4–H youth and sponsored local sports teams including baseball, bowling and hockey.

Elmer was not one for sitting idly by, whether at work or at home. He took special pride in keeping his lawn green and well maintained atop his John Deere tractor, was an avid bowler and a devoted Green Bay Packers Fan.

Elmer was a good friend of mine and my family and our prayers go out to his family. His spirit and enthusiasm were contagious and his commitment to his family and community was inspiring.

Madam Speaker, Elmer was a lifelong Yooper who knew the value of a hard day's work, the significance of a hand shake and the difference a smile and a helping hand can make in a person's life. A family man first and foremost, Elmer was a loving husband and proud father and grandfather, who devoted his life to improving the lives of those around him. Therefore Madam Speaker, I ask that you, and all of my colleagues in the U.S. House of Representatives, join me in honoring the life and accomplishments of Elmer Leon Dagenais.

TRIBUTE TO LYLE MARTIN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Lyle Martin of Huxley, Iowa on the occasion of his retirement as the owner of Blumsters on Main in Huxley.

Lyle had been making handcrafted furniture as a hobby until he bought a building on Main Street in Huxley. Lyle bought the Blumster Flower Shop, and he decided to combine it with his furniture-making endeavor, which is now a fixture in Huxley. Over the years, Blumsters on Main expanded and now sells a variety of items including children's books, women's jewelry, and Iowa wine. Lyle would like to see the store continue to operate after his retirement. He has enjoyed meeting and talking with his customers about the store and labels it a great experience.

I know that my colleagues in the United States Congress join me in recognizing Lyle Martin's service to the town of Huxley, and I wish him much happiness and health during his retirement.

PROTECTING GUN OWNERS IN BANKRUPTCY ACT OF 2010

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. MORAN of Virginia. Mr. Speaker, I rise today in opposition to Protecting Gun Owners in Bankruptcy Act of 2010.

This legislation, as it was drafted and brought to this floor, would exempt one firearm of any value or a combination of firearms not to exceed $1,500 from creditors' claims during bankruptcy proceedings. That's right—this bill would allow an unlimited exemption for a single firearm. Despite claims from supporters that this bill is intended to protect firearms used primarily for personal, family, or household use, there is absolutely no reference to this requirement in the bill.

This means someone could claim an exemption for an antique firearm worth tens of thousands of dollars. In essence, Congress is incentivizing individuals to game the system by purchasing an expensive firearm prior to filing for bankruptcy. While I understand language will be added to correct this glaring loophole, this just goes to show why this bill should have been vetted first by the Judiciary Committee.

In addition, supporters of this bill claim that it is a Second Amendment issue and that it will allow individuals going through bankruptcy to continue to protect their households. While I sympathize with those facing bankruptcy, the Second Amendment protects the right to bear arms. It is not intended to protect an individual's property from legitimate claims during bankruptcy anymore than the First Amendment protects an author's novels or other works during those same proceedings.

Finally, this bill was introduced 5 days ago and has a total of 21 cosponsors. Yet, here it is on the suspension calendar—a process that is supposed to be reserved for non-controversial legislation, particularly when that legislation has evaded the normal Committee process. By contrast, the Gun Show Loophole Closing Act, a bill introduced 446 days ago and supported by 109 cosponsors, languishes in committee. Closing that loophole, which we know puts guns into the hands of criminals and the mentally ill, is something worthy of this Chamber's attention. Instead, we are spending floor time on this.

I urge my colleagues to vote against this flawed and unnecessary bill.

HONORING PATHFINDER VILLAGE

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. ARCURI. Madam Speaker, it is with great pleasure that I rise today in honor of Pathfinder Village, an independent residential community located in my congressional district that has greatly enhanced the lives of individuals with Down syndrome.

On this date, 30 years ago, Pathfinder Village opened its doors, consisting of 7 houses and 1 school, with the purpose of providing a full and productive life for individuals with Down syndrome. This purpose was inspired by the dream and life's work of Pathfinder Village's founder, Marian Mullet.

From its humble beginnings on a 23-acre cornfield, Pathfinder Village has become a vibrant community of 19 buildings located on 187 acres. Today, Pathfinder Village serves as the home of 87 residents, who, because of Pathfinder Village, have the resources and opportunity to achieve their absolute potential and pursue their dreams.

Due to the hard work and dedication of its staff, Pathfinder Village has been tremendously successful in fulfilling the purpose and promise of its founding.

Madam Speaker, I call on my colleagues to join me in recognizing Pathfinder Village and its staff for its 30 years of service to our community, and for inspiring countless numbers of individuals with Down syndrome by staying true to its motto ''. . . that each life may find meaning.''

HONORING LAURA ALLEN

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. SALAZAR. Madam Speaker, I rise today to honor Laura Allen, a dedicated and invaluable member of my office for the past two years. While working in my office, Laura has proven herself to be a wonderful colleague and a thoughtful, dedicated staff member. I could not be more grateful for or appreciative of her hard work.

While in my office, Laura served as a primary liaison between my congressional office and the residents of the 3rd District of Colorado. She was responsible for effectively communicating my positions to my constituents, while conveying their opinions to myself and my staff. For almost two years, she has been the reliable, considerate and friendly ''face'' of my office, greeting visitors, managing interns, facilitating meetings and handling stressful situations with ease and poise.

Laura was also responsible for legislative work concerning drug policy, specifically methamphetamines. While handling this portfolio, she conducted legislative research, composed and introduced legislation, and participated in regular conference calls with a coalition of stakeholders. Her work was diligent and thoughtful.

In addition to her professional responsibilities, Laura was a pleasure to work with. Her positive attitude and sense of humor will serve her well into the future.

Laura Allen will always have a special place in my heart. My entire staff joins me in wishing her the best of luck as she begins her studies at the University of Pittsburgh School of Law, and with all her future endeavors.

TRIBUTE TO NICK LACINA

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Nick Lacina of Marshalltown, Iowa, who will be serving as the honorary chair of the American Cancer Society's Relay for Life of Marshall County, Iowa, which will take place on Saturday, July 31 until Sunday, August 1, 2010.

Nick is currently undergoing three years of treatment for leukemia. Nick continues to pursue his dreams by studying to become a civil engineer at Iowa State University. It is expected that Nick will make a full recovery once the treatments are complete. He has shown great strength throughout the period of his treatment.

I know that my colleagues in the United States Congress join me in recognizing Nick Lacina and all of the volunteers and supporters of the American Cancer Society's Relay for Life of Marshall County, Iowa. I consider it an honor to represent Nick in Congress and wish him a healthy recovery.

SUPPLEMENTAL APPROPRIATIONS ACT, 2010

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. KIND. Madam Speaker, I rise today in support of H.R. 4899, the Supplemental Appropriations Act of 2010. As long as our troops are in harm's way, it's important that they have the tools and resources they need to do their jobs safely and effectively. In the meantime, we need to be sure that we continue to have the right policy.

I am pleased that President Obama has been asking the right questions about what our exit strategy will be. While I supported the War Supplemental, I have a number of concerns with how this effort is proceeding. We know that our success depends on having a credible, responsible Afghan government. Unfortunately, Afghan President Hamid Karzai has not demonstrated that he is willing or able to seriously tackle corruption in his government.

Furthermore, nearly nine years after combat in Afghanistan first began we continue to see only limited progress in training Afghan security forces and developing the capability for Afghans to take full responsibility for the safety and security of their people.

Of course, even if we have our policy right, we still need full cooperation from Pakistan, particularly in preventing Afghanistan's western provinces from becoming a safe haven for al Qaeda and allowing the Taliban to operate with impunity.

We must, however, carefully consider the consequences of simply cutting and running, which would likely result in the Taliban taking over the country and providing a sanctuary to al Qaeda, which continues to threaten terrorist attacks on America and other countries.

I will work with my colleagues on both sides of the aisle to hold both the Afghanistan and Pakistan governments' feet to the fire and closely review the effectiveness of our efforts to stand up competent and capable Afghan security forces. I support the War Supplemental because we have to give our troops the resources they need to carry out their mission and because abandoning the Afghan people now would only strengthen those who seek to do us harm. It also endangers the many Afghans who have worked with coalition forces to help stabilize their country.

Throughout this difficult war, our troops have performed bravely and I am deeply honored by the sacrifices they and their families make. Wisconsin families have provided more than their fair share of troops to the wars in Iraq and Afghanistan.

Recently, the 32nd ''Red Arrow'' Brigade returned to Wisconsin after being deployed for one year in Iraq. I was privileged to take part in a ceremony to welcome them back and thank them for their exemplary service. Their experience shows that with appropriate training, our troops can adapt to any situation in order to achieve their mission. We must work to ensure that we can bring our troops back home in a responsible way that protects America's security.

PERSONAL EXPLANATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. AKIN. Madam Speaker, on July 28, 2010, I was absent from the House and missed rollcall votes 480, 481, and 482.

Had I been present, I would have voted yes on rollcall 480, yes on rollcall 481, and yes on rollcall 482.

RECOGNIZING THE BAY DEFENSE ALLIANCE

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. BOYD. Madam Speaker, I rise today to recognize the accomplishments of the Bay Defense Alliance of Bay County, Florida, whose members have selflessly dedicated both time and service on behalf of the citizens of North Florida in support of the United States Armed Forces. More specifically, the Bay Defense Alliance has been critical throughout the years in protecting the futures of both the Naval Support Activity—Panama City and Tyndall Air Force Base both located in the Congressional District that I represent.

The accomplishments of the Bay Defense Alliance can be seen in countless projects throughout our region. They have been responsible for having more than $4.5 million in grants awarded to our local bases; they have

improved community awareness of defense and training issues; and they have facilitated direct interaction between members of the community and senior military service leaders. The accomplishments of the Bay Defense Alliance have helped ensure that the military facilities in North Florida remain a cornerstone of the local communities for many years to come. The most recent triumph has been the addition of a squadron of F–22s to Tyndall Air Force Base. Without their constant dedication, vigilance and support, the Air Force surely would not have looked so favorably on our region.

Madam Speaker, when anyone needs an example of true patriotism, they need look no further than to this organization of Floridians who achieved remarkable success while in humble service to their fellow citizens. On behalf of the Congress, I applaud the accomplishments of the Bay Defense Alliance and thank its members for their continued support for the United States Armed Forces and the citizens of North Florida.

RECOGNIZING MR. DENNY FLYNN'S INDUCTION INTO THE PRORODEO HALL OF FAME

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. BOOZMAN. Madam Speaker, I recognize the accomplishments of Mr. Denny Flynn, a rodeo legend from Charleston, Arkansas who was recently inducted into the ProRodeo Hall of Fame in Colorado Springs, Colorado, for lifetime achievement.

Flynn, a three-time National Finals Rodeo bull riding champion, began his professional career in 1974 after getting his start riding horses and bulls when he was a teenager.

He qualified for the National Finals Rodeo 10 times and set a record for most bull riding average titles won at the NFR.

Hall of Fame inductees are selected by a committee of former contestants, Professional Rodeo Cowboys association officials and rodeo experts. His induction is undoubtedly an added honor to his professional career.

I congratulate Mr. Flynn for his induction and wish him continued success.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Ms. WOOLSEY. Madam Speaker, on July 28, 2010, I was unavoidably detained and was unable to record my vote for rollcall No. 476. Had I been present I would have voted: rollcall No. 476: ''yes''—Providing for consideration of H.R. 5822, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes and providing for consideration of motions to suspend the rules.

UNITED STATES PATENT AND TRADEMARK OFFICE SUPPLEMENTAL APPROPRIATIONS ACT, 2010

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. CONYERS. Mr. Speaker, I rise to support, H.R. 5874. The purpose of H.R. 5874 is simple: it would allow the USPTO to access more of the fees that it will collect in FY2010.

This year, the United States Patent and Trademark Office, also known as the USPTO, is expected to collect more in user fees than they are permitted to retain. As everyone in the patent community is aware, I, with my colleagues on both sides of the aisle, have worked to ensure that the USPTO has the resources it needs. Part of that equation is for the USPTO to retain the user fees that they collect from patent and trademark applicants.

While not perfect, H.R. 5874 significantly moves the United States Patent and Trademark Office in the right direction by enabling the USPTO to continue the progress they have made already in reducing the backlog and shortening pendency.

I would have liked to see the President requested buffer of $150 million also included in this legislation because that is the only way to ensure that ALL user fees collected in FY2010 will be retained; however, H.R. 5874 is a big step forward and is undeniably better than the current situation.

I thank the Appropriators for working with us on this Presidential request and for honoring the spirit of the gentlemen's agreement.

I urge my colleagues to join IPO, AIPLA, ABA IP Section, ACT, the Motor & Equipment Manufacturers Association, the National Association of Manufacturers, the National Treasury Employees Union, and the U.S. Chamber of Commerce, among others, and support this important legislation.

PERSONAL EXPLANATION

HON. STEVE KAGEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. KAGEN. Madam Speaker, due to an illness in my family I was not able to be present for votes on July 13th through July 15th.

Had I been present for rollcall 434 on motion to suspend the rules and pass, as amended, I would have voted in favor of H.R. 4514 Colonel Charles Young Home Study Act.

Had I been present for rollcall 435 on motion to suspend the rules and pass as amended, I would have voted in favor of H.R. 4438 San Antonio Missions National Historical Park Boundary Expansion Act of 2010.

Had I been present for rollcall 436 on motion to suspend the rules and pass, I would have voted in favor of H.R. 4773 Fort Pulaski National Monument Lease Authorization Act.

Had I been present for rollcall 438 on agreeing to the resolution, I would have voted in favor of providing for consideration of the bill (H.R. 1722) to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes.

Had I been present for rollcall 439 on the motion to suspend the rules and pass, as amended, I would have voted in favor of amending the Hydrographic Services Improvement Act of 1998 to authorize funds to acquire hydrographic data and provide hydrographic services specific to the Arctic for safe navigation, delineating the United States extend continental shelf, and the monitoring and description of costal changes.

Had I been present for rollcall 441 on passage, I would have voted in favor of H.R. 1722 Telework Improvements Act.

Had I been present for rollcall 442 on motion to suspend the rules and pass, I would have voted in favor of S. 1508 Improper Payments Elimination and Recovery Act.

Had I been present for rollcall 443 on agreeing to the resolution, I would have voted in favor of providing for consideration of H.R. 5114 Flood Insurance Reform Priorities Act.

Had I been present for rollcall 444 on agreeing to the amendment, I would have voted in favor of H.R. 5114 Murphy of New York Amendment No. 11.

Had I been present for rollcall 447 on passage, I would have voted in favor of H.R. 1722 the Telework Improvements Act.

HONORING THE CENTENNIAL OF THE DEDICATION OF THE PILGRIM MONUMENT IN PROVINCETOWN, MASSACHUSETTS

HON. BILL DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. DELAHUNT. Madam Speaker, I rise today to ask my colleagues to join me in commemorating the centennial of the dedication of the Pilgrim Monument in Provincetown, Massachusetts.

One hundred years ago, on the fifth of August, 1910, United States President William H. Taft and Eben Draper, then-Governor of Massachusetts, joined scores of visitors as they congregated around the base of the 252-foot tower in celebration of the newly constructed memorial honoring the 102 brave passengers of the Mayflower and its historic journey.

It was there on the tip of Cape Cod in 1620, among harsh gusts of a November wind, that forty-one men drafted the first democratic covenant of the New World—the Mayflower Compact. It was their dreams of self-governance that instilled in us the strongest of our political and ethical morals; and it was their perseverance that would soon bring them to establish Plymouth Plantation.

Today, one hundred years later, the steady climb up a winding staircase will lead you to a panoramic vista with strained glimpses of a Boston sky-line far in the distance. Although the immediate view beneath High Pole Hill has been much altered in the century since, the fog rolling across Cape Cod bay, the tranquil waters momentarily broken by the distant breach of a humpback whale, and the sting of the salt breeze, are reminiscent of our Pilgrims' experiences of this wonderful new land.

Elevated on High Pole Hill, this granite tower is emblematic of much more than the sacrifices of the Mayflower passengers and the values they brought to the new land. The Monument is a memorial to the story of each American—for we are a unique country of immigrants, carrying with us our own passion for freedom, self determination and justice.

Since the first inception in 1892, the dramatic significance of the Cape Cod Pilgrim Memorial Association and the Monument they were dedicated to build was well-understood. President Theodore Roosevelt insisted on participating in the ceremonies associated with the laying the cornerstone of the Monument's foundation in an elaborate Masonic ceremony. The President sailed into Provincetown Harbor on his presidential yacht—named the Mayflower—and spoke of the significance of the First Landing to all Americans.

And now, nearly four hundred years after their cross-seas journey led them to the shores of Provincetown, we gather once again in celebration of the passengers of the Mayflower and the Monument constructed one century ago in their honor.

A TRIBUTE TO ANNETTE YOUNG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Annette Young for her service to the Brooklyn community.

Annette Young received degree from the New York State School of Industrial and Labor Relations at Cornell University and earned her Bachelor's Degree at the College of New Rochelle.

She worked in business as an Executive Assistant to the Vice President of International Banking of JP Morgan Chase.

Annette is a long time member of the Democratic Party and has worked on numerous campaigns. She has received recognition from the Vanguard Political Club, Brooklyn CORE, and the Brooklyn Chapter of the National Organization for Women. Additionally, she was presented the Unity Music and Arts Award for Outstanding Professional Achievement as an actress by the Unity Democratic Club.

She has contributed countless hours of community service work throughout the borough of Brooklyn. She has been a leader in block associations for many years, and is involved in numerous local civic associations. Additionally, she currently enjoys working as a jewelry maker.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Annette Young.

INTRODUCTION OF H.R.——, THE ''VOLUNTARY INCENTIVE AUCTIONS ACT OF 2010''

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. BOUCHER. Madam Speaker, I rise today on the occasion of the introduction of the "Voluntary Incentive Auctions Act of 2010." This measure will give the Federal Communications Commission the authority to implement a crucial aspect of the National Broadband Plan. It will help ensure that new spectrum can be made available for commercial wireless services by permitting the Commission to conduct incentive-based spectrum auctions in which a spectrum holder voluntarily relinquishes its spectrum in return for a portion of the auction proceeds.

Wireless communications services are rapidly growing. Each year, millions of users graduate from basic cell phones to smart phones that employ a range of data services. Those services require far greater bandwidth than traditional cell phones. And the data services offered through smart phones are becoming ever more sophisticated, often employing full motion video.

The combination of greater smart phone use and far more elaborate applications is placing unprecedented demands on our limited wireless spectrum availability. To meet these growing demands, the National Broadband Plan calls for making 500 MHz of spectrum newly available for broadband use within the next 10 years.

That is a worthy goal, though attaining it may not be easy. The National Broadband Plan identifies some potential spectrum candidates, including spectrum in the Wireless Communications Service (WCS) band, the Advanced Wireless Services (AWS) bands and the Mobile Satellite Spectrum (MSS).

The National Broadband Plan also suggests that the Federal Communications Commission initiate a rulemaking to reallocate 120 MHz of spectrum currently in the hands of television stations from television broadcast to wireless broadband use. The Plan suggests that the Commission, among other things:

Update its rules on television service areas and distance separations to ensure the most efficient allocation of channels to broadcasters, including packing broadcast channels more tightly together.

Increase the efficiency of spectrum use in the television broadcast bands, including by setting a deadline for low-power stations to transition to digital and addressing poor VHF-reception issues.

Establish a licensing framework that would allow two or more stations to share a single 6 MHz broadcast channel.

Determine rules for auctioning broadcast spectrum reclaimed through repacking and voluntary channel sharing or channel surrender, including a way for stations to receive a share of the proceeds for spectrum they contribute to the auction.

The National Broadband Plan's recommendation concerning incentive-based auctions, with broadcasters sharing in the proceeds from the auction of spectrum they voluntarily return to the Federal Communications Commission, requires legislation. Today, my colleague CLIFF STEARNS, Ranking Member of the Subcommittee on Communications, Technology, and the Internet, and I are introducing the requisite legislative measure.

Our goal is to ensure that any incentive auctions the Federal Communications Commission conducts are truly voluntary. Only in instances in which television broadcasters or other spectrum holders willingly enter into agreements with the FCC for the surrender of their spectrum in return for a portion of the auction revenues would the transaction be deemed to be voluntary. And "truly voluntary" means neither directly nor constructively involuntary. For example, an effort by the FCC to impose a spectrum fee that would make some licensees financially unable to keep their spectrum would make the spectrum surrender constructively involuntary and would be impermissible under the terms of our legislation.

The Voluntary Incentive Auctions Act takes the right approach to incentive-based spectrum auctions. The right approach is for the FCC to work with television broadcasters and other licensees to identify the spectrum they now hold that on a purely consensual basis could be repurposed for commercial wireless use. Licensees who surrender spectrum would receive compensation in exchange for a voluntary spectrum transfer. I do not support, nor would the Voluntary Incentive Auctions Act of 2010 permit, any action by the FCC requiring broadcast stations or others to give up spectrum involuntarily.

The right approach is the one specified in this legislation—enter into conversations with broadcasters and others about surrendering a portion of their spectrum on a voluntary basis, determine rules for incentive-based auctions that are truly voluntary and conduct the auctions in accordance with the agreement.

It is also important that the Commission treat broadcasters that are required to relocate due to repacking fairly. Broadcasters just over one year ago completed the highly successful transition to digital television. That transition freed up substantial amounts of spectrum in the 700 MHz band for commercial wireless use.

To complete the digital television transition successfully, many broadcasters made significant investments in new equipment, including antennas and other items that are tailored to their current channel assignments. Therefore, broadcasters that are required to relocate as part of a repacking plan deserve fair compensation for the costs of that relocation. It is also important that the Commission ensure that broadcasters that relocate due to repacking do not lose over-the-air viewers as a result of that move.

Madam Speaker, again, I am pleased to join with my colleague Mr. STEARNS in offering this important measure to make available more spectrum for innovative wireless broadband services while assuring fair treatment for existing spectrum holders that facilitate that process by voluntarily returning some or all of their spectrum.

A TRIBUTE TO THE FIRST UNITED METHODIST CHURCH OF BURBANK

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. SCHIFF. Madam Speaker, I rise today to recognize the 125th anniversary of the First United Methodist Church of Burbank, California.

In 1883, when Burbank was a rural area with a population of a few scattered families, the community needed a place for worship, so a Sunday School was organized in the Providencia School House. One year later, on September 14, 1884, a church, located at Empire Avenue and Lincoln Street, was dedicated. After four years of use, the church was

sold to a congregation member and a new church was erected in 1888, one year after the establishment of the City of Burbank. The church was established as the Providencia Church, and eventually merged with the First Methodist Episcopal Church, taking the latter's name. In 1919, construction began on a new church at Olive Avenue and Third Street, which was completed and dedicated in October of 1922.

After World War II, the church membership grew to 1,000 parishioners, signaling the need for a new church building. In 1944, a building fund campaign began and property was purchased on Glenoaks Boulevard. In 1949, another fundraising campaign was launched to construct a new church on the Glenoaks property, and one year later, construction began on the new church, which became known as the First Methodist Church of Burbank. On May 25, 1952, the first official services were held in the First Methodist Church of Burbank and Consecration Sunday was held on September 14 later that year. The full construction plan was realized in 1956 with the completion of the Education Building. In 1968, when the Methodist Church and the Evangelical United Brethren Church merged, and the entire denomination changed its name, First Methodist Church of Burbank became known as the First United Methodist Church of Burbank.

First United Methodist Church of Burbank offers a wide variety of programs and ministries to the Burbank community. The church hosts multiple Girl Scout troops, Boy Scout Troop #209, Cub Scout Pack #225, and offers opportunities for youth that include the Partners with the Parents Program and the Youth in Performing Arts Ministry. Other programs include the We Care Committee, which supports members of the congregation when they need assistance with meals, transportation and other services, as well as active chapters of the United Methodist Women and United Methodist Men organizations. In addition, members of the congregation volunteer on a regular basis at Burbank Temporary Aid Center and actively support our military by periodically sending care packages of personal items, telephone cards, books and other items to our troops overseas.

I consider it a great privilege to recognize First United Methodist Church of Burbank and I invite all Members to join me in congratulating the congregation for 125 years of service to the community.

ON THE INTRODUCTION OF THE BRING JOBS BACK TO AMERICA ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. WOLF. Madam Speaker, I am introducing today the Bring Jobs Back to America Act, which would start the process of bringing real jobs back to America that have gone overseas during the last two decades.

My legislation will build on language I included earlier this year in the fiscal year 2011 Commerce-Justice-Science appropriations bill directing the Commerce Department to launch a job repatriation initiative to bring those jobs back home.

I believe that a strong manufacturing and technology development base is critical to job creation and the economic competitiveness of the United States.

Something has happened in our country. We're making fewer and fewer things. Today, everything seems to be labeled: "Made in China."

If you have ever taken the train from Washington, DC, to New York and looked out the window, you can see our empty factories. You pass through my old neighborhood in Philadelphia.

GE's switchgear factory used to be one block from my home. Now there's nothing there but an empty, littered field.

You pass through Trenton, New Jersey, and can see the famous bridge sign that reads: "Trenton Makes, the World Takes." Trenton doesn't make anything anymore.

Last year, General Electric CEO Jeffrey Immelt noted that in recent years in the United States, "Real engineering was traded for financial engineering." Immelt called on the U.S. to grow manufacturing jobs to comprise at least 20 percent of American jobs—nearly double the current level.

In this era of intense global competition, we must work aggressively to bring jobs that have gone overseas back home to the U.S. to immediately start growing the percentage of these jobs, as Immelt called for.

It's not enough to talk about creating jobs. We have to take immediate steps to create jobs.

I have been, and remain, a staunch supporter of free trade. Free trade has yielded benefits to the American people and our economy.

However, we have been far too slow in responding to our international economic competitors in this era of global markets and competition.

The irony is that as much as American firms have offshored manufacturing and development jobs, they remain reliant on America for support. And with American unemployment hovering around 10 percent, it's time for some of these American firms to come home.

When an American plant manager in Mexico is kidnapped, the firm doesn't call the Mexican Federal Police, they call the FBI.

When the Chinese steal an American firm's intellectual property, the firm calls the U.S. Commerce Department.

It's time to bring some of these jobs home because America can be competitive in this global economy and it's the right thing to do. My legislation will start this process.

Overall, I believe that my bill helps to refocus the United States to be more proactive and a smarter competitor in the global economy—both in the short term and long term.

Specifically, this bill requires the Secretary of Commerce to set targets for job repatriation and creates multi-agency "Repatriation Task Forces" to identify American companies manufacturing abroad and work with states to bring jobs back to the U.S.

The goal is to bring back real jobs from overseas to the United States—jobs that are already created and an American could immediately fill.

This bill would require the Commerce Department to survey all American firms with significant manufacturing facilities in foreign countries, allowing the Repatriation Task Forces to proactively identify all firms interested in working with state and local governments to facilitate a mutually beneficial repatriation of jobs.

The bill would also comprehensively align federal resources in support of repatriation efforts. It allows state and local governments to use a variety of federal funding—at no new cost—to support job repatriation initiatives by state and local governments.

For example, my bill aligns Economic Development Agency (EDA) and National Institute of Standards & Technology (NIST) grants to allow state and local governments to use this funding for repatriation.

It would also direct the Secretary of Commerce and the IRS to quickly study and report on the merits of a new federal tax incentive to encourage repatriation.

In addition to repatriating jobs today, we must redouble our efforts to foster emerging technologies to create our manufacturing base of tomorrow.

For too long, the U.S. has failed to strategically monitor emerging opportunities and threats in our competitive global economy. We are starting to see the ramifications of this failure in the rise of China as an economic power.

My bill would reconstitute President Reagan's "Project Socrates" as an independent "American Economic Security Commission" to identify and monitor emerging technologies and global economic threats.

Project Socrates was initiated during the Reagan Administration to address America's competitiveness challenge and determine the source of the nation's declining competitiveness and develop programs to address the source of the problem.

Our Commission—composed of 12 business leaders and economists appointed by the majority and minority leaders—will similarly take a comprehensive and unbiased look at all of our global economic competitors—both strengths and weaknesses—and help inform the Congress on how to bolster American economic security.

This will ensure that we have an independent mechanism to monitor new opportunities and threats to ensure that America can capitalize on revolutionary technologies and create new jobs in the U.S.

The bill also provides stronger protections for American intellectual property and helps to expedite the patent process for cutting-edge new technologies developed by universities.

The faster we can secure our innovations and move them to market, the more jobs we can create in this country.

We can no longer afford to ride the coattails of yesterday's innovations; we have to identify and support the emerging technologies of tomorrow that will create American jobs.

The Chinese, Indians and other international competitors are actively monitoring new technologies and trends to support their firms. To date, we have not.

Are Americans willing to continue to sit idly by and allow the Chinese to dominate new industries at our expense?

Norm Augustine, the former chairman and CEO of Lockheed Martin, best captured the situation we now find ourselves in when he said:

> In the technology-driven economy in which we live, Americans have come to accept leadership as the natural and enduring state of affairs. But leadership is highly perishable. It must be constantly re-earned.

In the 16th century the citizens of Spain no doubt thought they would remain the world leader. In the 17th century it was France. In the 19th century, Great Britain. And in the 20th century it was the United States.

Unless we do things dramatically different, including strengthening our investments in research and education, the 21st century will belong to China and India.

Author Richard McGregor wrote in his new book, The Party, that the Chinese government, "still runs on Soviet hardware." It uses the full resources of the state to advance the interests of Chinese firms.

The Chinese are spying on us. They are launching millions of cyber attacks against American companies and the federal government every day.

The Chinese are funding the genocide in Darfur. They have Catholic bishops in jail, Protestant pastors in jail, and they have plundered Tibet.

If the U.S. is to be truly competitive in the global economy, we must be vigilant and proactive—in a manner that is consistent with our national interest and international treaties.

Madam Speaker, I urge swift passage of this legislation to help bring jobs back to the United States today and to lay the groundwork for tomorrow's manufacturing and technology base. We cannot afford to wait. Our international competitors aren't.

KEEPING A LONG-TERM FOCUS ON THE OIL SPILL RESPONSE AND RECOVERY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. YOUNG of Florida. Madam Speaker, 101 days have passed, and the devastating impact of the BP Deepwater Horizon catastrophe continues to grow daily. As we continue to consider specific legislation in the House to address the problems we have identified that led to this unmitigated disaster, I rise today to express my concern over the environmental impact on the Gulf of Mexico and express my support for all the impacted residents, who deserve better from the federal government.

Our immediate focus is not only on ensuring that the flow of oil from the Deepwater Horizon spill continues to be stopped, but also on addressing the future environmental and economic effects of the spill. The House has already unanimously passed legislation to fund oil pollution research and we must continue to support the important work in this area being done throughout the United States. One of the centers for this research is in St. Petersburg, which I have the privilege to represent. The College of Marine Science at the University of South Florida has become an international center for the study of our nation's and our world's waters and of our coastal lands. Together with the Florida Institute of Oceanography, also in St. Petersburg, which is drawing together all the state of Florida's marine research expertise, and a variety of other local, state and federal organizations, our community has provided key information to our nation's decision makers about the movement of the oil, the impact it is having on our environment and the development of long-term strategies to clean it up. Even with all of this work in St. Petersburg and throughout our state, the long-term effects of the oil spill itself, as well as those of the response and clean-up efforts, are still unclear and continued monitoring of the Gulf will ensure that we are prepared to quickly respond to the future consequences of this spill.

Further, we must draw on our knowledge and experience to ensure that this disaster is never repeated. In representing the Tampa Bay area, which has been at the center of some previous disasters, I have experience in responding to these crises. While serving as a Florida State Senator in 1970, the tanker Delian Apollon spilled more than 20,000 gallons of crude oil into Tampa Bay. In response, I introduced and the legislature quickly passed my landmark legislation to set in place emergency response plans for oil spills in the waterways surrounding Florida. The oil and shipping industry challenged my legislation, which was called our nation's toughest oil spill response law, all the way to the United States Supreme Court, where it was upheld in a unanimous decision.

When the oil industry proposed drilling off the Gulf coast of Florida, I offered an amendment to a 1983 supplemental appropriations bill to create the first buffer zone to protect Florida's west coast from offshore oil drilling. Because my amendment was carried on an appropriations bill, I had to negotiate with my colleagues to protect it year after year, sometimes fighting off challenges from my own party and leadership. We finally were able to negotiate more permanent protection against drilling in 2006 when we wrote into law a buffer zone that extends 234 miles off the coast of the Pinellas County beaches I represent.

In an effort to respond to the lessons learned from this year's disaster, I introduced the SAFEGUARDS Act earlier this month, which provides some commonsense solutions to prevent and respond to future disastrous oil spills. Drafted following a series of meetings and regular phone calls with the on-the-ground incident commanders, local research teams and community emergency response personnel, it is my hope that the solutions put forth in this measure will be included in the wider legislative response that we consider later this year to ensure that we impose rigorous safety standards on any off-shore platforms, while also establishing a fully thought out plan to respond to future disasters. We can and must do better. We cannot allow any more waivers of safety standards or response plans, and the SAFEGUARDS Act ensures that.

Our work on oil spill response legislation is just the beginning, and we have much more work to do in the coming weeks, months and years. The future environmental health and economic viability of the Gulf of Mexico depends on us, and we must do all we can to respond to the largest spill in United States history. We owe the American people and the entire Gulf Coast a comprehensive response that addresses both the causes and effects of this spill. Madam Speaker, I urge my colleagues to work together to ensure the complete recovery of the Gulf of Mexico, while also addressing the systematic breakdowns which led to the BP Deepwater Horizon catastrophe.

INTRODUCTION OF RESOLUTION HONORING AND SALUTING AMERICANS FOR THE ARTS ON ITS 50TH ANNIVERSARY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Ms. SLAUGHTER. Madam Speaker, I rise today to honor the 50th anniversary of Americans for the Arts. As the leading nonprofit organization for advancing the arts and arts education in the United States, Americans for the Arts continues to be dedicated to representing and serving local communities and creating opportunities for participation and enjoyment of all forms of the arts.

Founded in 1960 in Winston-Salem, North Carolina, the original mission of Americans for the Arts was and continues to be to enhance support for the nonprofit arts. In 1965 Americans for the Arts played a key role in the establishment of the National Endowment for the Arts. A half century later Americans for the Arts continues to foster the arts at the local, state, and national level.

Under the remarkable stewardship of Robert Lynch for the last 25 years, Americans for the Arts has provided leadership and training to local public and nonprofit agencies through a national network of Arts and Business Councils, Business Committees for the Arts, local and state arts agencies, state arts advocacy organizations, and community-based cultural organizations across the country serving 5,000 local arts agencies and their communities.

Research by Americans for the Arts measured the economic impact of the arts, which showed that approximately 100,000 nonprofit cultural organizations generate $166.2 billion in economic activity every year supporting 5.7 million jobs. In my congressional district alone, there are over 1,200 arts-related businesses employing nearly 16,000 people.

In addition to fostering arts jobs in our local communities, Americans for the Arts has worked to promote the importance of Arts Education in our public schools. Young people who regularly participate in arts programming are more likely to have better attendance records, be involved in their school government, excel in their academics, and develop the creative and innovative skills necessary to compete in the 21st century global workforce.

Through national events like Arts Advocacy Day, Americans for the Arts brings national attention to the importance of arts throughout our nation. The arts define our culture and instill unique character in the communities across our nation. Art transcends barriers of language, time, and generation, translating cultural differences, breathing life into history, and bridging experiences across cultures. They accomplish the seemingly impossible task of both revealing our differences across the globe, while managing to illuminate all that connects us.

I thank Americans for the Arts for their fine achievements over the past 50 years. I know that the next 50 will be filled with even more accomplishments, and that we will continue to enjoy the richness that the arts provide to each of our lives.

PROTECTING GUN OWNERS IN BANKRUPTCY ACT OF 2010

SPEECH OF

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to offer clarification for my vote in favor of H.R. 5827, the Protecting Gun Owners in Bankruptcy Act of 2010.

I have tremendous respect for our nation's Constitution. In 12 other states around the country, including my own state of Wisconsin, there are already State protections for gun ownership during bankruptcy proceedings. When the Federal Government, and other States, already give basic protections for personal property like jewelry and musical instruments, I believe that it is fundamentally unfair to deny a second amendment protected item from being included in this list.

I do, however, want to be clear that I remain steadfast in my support for the ability of the Federal Government, States, and cities to regulate firearms. There have been too many times that we have seen preventable deaths from guns that end up in the wrong person's hands. Representing the City of Milwaukee, I know first hand how important it is to keep guns out of the hands of criminals and others that cause harm and undermine safety in our communities. Within the last few years, six police officers were shot in my district using guns that were traced back to a single store. How did this one store seemingly sell so many guns to straw buyers—people purchasing the guns not for themselves, but on behalf of other people who are prohibited from buying, like convicted domestic abusers, felons, and people with outstanding warrants? Had Federal gun laws been adequate to properly regulate stores like this, and others around the country, I sincerely believe that much of the gun violence could be prevented.

My record for reducing gun violence in our communities is clear. This year I have sent a letter to the director of the Bureau of Alcohol Tobacco and Firearms asking what resources they might need to more efficiently enforce Federal firearm legislation. I have also sent a letter requesting that the Attorney General revitalize and expand upon an existing ''demand letter'' program that can give the BATFE essential information on potential problem Federal Firearm Licensees. Current firearm regulation at the Federal level is simply inefficient and I will continue to work hard with my colleagues to make our streets a safer place.

HONORING BRIAN MORTON AS THE RECIPIENT OF THIS YEAR'S ANGELS IN ADOPTION AWARD FOR OREGON'S SECOND CONGRESSIONAL DISTRICT

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. WALDEN. Madam Speaker and colleagues, you may be familiar with the Angels in Adoption program that provides Members of Congress an opportunity to recognize individuals, couples or organizations that have made and extraordinary contribution on behalf of children in need of adoption and foster care. This year I am proud to select Brian Morton as the recipient of this year's Angels in Adoption Award for Oregon's Second Congressional District.

Madam Speaker, the people of southern Oregon hold a deep appreciation for Brian Morton. As a well-known and respected news anchor at Medford's ABC television affiliate, KDRV, Brian has developed a special program dedicated to raising awareness about the community need to find adoptive and foster families.

During the monthly feature, ''Wednesday's Child,'' Brian and KDRV produce personalized segments on children who are eligible for adoption. Normally, potential adoptive families have little more than one photo and a minimal amount of text description on children available for adoption. But in ''Wednesday's Child,'' the children are featured in poignant everyday activities where their stories are shared in a sensitive and heartfelt manner.

Madam Speaker, the response to ''Wednesday's Child'' has been so overwhelmingly positive that potential families from all over the United States have sought to adopt the featured children. In some cases, relatives, who were previously unknown, were able to get in contact with the children.

Because of Brian's dedication, adoptive children throughout southern Oregon now have a better possibility of finding loving families and a brighter future. Yet Brian's dedication to the cause of adoptive children does not wane when the cameras are turned off. With his wife, Laurie, they have remained involved in the community at large. Brian has served on the board of directors at CASA, the Court Appointed Special Advocates of Jackson County.

The work of Brian, Laurie, and Angels in Adoption helps raise public awareness about the need for adoptive and foster families. Every child deserves an opportunity to have a loving and supportive family, and Brian and Laurie are making sure that occurs one family at a time. For that, Madam Speaker, they deserve our deep appreciation.

It is an honor to have the privilege to recognize Brian Morton before the United States House of Representatives. I salute Brian for his selfless deeds and great acts of charity, and believe that all Americans can learn from his benevolence and commitment to adoption.

TRIBUTE TO THE BOY SCOUTS FROM TEXAS' 1ST DISTRICT ATTENDING THE JAMBOREE

HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. GOHMERT. Madam Speaker, this is in tribute to and in honor of the Boy Scouts of America Troops 1524 and 1525 along with other Scouts and Scout leaders, located in my District in East Texas. This week they are participating in the National Scout Jamboree at Fort A.P. Hill in Virginia. This year's Jamboree carries on a long tradition, where just steps from the Capitol Building, the first ever Jamboree was held on the National Mall in 1937. Over the years, the Jamboree has become the pinnacle of all Scouting camps.

Every 4 years or so, Troops descend from all over America to celebrate the tenets they all hold dear and to develop even further the life lessons Scouting is so effective in teaching. The entire process has traditionally done an outstanding job in molding boys into outstanding young men, while building character and instilling notions of personal responsibility, all of which have helped make America the envy of civilized nations.

This year's Jamboree also holds special significance because 2010 marks the 100 year anniversary of Scouting in America. Over this period they have grown into a premier youth organization and had very positive effects on millions of young males.

Individual Boy Scouts throughout Scouting's 100 year history have gone on to do great things and serve our country in manners that have brought great honor and credit to the United States. More than 50 percent of all NASA Astronauts were Boy Scouts. More than 30 percent of graduates from the Military, Air Force and Naval Academies were involved in Scouting in their youth and five of our Presidents were once Boy Scouts. Even within Congress, 199 of our current Members once participated in Scouting, with 22 achieving the rank of Eagle Scout. America is truly a better nation because of Scouting.

As an Eagle Scout and Member of Congress, I can truly say that the wisdom and leadership I gained in Boy Scouts still benefit me every day. All those who take up the mantle of effective Scouting can be identified by the traits named in the Scout Law as ''trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent.'' If America is going to continue to be great then, in the paraphrased words of Alex de Tocqueville, America must continue to be good. The Scouting doctrines clearly assist in making America ''good.''

If we continue to see the young people in America living a morally sound life following the tenets supported by 100 years of Boy Scouting while dedicated to family values and country, then surely God will continue to bless America as He has during the last 100 years. To that end, the words from the Scout's Oath are as meaningful today as they were throughout Scouting's rich history:

On my honor, I will do my best
To do my duty to God and my country;
To obey the Scout Law;
To help other people at all times;
To keep myself physically strong, mentally awake and morally straight.

Participating in this, the historic Boy Scout Jamboree of the United States during the l00th Anniversary of the Boy Scouts, are the following Boy Scouts from the 1st Congressional District of Texas: Thomas Alberts, Brian Allen, Beathan Andersen, William Arnold, Alex Baker, Peter Ball, Rusty Bell, Zachariah Brown, Nate Cargile, Christopher Carlin, Hartley Coker, Paul Cook, Robert Cooper, Brian Cousineau, Carter Crump, Charlie Cullen, Myles Elbel, Michael Fedell, Michael Fedun, Joshua Fields, Chris Finlay, Danny Fisher, Garett Froats, Bryan Gilliland, Jacob Gage, Kyle Gage, Wyatt Gay, David Gean, Thomas Gunn, Rielly Hassell, Clint Hearn, Stratton Hibbs, Kaleb Hively, Trent Hood, Jacob Houck, Luke Hughes, Brian Humphreys, Andrew Kazlow, Kerrigan Keele, Nicholas Kottwitz, Francis Gene Lewis, Trevor Ligon, Garrett Manning, Noah Morrill, Koehler Munoz,

Payton Myers, Kacee Newman, Taylor O'Bryant, Richard Olds, James Olson, James Pike, Lyle Potter, Tyler Reed, Blake Richey, John Hunter Sattler, Jack Schaeffer, Brady Schuh, Colbert Sheard, Jeremiah Slaughter, Spencer Smith, Brandon Spears, James Tyler Stricklin, Connor Tate, Travis Tate, John Timaeus, Andrew Walker, Jeffrey Dylan Watson, Elliot West, John West, Robert Westmoreland, Mason Wheeler, Zach Ziegelgrube.

In addition, these Scouts of which their U.S. Representative LOUIE GOHMERT is immensely proud, as should be the Nation itself, the following outstanding leaders have participated to lead these wonderful young men to the fulfillment of this scouting dream are the following: Paul Dunaway, Rory Hassell, Stephen Head, Jeffrey Jones, Matt Lindsey, Chris Peurifoy, Lyle Potter, Jim Reed, Greg Tate, Clinton Willbanks, Geoffrey Willbanks.

The foregoing Boy Scouts and leaders have, by their demonstrated excellence and zeal, not only expanded their horizons and abilities, but they have also made it possible to create a better world in which to live for all those who follow hence. Accordingly, their names and participation are hereby memorialized in the CONGRESSIONAL RECORD of the United States of America to bear witness of their valiant participation to all those who may draw near. May God bless every one of these fine individuals just as He has so richly blessed these United States of America to this time.

A TRIBUTE TO BEATRICE WILKINSON-WELTERS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Beatrice Wilkinson-Welters for her appointment as Ambassador to Trinidad and Tobago and for her outstanding contributions to the welfare of residents of Brooklyn.

Beatrice Wilkinson-Welters has distinguished herself through many years of service to her nation and community as the Founder and Chairman of the AnBryce Foundation and the Vincent Wilkinson Foundation, whose focus on underserved youth and young adults provide multiple settings for their personal and scholastic development.

She earned her undergraduate degree from Manhattanville College and her graduate degree from John Jay College of Criminal Justice. She also received an Honorary Doctorate from Livingstone College in Salisbury, North Carolina.

Beatrice Wilkinson-Welters has provided vision and leadership through her service as a trustee or board member for the Kennedy Center Board of Trustees, the National Symphony Orchestra, the Library of Congress, the Brookings Institution, the Washington Jesuit Academy, and the Maret School.

Despite her demanding career and many contributions to society, Beatrice Wilkinson-Welters has been a devoted wife to her husband, Anthony and a loving mother to their two sons Bryant and Andrew.

Beatrice Wilkinson-Welters was confirmed by the United States Senate as Ambassador to Trinidad-Tobago on March 10, 2010 and sworn in by President Barack Obama on April 27, 2010.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Beatrice Wilkinson-Welters.

CELEBRATION OF THE COLUMBUS RECREATION AND PARKS DEPARTMENT ON ITS CENTENNIAL

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Ms. KILROY. Madam Speaker, I rise today to celebrate the 100th anniversary of the Columbus Recreation and Parks Department. Through its 100 years of serving our community, the Department has enriched the lives of central Ohioans by offering social and educational programming, activities, and events for all ages to enjoy.

On July 15, 1910, Columbus mayor George S. Marshall signed into law legislation establishing the Columbus Department of Recreation, which encompassed the city's six established park locations. As part of the City Beautiful Movement, the Department of Recreation became crucial in Columbus' development as an aesthetically-pleasing city filled with green spaces and public parks. With the Department's hard work, residents began to enjoy beautiful scenery, community centers, trails, pools, golf courses, and programming designed with central Ohioans of all ages in mind. In 1972 the Department of Recreation merged with the Division of Forestry and Parks to become the Columbus Recreation and Parks Department we have today, and has grown from its original six parks to 215 established parks, greenways and green spaces that span over 10,000 acres across Franklin County.

The Columbus Recreation and Parks Department offers a wide variety of classes, events, and programs to connect residents of all neighborhoods involved in the community. Locations such as the Cultural Arts Center offer art classes for painting, ceramics, and sculpting. Entire theatrical seasons are played out at various centers such as the Davis Youth Performing Arts Center. Central Ohio seniors can enjoy aerobics classes, along with senior golf, softball, and basketball leagues.

From April through December of this year, the Columbus Recreation and Parks Department will be celebrating its centennial anniversary with events every month. At the Jazz and Rib Fest in the Arena District, the Department commemorated its July 15th birthday with a "Best Ribs" contest and they have held their 100th hole celebration at Raymond Golf Course.

For 100 years, the Columbus Recreation and Parks Department has played a vital role in the growth of Columbus and Ohio's 15th Congressional District, as well as the enhancement of the quality of life of those who call central Ohio home. I am proud to recognize and honor the Columbus Recreation and Parks Department as they celebrate 100 years of history and achievement.

HONORING REPRESENTATIVE ROGER WENDT FOR HIS WORK ON THE IOWA SAFE SCHOOLS ACT

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. BOSWELL. Madam Speaker, I rise to commend State Representative Roger Wendt, former Chair of the Iowa House Education Committee for his work protecting Iowa's lesbian, gay, bisexual, and transgender (LGBT) students from bullying and harassment in schools and communities. All students need a safe, supportive environment in which to learn, regardless of gender or sexual orientation. There is extensive evidence that LGBT students are disproportionately targets for harassment and discrimination in schools. The climate of fear experienced by LGBT students frequently results in increased absenteeism, decreased academic performance and increased risk of suicide and other high-risk behaviors.

On September 1, 2010, Iowa Safe Schools will recognize Alicia Claypool, State Representative Roger Wendt, and State Senator Mike Connolly for all their work protecting Iowa's LGBT students and all other students from bullying and harassment. This date will mark the 3rd year anniversary of the Iowa Safe Schools Law going into effect. This legislation protects Iowa's 500,000 students from bullying and harassment in our schools on the basis of 17 categories which include sexual orientation and gender identity.

Representative Wendt led the fight in the Iowa House for this critical piece of legislation. His years-long efforts resulted in its bi-partisan passage in February 2007. Iowa educators, administrators, and other policy makers hold Representative Wendt in high esteem for his tireless commitment to improving the lives of Iowa youth. Parents, community leaders, and students have been well-served by this advocate for equality, and I am proud to honor him.

TRUTH IN FUR LABELING ACT OF 2009

SPEECH OF

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to express my support for H.R. 2480, the Truth in Fur Labeling Act, which improves the accuracy of labels on fur products sold in the United States. The bill would also require the Federal Trade Commission to review its Fur Products Name Guide, ensuring that document contains accurate and consistent species names. I support the Truth in Fur Labeling Act because American consumers deserve to know what, exactly, they are purchasing when they shop for fur garments, regardless of the price of those garments.

This legislation guarantees transparency so that shoppers can make informed decisions about the products they buy. This transparency is currently compromised by the "fur

loophole'' in the Fur Products Labeling Act of 1951, which allows manufacturers of fur and faux-fur garments under $150.00 to sell these products without a label or with a label that fails to list all of the types of fur included in the product. In the market today, exporters use this loophole to deceptively sell products made from cat and dog fur as though they were made from faux fur or the fur of other animals, although it is illegal to import, export, sell or advertise domestic dog or cat fur in the U.S.

China exports about half of all the imported fur garments sold on the U.S. market. In Chinese factories, many domestic dogs and cats are brutally killed and sometimes even skinned alive for their fur. A Humane Society investigation found in the 1990s that the death toll of domestic dogs and cats in China reached 2 million animals every year; the same investigation revealed that some of the resulting dog fur was being sold in the U.S. After this scandal broke, Congress passed the Dog and Cat Protection Act of 2000, which banned the trade in dog and cat fur. Unfortunately, the ''fur loophole'' has created a way for dishonest exporters to continue profiting from sales of dog and cat fur to American consumers. Manufacturers also use the loophole to market real fur as faux fur, tricking Americans with humane shopping policies into supporting an industry they oppose.

Part of my objection to the current, deficient, language of the Fur Products Labeling Act lies in the fact that its loophole only applies to products of ''relatively small quantity or value.'' A garment of $150, the upper limit of that category, can contain multiple animal pelts. Clearly, new legislation is necessary to allow customers to be confident in the type of fur they are buying, regardless of how much money they spend.

I urge my colleagues to also support this important resolution.

RECOGNIZING THE ACCOMPLISHMENTS OF GEORGE B. VASHON

HON. DANIEL B. MAFFEI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. MAFFEI. Madam Speaker, I rise today to recognize George B. Vashon, a distinguished 19th century figure in American history and the notable event that occurred recently to help remedy a past injustice. This gifted writer, orator, educator, abolitionist and lawyer, who was a leader in Syracuse's antislavery efforts for a period of time, was posthumously admitted to the Pennsylvania bar this spring after twice being denied because of his race. His life work helped improve the lives of countless African Americans, while his individual career achievements clearly proved the merits of his being granted this distinction 163 years later.

George B. Vashon was born and raised in Pennsylvania and moved to New York, where he resided in Syracuse for some years. In his early years, he was exposed to many leading figures in the abolitionist movement through his father John B. Vashon's role as a leader of Pittsburgh's black community. One of the Vashons' close associates was New York philanthropist Gerrit Smith, a financier and activist of the anti-slavery movement. For a short period of time, he also represented central New York in the House of Representatives. William Lloyd Garrison and Frederick Douglass were also among the central figures in the abolitionist crusade who worked closely with John and George Vashon throughout their lives.

With George B. Vashon's gifted scholarly abilities—he was fluent in several languages as a teenager and went on to become the first African American to graduate from Oberlin College—he chose to study law and pursue a legal career after college. Under the tutelage of Judge Walter Forward, who would later become Secretary of the U.S. Treasury, Vashon sought to practice law in his home state of Pennsylvania and applied for admission in 1847. His application was denied because of his ''negro descent.'' He was so distraught at this denial that he left Pennsylvania to live and teach in Haiti for a few years, but not before he applied for and passed the New York bar and became the first black lawyer in the state.

Upon his return to the U.S., George B. Vashon moved to New York, where he opened a legal practice at the corner of Water and Warren streets in downtown Syracuse. Because of its proximity to Ohio and Canada, Syracuse had become a growing hotbed of activity along the Underground Railroad and Vashon was a central player at this time. With passage of the Fugitive Slave Act of 1850, Vashon's legal services were needed to assist runaway slaves gain their freedom. With the support of his friend Gerrit Smith, Vashon later went on to become the first black man to run for Attorney General in New York on the Liberty Party ticket. He also contributed to Frederick Douglass' newspaper, The North Star, and became one of the first black college professors in this country when he served on the faculty of New York Central College in McGrawville, New York. Years later, George would help found Howard University, where he would be the university's first black professor. He was later admitted to the bar of the U.S. Supreme Court.

In an effort to remedy the discrimination he faced when he initially pursued a legal career in Pennsylvania, two of Vashon's descendants petitioned the Supreme Court of Western Pennsylvania. Nolan Atkinson, Vashon's great-grandson, and Paul Thornell, Vashon's great-great-grandson were successful. On May 4, 2010, the Court righted a wrong in the history books. In doing so, they issued the following order: ''In acknowledgement of Mr. Vashon's credentials and achievements, this Court hereby admits George B. Vashon to the practice of law in the Courts of this Commonwealth posthumously.''

I am pleased to commend this important acknowledgement of this notable figure in American history. Syracuse is privileged to claim George B. Vashon as a key figure in our city's proud history of antislavery activism.

SALUTING THE 2010 TECH TITANS FINALISTS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise to congratulate the finalists for the 2010 Tech Titans Awards presented by Metroplex Technology Business Council, the largest technology trade association in Texas. At the 10th annual Tech Titans gala this August, the 2010 winners will be announced in categories designed to showcase the most cutting-edge technologies and the brightest talent emerging from the North Texas region. The event will also reveal the rankings of the 2010 Titan Fast Tech, which lists the fastest-growing DFW technology companies based on percentage of revenue growth over the last year and the last 5 years.

Founded in 1994, the Metroplex Technology Business Council, MTBC, is a non-profit organization composed of approximately 300 members that include technology businesses and providers from across the DFW Metroplex. The MTBC produces numerous events, including the Management in High-Tech Luncheon Series, the Technical Luncheon Series, Tech Week in Austin and the Tech Titans and Fast Tech Awards.

The MTBC is a shining example of the face of the future for Texas. Make no mistake, the MTBC is making great things happen for the Lone Star State—and the world.

In addition to the MTBC, supporters of the Tech Titans Awards and Fast Tech event include PricewaterhouseCoopers, TechAmerica, Deloitte, Dallas Business Journal, BKD, LLP, Time Warner Cable Business Class, GSCS Inc., Farstar Inc., and AVMG.

Congratulations to all finalists. Thank you for your hard work and commitment to excellence. I salute you.

The 2010 Tech Titans Finalists' names and categories follow:

Corporate CEO Award: Valerie Freeman, BravoTECH, Dallas, TX; Suri Gurvenda, Optimal Solutions Integration, Inc., Irving, TX; Dale Sohn, Samsung Telecommunications America, Richardson, TX; Charlie Vogt, Genband, Plano, TX.

Emerging Company CEO Award: Andres Ruzo, Link America, Inc., Rowlett, TX; Devender Aerrabolu, American Unit, Frisco, TX; Bettina Bennett, WhichBox Media, LLC, Dallas, TX; Shama Kabani, The Marketing Zen Group, Carrollton, TX.

Corporate Horizon Award: D4D Technologies, Richardson, TX; Entrust, Dallas, TX; Fujitsu Network Communications, Inc., Richardson, TX; Genband, Plano, TX.

Emerging Company Horizon Award: GlobeRanger Corporation, Richardson, TX; HealthPoints, Inc., Dallas, TX; MicroTransponder, Inc., Dallas, TX; Revere Security, Dallas, TX.

Technology Innovator Award: Drs. Caddedu, Scott, Fernandez, & Bergs, UT Southwestern Medical Center, Arlington, TX; Yves Chabal, University of Texas at Dallas, Richardson, TX; Will Rosellini, MicroTransponder, Inc., Dallas, TX; Steve Wallach, Convey Computer, Richardson, TX.

Technology Advocate Award: Matt Blanton, StarTech Early Ventures, Richardson, TX; Gabriella Draney, Tech Wildcatters, Dallas, TX; Robert Scott, Scott & Scott, Dallas, TX; North Texas RCIC, Dallas, TX.

Technology Adopter Award: City of Richardson Animal Shelter, Richardson, TX; Dallas Cowboys Football Club, Irving, TX; The Heart Hospital at Baylor Plano, Plano, TX; Top Golf, Dallas, TX.

Community Hero Award: Wanda Gass, Texas Instruments, Dallas, TX; Suri Gurvendra, Optimal Solutions Integration, Inc.,

Irving, TX; Lin O'Neill, Futures Consulting, Dallas, TX; Nina Vaca-Humrichouse, Pinnacle Technical Resources, Inc., Dallas, TX.

Tech Titan of the Future—University Level: Caruth Institute for Engineering Education, Southern Methodist University, Dallas, TX; Geo Jeffrey NanoExplorers Program, University of Texas at Dallas, Richardson, TX; UT Dallas Innovation Opportunity Camp, University of Texas at Dallas, Richardson, TX; UNT Summer Robocamp for Girls, University of North Texas, Denton, TX.

Tech Titan of the Future—High School Level: Joanne Blast, Lake Highlands High School, Richardson ISD; Kevin Cieszkowski, Richardson Berkner STEM Academy, Richardson ISD; Aaron Hampshire, Parish Episcopal School, Addison, TX; Alisa Salvans, Richardson High School, Richardson ISD.

INTRODUCTION OF THE DISTRICT OF COLUMBIA FULL SELF-GOVERNMENT ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Ms. NORTON. Madam Speaker, I rise today to introduce the District of Columbia Full Self-Government Act. The bill would grant the District of Columbia almost complete home rule. It would mark the most significant advancement in the District's local autonomy since Congress first created the District government's structure and operating rules in the Home Rule Act of 1973. The bill would eliminate almost all of the requirements and limitations imposed on the District by Congress in the Home Rule Act, so that the District could structure its operations and provide services in any manner that it chooses. Aside from a statehood or voting rights bill, no bill would do more to grant the federal taxpaying citizens of the District of Columbia their equal citizenship rights.

Under the bill, the District's government would be able to operate similarly to how most state and local governments operate. For example, the District, like every state, would be able to set its own fiscal year. Under the Home Rule Act, the District's general government fiscal year must begin in October, while its fiscal year for schools must begin in July. In contrast, almost every state and local government's fiscal year for all operations begins in July, enabling these jurisdictions to better plan and coordinate their operations and services.

In addition, the District would no longer have to come to Congress before it could make changes to its operations. For example, the District's major change in school governance structure that eliminated the school board and placed responsibility for schools in the mayor was held up for weeks because it had to be enacted by Congress, which caused serious problems for the opening of schools. Recently, I had to introduce a bill to reduce the waiting period for holding special elections to fill vacancies on the D.C. City Council from 114 days to 70 days. Previously, Ward 4 and Ward 7 were left without representation because the council could not reduce the period to fill vacancies.

The bill would accomplish what I have been fighting for since I entered Congress: legislative and budget autonomy for the District. The bill, like my stand-alone budget and legislative autonomy bills, would eliminate the requirement that the city's laws layover in Congress for 30 or 60 days before they take effect, and would eliminate the requirement that the city's local budget be affirmatively approved by Congress before it takes effect.

The bill would not only remove Congress from the District's legislative process, it would free the District to operate and provide services as it sees fit. The bill would eliminate all of the budget, financial management, audit and borrowing requirements imposed on the city by the Home Rule Act, and would permit the city to set the powers, organization, and procedures of the Office of the Mayor and the city council. It is important to note that the bill would have no effect on existing contractual or other financial obligations incurred by the District, on any elected or appointed District official or other District employee, or on any pending legal actions or proceedings.

Even with this bill, however, there would be two important limitations on the District's autonomy. First, Congress would retain its ultimate legislative authority over the District under the U.S. Constitution. The only way to completely eliminate congressional authority would be to amend the Constitution or to make the District a state. Second, like the Home Rule Act, the bill specifically precludes the city council from legislating over certain matters, such as height limitations on buildings.

INTRODUCTION OF THE HEALTH OUTCOMES, PLANNING AND EDUCATION ACT (HOPE) FOR ALZHEIMER'S

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. MARKEY of Massachusetts. Madam Speaker, I rise today to introduce the Health Outcomes, Planning and Education (HOPE) for Alzheimer's Act. I would like to thank my colleague and fellow co-chair of the bipartisan Alzheimer's Task Force, Mr. CHRIS SMITH of New Jersey, for partnering with me on this important legislation.

An estimated 5.3 million Americans have Alzheimer's disease, and 1 in 10 individuals has a family member with the disease. Unless science finds a way to prevent or cure it, nearly 16 million Americans will have Alzheimer's disease by the year 2050.

The HOPE Act aims to increase detection and diagnosis of Alzheimer's disease and other dementias and provide access, information, and support for newly diagnosed patients and their families. The bill would provide for Medicare coverage of comprehensive Alzheimer's disease and other dementia diagnoses and services in order to improve care and outcomes for Americans living with the disease.

At present, most people with Alzheimer's disease and other dementias have not been diagnosed. This only contributes to the difficulty surrounding this disease. Data from a recent study in the Journal of General Internal Medicine conducted from 2002 to 2003 show that only 19 percent of people age 65 with dementia had a diagnosis of the condition in their primary care medical record. In addition, ethnic and racial populations at higher risk for Alzheimer's are less likely than whites to have a diagnosis of the condition.

Delays in diagnosis have various negative consequences for patients and their families. One such serious consequence is that if individuals do not receive treatments early, when available medications are more likely to be effective, then families have less opportunity to make legal, financial and care plans while the person living with Alzheimer's or dementia is still capable.

While America works towards investing more in research for Alzheimer's to move towards a cure for this devastating disease, we must also help the many affected families to plan for the care of the patients. This bipartisan legislation is a good step in ensuring these important steps are taken.

The Alzheimer's Association has endorsed our legislation, which will increase the likelihood that Alzheimer's will be diagnosed sooner and help individuals plan for the required care associated with Alzheimer's. I look forward to continuing to work with my colleagues on this important issue throughout the legislative process.

HONORING ALICIA CLAYPOOL FOR HER WORK ON THE IOWA SAFE SCHOOLS ACT

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. BOSWELL. Madam Speaker, I rise to commend Alicia Claypool, Chair of the Iowa Civil Rights Commission on her work protecting Iowa's lesbian, gay, bisexual, and transgender (LGBT) students from bullying and harassment in schools and communities. All students need a safe, supportive environment in which to learn, regardless of gender or sexual orientation. There is extensive evidence that LGBT students are disproportionately targets for harassment and discrimination in schools. The climate of fear experienced by LGBT students frequently results in increased absenteeism, decreased academic performance and increased risk of suicide and other high-risk behaviors.

On September 1, 2010, Iowa Safe Schools will recognize Alicia, State Representative Roger Wendt, and State Senator Mike Connolly for all their work protecting Iowa's LGBT students and all other students from bullying and harassment. This date will mark the 3rd year anniversary of the Iowa Safe Schools Law going into effect. This legislation protects Iowa's 500,000 students from bullying and harassment in our schools on the basis of 17 categories which include sexual orientation and gender identity.

Without the efforts of Alicia, this law would not have passed, and Iowa Safe Schools, an organization committed to protecting Iowa's students would not exist. Iowans can never thank Alicia enough for all her efforts in creating and fighting for those without a voice.

RECOGNIZING VIRGINIA COMMONWEALTH UNIVERSITY (VCU) FOR ITS VICTORY IN THE COLLEGE BASKETBALL INVITATIONAL (CBI)

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. CANTOR. Madam Speaker, I am proud to recognize Virginia Commonwealth University (VCU) for its victory in the College Basketball Invitational (CBI) Championship on March 31, 2010.

VCU is located in Richmond, Virginia and is one of the premier institutions of higher education in the Commonwealth of Virginia. The University fosters an enrollment 32,436 total students, including 21,149 undergraduates. VCU maintains a Division I athletic program offering 14 varsity sports which includes a men's basketball team that rosters 12 talented young men from around the world. In March of 2010, VCU junior Larry Sanders was named Colonial Athletic Association (CAA) Defensive Player of the year and earned first team ALL–CAA honors while teammate Joey Rodriguez earned second team ALL–CAA honors.

On March 31, 2010, the VCU basketball team rallied from a 9 point deficit at halftime to defeat Saint Louis University for the second straight game by a score of 71 to 65 in the best of three championship series, capturing the CBI championship. The VCU basketball team won the CBI championship under the guidance of their first year coach, Shaka Smart. During the final game, Junior Brandon Rozell scored a game high 27 points and his teammate Joey Rodriguez scored 13 points on his way to capturing Tournament MVP honors. The VCU basketball team finished their season with 27 wins, the second most wins in school history.

VCU President Michael Rao and Athletic Director Norwood Teague have done an exemplary job of supporting this successful athletic program and the gifted student-athletes of the Rams basketball team. The VCU athletes and coaching staff have earned the pride and respect of the VCU students, faculty, alumni, all Rams fans and the Commonwealth of Virginia.

Madam Speaker, please join me in congratulating the Rams for their successful 2010 basketball season and their achievement as CBI champions.

A TRIBUTE TO THE CENTRAL KENTUCKY NEWS JOURNAL

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. GUTHRIE. Madam Speaker, I rise today to honor a great news source in the Commonwealth of Kentucky—the Central Kentucky News-Journal. This year, the Central Kentucky News-Journal will celebrate its 100th anniversary.

After a series of changes in ownership, Mrs. T. W. Buchanon became the editor-manager of the journal and it was launched as the Central Kentucky News-Journal in January of 1910. The newspaper now, one hundred years later, is in circulation twice a week, providing unparalleled coverage for the citizens of Taylor County.

As a community paper, the Central Kentucky News Journal plays an important role bringing readers news and articles that directly affect their readers. Campbellsville and the Commonwealth of Kentucky are fortunate to have such an outstanding newspaper with a proven history of providing exceptional news coverage.

I am proud to represent the employees at the Central Kentucky News-Journal and thank them for the countless contributions they have made.

Madam Speaker, I ask my colleagues to join me in honoring the Central Kentucky News-Journal and congratulating them on 100 amazing years.

CONDEMNING TERRORIST ATTACKS IN KAMPALA, UGANDA

SPEECH OF

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H. Res. 1538, which condemns the terrorist attacks that took place on July 11, 2010, in Kampala, Uganda. This terrorist behavior is simply unacceptable and our nation must express our disapproval of the responsible parties who committed these horrible attacks.

Mr. Speaker, the situation in East Africa is grave. Unfortunately, the situation isn't getting any better either, given that this is the worst terrorist attack that this region has witnessed since 1998. The responsible party for these horrifying terrorist attacks is the hard-line Somali militant group, al-Shabab. Even more frightening is the fact that this group has threatened further attacks, if Uganda and Burundi continue to supply troops to an African Union peacekeeping force in Somalia. This continued threat of terrorist attacks is not only a dire concern in this area of East Africa, but also for our nation. Uganda, a key U.S. ally, is also a training ground for soldiers for Somalia's transitional government, the government which al-Shabab is seeking to overthrow. Both the United States and the United Kingdom support this mission. Consequently, we have responsibility to support and protect the peacekeeping forces that are working to provide stability in Somalia. In order for strength to be restored in the failing state of Somalia and the surrounding countries like Uganda, we must also find a way to remove the terrorist group al-Shabab from its destabilizing role.

Mr. Speaker, as the trend in globalization continues to increase, the connections among nations become more and more intertwined. Therefore, as Representatives of Congress, we must pass this resolution to call on our administration to work with the international community to address the security threat emanating from Somalia. This will hopefully ensure that this violence doesn't overspill more into other nations.

Again, I fully support this resolution and I urge my colleagues to support it as well.

HONORING LINDER'S 100TH ANNIVERSARY CELEBRATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Ms. MCCOLLUM. Madam Speaker, it is an honor to recognize the 100th Anniversary of Linder's Garden Center in Saint Paul, Minnesota. Linder's is a family-owned greenhouse that began as a small business selling fresh produce to local restaurants, and has grown into a Garden Center selling more than 25 million plants each year.

In 1910, a Swiss immigrant with humble beginnings named Albert Linder brought his horse drawn wagon filled with celery stalks and other fresh vegetables to local markets and restaurants. Linder soon found success as a result of his hard work and dedication to plants. At its peak, this burgeoning small business operated six greenhouses for celery seedlings.

By the 1940's, Linder had stopped using horse drawn wagons because trucks enabled him to expand his business to customers located farther away. Facing strong competition and celery blight, Linder was eventually forced to change the model of his business. He decided to move away from celery seedling and focused on cut flowers and bedded plants. This change proved profitable for Linder's and allowed Linder to remain successful even during difficult economic times.

Modern day Linder's continues to focus on flowers and plants, but has expanded to include green houses, and a garden center which hosts educational classes that allow budding urban gardeners to learn more about plant care. In 1970, the third generation of the Linder family took over the business. Robert, Dave and Lillian Linder have successfully continued their grandfather's business and continue to make our community beautiful.

Madam Speaker, please join me in rising to honor Linder's 100th Anniversary. I am honored to submit this statement recognizing this resilient and successful Saint Paul family-owned business. They are truly an example of the American dream being fulfilled. Their hard work and dedication have made them a successful Minnesota business.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $13,247,793,649,102.86.

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $2,609,367,902,809.06 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

CELEBRATING 100 YEARS OF SCOUTING

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. MARCHANT. Madam Speaker, it gives me great pleasure to rise today to recognize the centennial anniversary of the Boy Scouts of America. Over the last one hundred years, the Boy Scouts of America has remained devoted to its mission of dedicated service through developing social and moral skills in young men throughout the United States. This organization has produced some of our Nation's best and brightest leaders as a result of a simple creed that was embedded in them as young adults.

In 1909, William Boyce was a lost American in the fog on the streets of London. He encountered a young boy, now known as the ''Unknown Scout,'' who voluntarily assisted him on his way. When Boyce offered compensation for the boy's good deed, the boy declined and stated that he was doing his ''Good Turn'' as a Scout. On February 8, 1910, Boyce brought the idea of Scouting to the United States and formed the Boy Scouts of America. Since its founding, the organization has been committed to preparing young people to make ethical and moral choices over their lifetimes by instilling in them the values of the Scout Oath and Law.

Through one hundred years of service, Boy Scouts of America remains dedicated to building the character of servant leaders within our communities. Boy Scouts of America has worked with over one hundred and ten million young adults, two million of which have gone on to become Eagle Scouts. I also applaud the work of the Scouting leaders who are devoted to the mission of mentoring young adults through countless hours of service projects, Pinewood Derby races, and other activities in order to build America's leaders of tomorrow.

On behalf of the 24th District of Texas, I would like to say ''thank you'' and ''congratulations'' to the Boy Scouts of America for the tremendous work it has accomplished over the course of one hundred years. By impacting and developing the lives of youth, the Boy Scouts of America has contributed to the development of a responsible and productive America.

CONGRATULATING THE PARTICIPANTS OF THE HOUSE FELLOWS PROGRAM

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. LARSON of Connecticut. Madam Speaker, I rise today to congratulate the participants of the House Fellows Program. The House Fellows Program, run by the Office of the House Historian, is a unique opportunity for a select group of secondary education American history and government teachers to experience firsthand the inner-workings of Congress. These educators have demonstrated excellence in the classroom, are dedicated to educating our nation's youth and are truly deserving of our recognition.

One of the goals of the House Fellows Program is to develop curriculum on the history and practice of the House for use in schools. During the program, fellows prepare a brief lesson plan on a Congressional topic of their choosing, which is then shared with the other fellows. These plans will become part of a larger teaching resource database on the House. During the school year following their participation in the House Fellows Program, each Fellow is responsible for presenting his or her experience and lesson plans to at least one in-service institute for teachers of history and government.

The House Fellows Program began in 2006, and since then 75 teachers from across the country have participated in this innovative program.

An additional 45 teachers will be taking part in this summer's program. With plans to select a teacher from every Congressional district over the next several years, the House Fellows Program will impact thousands of high school teachers and their students and will energize thousands of students to become informed and active citizens.

As a former U.S. history teacher, I believe strongly in the importance of civic education. We must continue our efforts to get our youth involved in the political process in districts across the country. Educating teachers about the ''People's House'' is one of the best ways to do that. I congratulate the following educators who are participating in the third session of this summer's 2010 House Fellows Program: Ms. Cindy Tatum (TANNER, TN–08), Ms. Betsi Foster (TANNER, TN–08), Mr. John Tenney (DELAURO, CT–03), Ms. Carol Gale (LARSON, CT–01), Mr. Robert Nave (MURPHY, CT–05), Mr. Stephen Miller (VAN HOLLEN, MD–08), Ms. Cristy Lenski (LINDER, GA–07), Ms. Judy Walton (EHLERS, MI–03), Mr. William Reinhart (MCKEON, CA–25), Mr. Herrick Smith (MICA, FL–07), Ms. Shannon Gerlach (ROYCE, CA–40), Ms. Darla Faden (SMITH, NE–03), Ms. Gayla Reimer (MILLER, FL–01), Mr. Kris Vass (GOODLATTE, VA–06) and Mr. Tom Beard (GRAYSON, FL–08).

Madam Speaker, I urge all of my colleagues to join me in thanking the Office of the Historian for sponsoring this program. Thanks to Dr. Robert Remini and Dr. Fred Beuttler for their outstanding leadership, and Dr. Thomas Rushford, Mr. Anthony Wallis and Mr. Benjamin Hayes for providing the crucial staff support.

Thank you also to the Office of the Historian interns: Ms. Jacqueline Burns, Mr. Michael Karlik, Ms. Madeleine Rosenberg and Ms. Debbie Kobrin.

INTRODUCTION OF LEGISLATION TO ENCOURAGE THE DEVELOPMENT AND USE OF ENVIRONMENTALLY-SAFE COMPOSITE UTILITY POLES

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. DAVIS of Illinois. Madam Speaker, today I am introducing legislation to encourage the domestic development, adoption and deployment of recyclable and environmentally-safe composite utility poles for use in the distribution and transmission of electricity. As Congress works to invest in our nation's electricity infrastructure to deliver critical new sources of energy to our cities and towns, it is time we also modernize the electricity delivery infrastructure so that it is more reliable, environmentally-safe, and cost-efficient than the current, century-old model. Our 21st Century electricity infrastructure must meet the changing demands of a diverse society, survive unforeseen natural disasters, and help deliver technology to improve our lives. Composite utility poles meet these demands.

Composite products are made from a variety of components such as glass, resins and fiber reinforcements that, when combined, produce stronger and lighter materials. Composites are integrated into products surrounding us every day, including swimming pools, cars, airplanes, wind turbines, and power plant cooling towers. Composite manufacturing in the United States is a fast growing, $70-billion industry that employs approximately 550,000 Americans. My legislation will help spread this innovative technology to our nationwide network of approximately 130 million aging wooden utility poles. In the process, we also will create high quality, long-term manufacturing jobs here at home.

Composite utility poles last longer and are considerably lighter than wood, concrete and steel. They do not require treatment with harmful chemicals to prevent decay; as a result, they can be used in environmentally-sensitive areas, such as deserts, marshlands, national parks, forests and monument areas. Composite poles withstand severe weather conditions, including extreme temperature changes and fierce winds. They also are impervious to corrosion and require little maintenance, key issues for places like Chicago that must use salt often during winter to address icy road conditions and lose many steel and wooden poles due to the associated corrosiveness of the salt. In urban areas, composite poles can internally house WiFi and other wireless infrastructure and help clean up streetscapes by replacing unstable and unsightly chemically-treated poles with fewer composite poles. Composite pole life expectancy ranges from two to three times as long as traditional wood poles.

My bill takes two steps to promote the development and use of these utility poles. First, it amends the advanced manufacturing credit to allow the Treasury Department and the Energy Department to consider allocating a credit to the advancement of composite technology for our nation's energy infrastructure. Second, it provides a 30% tax credit to purchasers of composite poles that contain 15% recyclable or bio-content material, are recyclable at the end of their life, and are used for electricity distribution and transmission. This credit is intended as a catalyst to expedite the adoption and deployment of composite utility poles, helping taxpayers invest in this new infrastructure. As such, this credit would expire after five years.

In closing, I urge my colleagues to join me in co-sponsoring this legislation to ensure that green energy is transported by green infrastructure.

RECOGNIZING THE 50TH ANNIVERSARY OF THE CREATION OF THE NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. CHANDLER. Madam Speaker, I rise today to recognize the 50th anniversary of the National Association of State Boating Law Administrators, NASBLA, a Lexington, Kentucky based nonprofit organization.

Recreational boating is one of our Nation's most popular pastimes, with an estimated 78 million recreational boaters in the United States and nearly 13 million recreational vessels registered. In my State of Kentucky alone, there are nearly 200,000 registered boats and hundreds of thousands of Kentuckians who enjoy this great recreational activity.

In 1958, Congress passed the Federal Boating Act, which authorized the states to take over specific boating safety functions. This, in turn, led to the creation of the National Association of State Boating Law Administrators, NASBLA, in 1960. NASBLA is a national, nonprofit association of state officials responsible for the development and implementation of state boating programs.

NASBLA's mission is to strengthen the ability of state and territorial boating authorities to reduce death, injury and property damage associated with recreational boating and ensure a safe, secure, and enjoyable boating environment. NASBLA addresses its mission by fostering partnerships among and between the states, the Coast Guard and others, crafting model boating laws, maintaining national education and training standards, providing members with critical knowledge and skills, assisting in the homeland security challenges on our waterways, and advocating for the needs of the state boating programs before Congress and federal agencies.

The number of recreational boating fatalities has declined by more than half since 1970, thanks in part to the increased use of life jackets, cooperative boating safety education, enforcement efforts between the Coast Guard and state governments, and safer vessels and equipment manufactured in accordance with Coast Guard standards. Continued emphasis on accident prevention can reduce recreational boating fatalities still further, and in particular, deaths by drowning which remain the leading cause of recreational boating fatalities.

Madam Speaker, please join me in congratulating and recognizing the accomplishments of this Kentucky nonprofit, which in its 50 years, has significantly contributed to the safety of this popular pastime for all Americans.

COLONEL JEFFREY A. ''TANK'' KOCH RETIRES AFTER 22 YEARS SERVICE WITH THE UNITED STATES AIR FORCE

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. McKEON. Madam Speaker, I rise today to recognize and pay tribute to COL Jeff ''Tank'' Koch on the occasion of his retirement from the United States Air Force.

I have had the pleasure of working with Colonel Koch on a number of occasions during his tenure here in the House, and have greatly appreciated his professionalism, knowledge, and dedication, which I know has benefited me personally, as well as numerous other members, and countless staff.

So it goes without saying that Colonel Koch's professional achievements are numerous, but I know would be the first to state that none of them would have been possible without the love and support of his wife and family. Throughout Colonel Koch's service to our country, his wife, Tracey, has been his mainstay and a selfless partner. Her balance and calm has seen their family through multiple moves to military bases within the U.S. and overseas. Together with their children, Caleb and Abby, the Koch family has endured the challenges and sacrifice of family separation and relocations. Each member of the Koch family has made a significant contribution to the U.S. Air Force and our great Nation.

Colonel Koch has led an enviable career. After receiving his commission through the Reserve Officers Training Corps at Troy State University in 1987, Colonel Koch proceeded to numerous distinguished assignments. With his new pilot wings and assignment to the A–10 Thunderbolt fighter jet, Colonel Koch served in the 92nd Tactical Fighter Squadron at RAF Bentwaters, UK flying 37 operational combat missions over Northern Iraq in direct support of Operation PROVIDE COMFORT. With help from the 92nd's armed reconnaissance and close air support missions, thousands of starving Kurdish refugees received life-sustaining food and supplies.

After this, Colonel Koch served as an instructor pilot at the U.S. Air Force Academy, returned to the A–10 to fly missions in Korea, and instructed at the same Euro-NATO Joint Jet Pilot Training program he completed earlier in his career. Colonel Koch also served as flight commander in the 358th Fighter Squadron, executive officer for two commanders of the 12th Air Force, and Chief of Offensive Operations at the AFSOUTH Combined Air and Space Operations Center. He also served as a Presidential Advance Team Agent—and a Capitol Hill Fellow for Congressman Jim Gibbons of Nevada. This successful arc continued with a stint in the Air Force's Programs directorate as the Chief of the Joint Strike Fighter Programming office and command of the 557th Flying Training Squadron. These successful milestones were recognized with assignment to one of DoD's most challenging senior developmental education opportunities, the Industrial College of the Armed Forces. Following ICAF, Colonel Koch received a follow-on assignment back to the Pentagon as a Senior Readiness Analyst for the Deputy Under Secretary of Defense for Readiness.

Perhaps the most challenging assignment was his final one as Chief of the Air Force House Legislative Liaison Office. This seasoned aviator and Command Pilot with more than 3,000 flight hours in five different aircraft has been a trusted and articulate voice for the Air Force on Capitol Hill.

Colonel Koch has excelled throughout his distinguished career and I am honored to pay tribute to this Airman. Madam Speaker, on behalf of Congress and the United States of America, I thank COL Jeff Koch, his wife Tracey and their children, Caleb and Abbey, for their service to our country. I wish them Godspeed, and continued happiness as they start a new chapter in their lives.

A TRIBUTE TO THE INDEPENDENT LIVING SERVICES FOR THE KENTUCKY OFFICE FOR THE BLIND

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. GUTHRIE. Madam Speaker, I rise today to honor the Independent Living Services for the Kentucky Office for the Blind.

Independent Living Services is a rehabilitation program administered by the Kentucky Office for the Blind and provides a broad range of services. They value self-determination and encourage individuals to learn skills that will allow them to achieve their desired level of independence.

In September of this year, the Independent Living Services will celebrate 30 years of dedication to helping individuals throughout the commonwealth with vision impairments achieve their maximum level of independence.

Through the effective leadership of the Office for the Blind and the dedication of Independent Living Counselors, thousands of Kentuckians have realized their goal of greater independence in their homes, communities and workplaces.

Madam Speaker, I ask my colleagues to join me in honoring the 30th anniversary of the Independent Living Services and thank the individuals who have committed so much of themselves to help ensure all Kentuckians are given the resources they need to succeed.

NAZARETH DER TAVITIAN: A GENOCIDE SURVIVOR STORY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. SCHIFF. Madam Speaker, I rise today to memorialize and record a courageous story of survival of the Armenian Genocide. The Armenian Genocide, perpetrated by the Ottoman Empire from 1915 to 1923, resulted in the death of 1.5 million Armenian men, women, and children. As the U.S. Ambassador to the Ottoman Empire Henry Morgenthau documented at the time, it was a campaign of ''race extermination.''

The campaign to annihilate the Armenian people failed, as illustrated by the proud Armenian nation and prosperous diaspora. It is difficult if not impossible to find an Armenian

family not touched by the genocide, and while there are some survivors still with us, it is imperative that we record their stories. Through the Armenian Genocide Congressional Record Project, I hope to document the harrowing stories of the survivors in an effort to preserve their accounts and to help educate the Members of Congress now and in the future of the necessity of recognizing the Armenian Genocide.

This is one of those stories:

(By Sarkis DerTavitian)

My grandfather Nazareth Der Tavitian was born in Malatya, Turkey. His family consisted of his wife, three sons and two daughters. The eldest child, my aunt was born in 1900. My father followed as the eldest son; he was born in 1903. Next in line was the youngest of the daughters and she was born in 1907, followed by my uncle Kevork in 1910. The youngest son, Hampartsoum was born in 1913.

My grandfather was a successful merchant in Malatya, Turkey. His wealth included large tobacco and opium fields, as well as the export of various goods such as leather, and dried fruits to Europe and America. He often traveled to Aleppo and Istanbul in order to conduct his business. At the brink of WWI in 1914, a Turkish friend of my grandfather informed him that the situation vas not looking good for Turkish-Armenians, he advised that he, along with his eldest son—my father make a temporary move to Istanbul, in hopes that the move would keep them safe until the situation had calmed within the provinces. My grandfather, uncomfortable with the idea of leaving the rest of the family during precarious times, conveyed these worries to a dear friend, who at the time was the military general of Malatya. The general assured him that as long as he remained in his position, no Turkish citizen or official could bring harm to him or his family. As the war progressed and the Young Turks solidified their power they ordered the replacement of all leading generals in the provinces, including Malatya—the aim being to break the power of the provisional leaders. My grandfather's dear friend was soon replaced. The alteration of leadership happened abruptly, therefore the opportunity to migrate was infeasible to all those who resided in Malatya.

As soon as my grandfather's friend was replaced as the military general of Malatya, my grandfather was arrested and taken into custody. He had been imprisoned for two weeks when the chief of police gave him an ultimatum—abandon your religion or go under the sword. My grandfather refused to renounce his religion therefore he was murdered instantly. (This story was conveyed to my father by those who were jailed with my grandfather, they had converted in order to save their lives).

Having been one of the more successful residents of Malatya, my grandfather had an apprentice whom he regarded both as a friend and apprentice. It was his way of giving back to the community, which until the Genocide had offered him and his family the utmost comfort and good. This friend was aware of the wealth that was kept in my grandfather's home. He came to see if assistance was needed, as he was not a Turkish-Armenian, but rather a Turk by heritage. To his surprise he found that my grandfather had already been taken into custody, and my grandmother was in hiding in the basement of the family home, she had escaped the mandatory deportation of Malatya. He assured them that he would be back once he can figure out how he could best be of service. Comforted by his statement, the family continued to stay in hiding as they eagerly awaited his return.

Unfortunately, the loyalty of my grandfather's apprentice was not to be trusted. Upon leaving my father's family home, he went to the local police and informed them that my grandmother, along with the children were in hiding and had escaped the mandatory deportation. He provided the local police with the proper address and location, as well as the background information pertaining to my family.

My grandmother had taken precautions and had told my father along with the eldest of the daughters where the family fortune was hidden. Having heard and seen the horrific experience of mass murder and deportation my grandmother was well aware that her family would not stay intact. In the likely chance that she would be taken into arrest, she had hoped that the large amount of family savings would either help the children sustain themselves or buy their safety.

Soon thereafter, my grandmother was taken into exile. My father recalls her carrying a child as the police forced her out of the home; leaving the remaining children orphaned. My grandmother was never to be heard from again. The fate of my grandmother and her infant remains unknown. That was the last they saw or heard of their mother. The children were not sent into exile. They continued to hide in the basement of the family home.

After my grandmother was taken away my grandfather's apprentice rushed to the house. Seeing the children, distraught, alone and in tears he assured them that he would find their mother and return her to safety. He left only to return in a couple of days. We concluded that the two-day absence would assure that no other family member was present to care for the children. Upon his return, he lied to the children and told them that he was able to find their mother that she was well, but in need of their help. He told the children that their mother asked that they gather the hidden family wealth, in order to bail her out of jail. Their father's apprentice would take care of the procedure. The eldest child my aunt, obliged in trust and showed my grandfather's apprentice where the wealth was hidden. The family wealth amounted to two barrels of 20,000 gold coins. The average yearly salary in Malatya at the time of the Armenian Genocide was two gold coins—the salary of 10,000 Turkish workers. As the children eagerly awaited their mother's return, my grandfather's apprentice enjoyed the sudden lavishness of wealth. Out of immense guilt, my aunt, the eldest child of Nazareth DerTavitian became severely ill. She died at the age of 15.

A year after the murder of my grandfather and grandmother, the Turkish police came to the family home and took my father, his two brothers and his sister into government headquarters. They demanded that they convert to Islam or their fate would resemble that of their parents. My father, now being the eldest spoke for the entire family. He decided that the safety of his brothers and sister was of the utmost importance. They all converted to Islam and circumcised in accordance to Muslim tradition. They now held new identities, a new religion and new names. My father Kevork became Bakeer. They continued to live in Malatya in hopes of regaining the ownership of their father's land. They thought that that hopeful day had come when Mustafa Kemal Ataturk ratified a law in which whoever held the certificate to the land on which they resided could claim ownership of that land. My father was able to find the necessary certificates to the family home and took them to the provincial government of Malatya. To my father's devastation they would not allow him to have ownership of his land, because he himself was not Nazaret Der Tavitian. By statue, the lands could not be claimed by the living children of the deceased. Under this new law my father along with his siblings was left homeless. They would either live on the streets of Malatya or leave Turkey and start a new life in Aleppo, a safe haven for Armenian refugees. Their obstacles were many. In addition to having limited amount of resources, a law of conversion hindered the arduous road ahead. Converted persons were not allowed to leave Turkey; therefore they had to risk their physical safety by escaping out of the country. The family was separated in order to secure a safe departure. Riding on mules they individually reached Aleppo, around 1924. They were reunited in the refugee camps of Aleppo.

In 1959, when I was barely 16 years old, the sister of a dear friend of my father's came to visit her brother from Malatya. I, along with my parents went to welcome her. There, I overheard her recall to my father that his father's three story home was still standing and had been converted into an orphanage. The elaborate Damascene hand woven wooden front door, which was the mark of the DerTavitian household, was still standing.

This story, which I just relayed to you, is but one story in the devastating events of the Armenian genocide. The price of which we continue to pay. My father passed 34 years ago. He led an incredibly difficult life. The events of 1915 continued to haunt him. He was unable to surrender the thoughts, emotions and images that followed him throughout his life. I believe that if my father was alive today, his one desire would be to assure that no other peoples or nation suffer under the same fate that he had seen and experienced. I hope that this testimony will play a small, yet significant part of our most basic human quest, that of human rights.

I thank you for taking on this endeavor. Through your actions, you assure that your character is great. For you not only honor and love justice, but rather, work towards its fulfillment.

HONORING 100 YEARS OF SCOUTING

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. AKIN. Madam Speaker, this year marks the 100th anniversary of the Boy Scouts of America. As Scouts from across America gather this week for their 2010 National Scout Jamboree, I rise to congratulate them on their long-standing success, and thank the Scouts for all the work they have done over the years to build our young men into upstanding and trustworthy citizens.

Over the past century, the Boy Scouts of America has become one of the brightest and far-reaching youth-development organizations in our Nation with over four million youth members in its age-related divisions. Indeed, the Boy Scouts of America has become part of our national heritage. Since its founding in 1910, more than 110 million Americans have been members of the Boy Scouts of America.

Committed to teaching traditional values of trustworthiness, good citizenship, and outdoors skills through a wide range of challenging, participation-based activities and educational programs, the BSA's goal is to train youth in responsible citizenship, character development, and self-reliance. President Gerald Ford, a former Boy Scout himself once said, ''I can say without hesitation, because of Scouting principles, I know I was a better athlete, I was a better naval officer, I was a better Congressman, and I was a better prepared President.''

Part of the reason the Boy Scouts are so successful is because they live by a law and an oath that bind them to the quest for morality and brotherhood. Indeed, the Boy Scout Law is one we can all live by, ''A Scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent.''

Today we can all say for certain that the Boy Scouts of America have made our country stronger, braver, and more optimistic, as many of its politicians, astronauts, businessmen and other hard-working citizens grew up in the organization—including my own sons.

It is a sincere pleasure to stand with the Boy Scouts today, and recite an Oath which for 100 years has marked our Nation:

''On my honor, I will do my best
To do my duty to God and my country;
To obey the Scout Law;
To help other people at all times;
To keep myself physically strong, mentally awake and morally straight.''

Congratulations, Gentlemen!

LORENA GONZALEZ HONORED AS 2010 LABOR LEADER OF THE YEAR!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. FILNER. Madam Speaker, I rise today to recognize a very hard worker and devout labor leader in southern California.

Lorena Gonzalez will be honored as the 2010 Labor Leader of the Year at the 28th Annual John S. Lyons Memorial Banquet in San Diego on September 11, 2010.

In January of 2008, Lorena Gonzalez became the secretary-treasurer and CEO for the San Diego and Imperial Counties Labor Council, AFL–CIO. The Labor Council is a coalition of 129 local unions that represent more than 192,000 working families in the region. Upon her election, Lorena became the first woman and first person of color to serve as head of the Labor Council since the organization's inception in 1902.

The daughter of an immigrant farm worker and a nurse, Lorena learned the value of hard work and determination at an early age. After graduating from Vista High School in North San Diego County, she earned a bachelor's degree from Stanford University, a Master's degree from Georgetown University and a law degree from UCLA.

Prior to coming to the Labor Council, Lorena worked as the Senior Advisor to the office of the Lieutenant Governor of California. She served as a consultant to the Commission on Economic Development, and was the Lt. Governor's principal advisor on policy issues dealing with labor, the environment, energy, and infrastructure.

A member of the International Brotherhood of Teamsters Local 36, Lorena worked as the Labor Council's Political Director before being elected Secretary-Treasurer. She currently serves on the Board of Directors for the California League of Conservation Voters San Diego, the Center for Policy Initiatives, the Environmental Health Coalition, and the United Way of San Diego. Lorena also serves on the Executive Council of the state California Labor Federation as a Vice President and on the AFL–CIO Central Labor Council/California Federation's Advisory Board.

Nonetheless, Lorena's most cherished title is that of mother. She lives in Pacific Beach with her two children—Tierra and Antonio.

RECOGNIZING 20TH ANNIVERSARY OF AMERICANS WITH DISABILITIES ACT

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Ms. SCHAKOWSKY. Mr. Speaker, today marks 20 years since the historic Americans with Disabilities Act was signed into law. It is one of the most important pieces of civil rights legislation of the last quarter century. Passage of this groundbreaking law came as a result of the efforts of legions of activists. I want to recognize two individuals, in particular, who made ADA possible. The late Justin Dart, a true civil rights leader, was instrumental in the fight to pass the law that made discrimination against people with disabilities illegal. He showed us the path, and we continue to look to his lessons as we chart new ground. His spirit is with us on this anniversary and every day that we fight for justice for all.

I also want to recognize Marca Bristo, who has been an unflagging national leader in the fight for people living with disabilities. I am lucky to call her a friend but Bristo has also been a teacher. She has educated untold numbers of people, including me, by opening our eyes to the barriers standing in the way of people with disabilities. Bristo has been at the helm of Access Living of Metropolitan Chicago for decades. As an organizer in the critical work of disability rights years before the ADA was passed in Congress, she, too, was incredibly influential in creating and shepherding the law to passage.

Since ADA's passage, we have taken many steps to build on its foundation—and we've accomplished many of our goals in recent years. This includes a historic health care bill that will prevent insurance companies from denying coverage, dropping coverage, setting discriminatory annual or lifetime limits on benefits, or charging higher premiums to people with disabilities. We have passed mental health parity legislation. And we are providing more home- and community-based options for care.

Yet, we cannot sit back and become comfortable with what we have achieved with—and since—passage of the ADA. We know we have much more left to do. Every person must be guaranteed full access to safe housing, good jobs, educational opportunities, quality health care, cutting edge technology, and economic prosperity. Our great country can be made even greater by providing every person with the opportunity to contribute and live comfortably in their community.

We must work to enforce the ADA, not reward those who disobey it. There is simply no excuse for anyone who violates the Americans with Disabilities Act; laws that protect the rights those living with disabilities are no less important and no different from any other legal protection.

We have to make sure that the Community Choice Act is passed and implemented, to further expand the infrastructure so individuals can get convenient, quality care in the settings that everyone prefers: at home and in our own communities.

We must expand opportunities for independence. That is why I am the sponsor of H.R. 1408, the Inclusive Home Design Act, to require that new, single-family homes that get federal assistance meet minimum standards so those with disabilities can come and go freely and seniors can age in place. This is a common sense solution that ensures livability as well as sound economics. Building new homes that are accessible from the start cost several hundred dollars, while retrofitting can cost several thousand dollars or more—forcing some people to move into a nursing home.

We must also expand the realms of access for people living with disabilities—especially to new technologies that did not exist at ADA's inception. Therefore, I am also a sponsor of H.R. 4533, the Technology Bill of Rights for the Blind Act, to require that consumer products like home appliances and office equipment are manufactured so that they are fully accessible to blind consumers.

On this 20th anniversary of the Americans with Disabilities Act, I wholeheartedly thank the countless individuals who worked tirelessly to lay the groundwork for ADA in the decades that preceded its passage. Without their passion and activism, we would not be celebrating today. I also thank those who continue the fight, and I look forward to helping to build upon the enormous successes of the ADA—in this Congress and in those to come.

HONORING DR. RICHARD BURNEY ON HIS RETIREMENT FROM THE UNIVERSITY OF MICHIGAN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. DINGELL. Madam Speaker, I rise today to honor Dr. Richard Burney, who will be retiring from the University of Michigan after 25 years of distinguished teaching. Dr. Burney has provided exemplary service to the citizens of the State of Michigan through his tireless dedication both to treating acutely injured patients and to training physicians in trauma care

through the direction of Advanced Trauma Life Support, ATLS, education at the University of Michigan.

Dr. Burney's service to the citizens of the State of Michigan in the development of emergency and trauma care has spanned the past three decades. Since May 1982, Richard has provided ATLS in the State of Michigan and has directed over 133 ATLS courses instructing thousands of Michigan physicians in the principles and practice of caring for the acutely injured patient. Richard's efforts earned him recognition from the American College of Surgeons, ACS, as State and Regional ATLS faculty in 1988.

As a member and subsequent chairman of the Michigan ACS Committee on Trauma between 1988 and 1994, Dr. Burney provided leadership in shaping improved quality and access to care initiatives for acutely injured patients in the State of Michigan. During his tenure on the National ACS Committee on Trauma between 1994 and 2004, Dr. Burney participated in the development of the National Trauma Data Bank, which created the largest repository of data on the injured patient and enabled objective comparative research in Trauma.

Dr. Burney has authored 95 articles and book chapters regarding the care of the injured patient and has served on the Editorial Boards of the Journal of Trauma and The Annals of Emergency Medicine for 14 years each. Between 1985 and 2009, Dr. Burney served as chief of the Division of Emergency Services, medical director of the Survival Flight team, and executive committee of the Transportation Research Institute at the University of Michigan.

With accidental injury remaining the cause of the largest number of years of productive life lost in the United States, Dr. Burney's remarkable contribution to the expert treatment of acutely injured patients has saved countless lives. As a preeminent physician and professor, Dr. Burney has shared his knowledge selflessly and has worked to advance a crucial medical field. Please join me in celebrating Dr. Burney's achievements and in recognizing his legacy of excellence, which will continue to touch patients and students of medicine alike for years to come.

HONORING LONNIE BRAXTON, STUART ENGLISH, AND CHRISTOPHER DUNCAN

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. COURTNEY. Madam Speaker, I rise today to honor three incredible athletes from eastern Connecticut. Lonnie Braxton III of New London, Stuart English of Madison, and Christopher Duncan of Groton all competed in the 2010 Special Olympics National Games in Lincoln, Nebraska earlier this month. These three tennis players, along with every other member of Connecticut's team, made our State proud by bringing tough competition to their opponents and exemplifying sportsmanship.

I want to congratulate Lonnie in particular for winning the gold medal in the singles competition. He went undefeated in the division and gave an incredible performance over the course of the games. Lonnie's victory is the product of hard work and a great deal of training in Connecticut. All of this training happened as Lonnie continued with his classes and work at Puffins restaurant in Groton. I have had the pleasure of eating at Puffins and Lonnie is very hard-working and pleasant for all the customers. What a great role model for us all.

Stuart and Christopher also took home medals playing tennis for Connecticut—winning bronze and silver in singles, respectively. The Connecticut tennis team gave an excellent performance and I am particularly proud of the strong eastern Connecticut contingent on that team.

Having attended ceremonies and events of Special Olympics Connecticut, I am familiar with the good work they do. These competitions are, above anything else, about the athletes who participate in them. We should be grateful for the unique opportunity they provide and the overwhelmingly positive impact that the competitions have on the lives of the athletes. I ask my colleagues to join me in congratulating Lonnie, Stuart, Christopher, and every member of the Connecticut tennis team for their hard work and victory at the National Special Olympics.

RECOGNIZING THE PROGRESS AND INSPIRATION OF NASA

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. GRAYSON. Madam Speaker, I rise today to honor the incredible innovations and inspiring achievements of NASA on the 52nd anniversary of their founding. As the world's space pioneers, NASA has pushed the boundaries of the possible, contributing significant scientific discovery along the way.

NASA was established when President Eisenhower signed the National Aeronautics and Space Act 52 years ago today. Soon after, NASA sent the first U.S. astronaut into space through Project Mercury—Alan B. Shepard, Jr., and shortly thereafter, John Glenn became the first U.S. Astronaut to orbit the earth. NASA built upon this success with Project Gemini, collecting information on weightlessness, space docking, reentry, and executing spacewalks. Finally, in 1969, Project Apollo fulfilled President Kennedy's bold ambition to send a man to the moon before the end of the decade. We all watched as Neil Armstrong took mankind's first steps on the moon and affirmed America's place as the technological leaders of the modern world.

In words that were as poetic as the occasion was meaningful, Armstrong said, "That's one small step for a man, one giant leap for mankind." Buzz Aldrin quickly joined Armstrong on the moon as Michael Collins continued to circle overhead. I was 11 years old that day. I joined people everywhere in watching and celebrating this tremendous collective accomplishment. I remember it clearly. My family was on vacation, but I had persuaded my parents to let me stay in the hotel room alone all day to watch the television, so I could see these giant men take those giant steps. Their mission was a landmark moment for America, for the world, and for all time. Americans are still inspired by these men and their mission to travel over 250,000 miles of dead space to reach our closest celestial neighbor. I remember thinking then that humankind as a species is capable of true greatness. While wolves howl at the moon, humans visit it.

NASA has conducted many more space flights since that historic day, and it constantly strives to contribute to humanity's knowledge of the universe and ourselves. It inspired a generation to pursue careers in science and engineering, and to believe in the power of American society. Alone in that hotel room, watching TV, I certainly felt a lasting sense of meaning—a connection to those three brave astronauts. Those astronauts represented, in that moment, America's destiny. A destiny shared by the thousands of men and women who worked to make it happen.

NASA's efforts continue today, but their legacy is already assured. From inspiring children to dream to inventing the water filter, NASA has shaped American society in ways we can hardly begin to count. In this, the most competitive, technology-oriented century man has ever known, we are lucky to have an institution like NASA. An institution that will continue to spur us to achieve what was once thought impossible.

Central Florida is proud of NASA and all that it has done. As a member of the Science and Technology Committee, I have great respect and admiration for NASA's contributions to space exploration. NASA has been, and continues to be, a positive and productive force for the advancement of our Nation's interests. I look forward to watching as they continue to carry us into the future.

BEN HUESO HONORED WITH 2010 COMMUNITY SERVICE AWARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. FILNER. Madam Speaker, I rise today to honor a very dedicated public servant on the San Diego City Council. City Council President Ben Hueso considers quality of life issues such as job creation, neighborhood livability and protecting the environment his top priorities this year. Since his 2006 election to the San Diego City Council, Hueso has advocated for District Eight constituents and the city as whole as a Councilmember, developing an open, consensus-building management style. As Council President, he schedules items for consideration by the Council, chairs Council meetings, and selects committee chairs and committee vice-chairs for approval by a Council majority.

In addition to serving as Council President, Hueso chairs the Rules, Open Government and Intergovernmental Relations Committee, serves on SANDAG's Borders Committee, and as First Alternate for SANDAG's Executive Committee. He is San Diego County's representative for the League of California Cities and sits on the Otay Valley Regional Park Policy Committee. Hueso recently completed his service as a Commissioner on the California Coastal Commission, where he helped protect California's coastal resources.

Prior to becoming a Councilmember, Hueso successfully owned and operated a small business in Logan Heights. His strong community

advocacy includes service as a member of the Policy Chief's Advisory Committee, founding the central Commercial District Revitalization Corporation, belonging to the Inner City Business Associations and serving as a board member for the Sherman Heights Community Center.

Hueso holds a bachelor's of arts degree from the University of California, Los Angeles; he also completed postgraduate work in Community and Economic Development at San Diego State University. He and his wife, Laura, live in Logan Heights with their four young sons.

I am happy to join in honoring San Diego City Councilman Ben Hueso with the Community Service Award presented to him at the 28th Annual John S. Lyons Memorial Banquet in San Diego on September 11, 2010.

THE NATIONAL DAY OF RECOGNITION FOR PARENTS OF SPECIAL NEEDS CHILDREN RESOLUTION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. BURTON of Indiana. Madam Speaker, I rise today to introduce a resolution in support of a national day of recognition for parents of special needs children. I am honored to have had the opportunity to work with my good friend Representative TURNER from Ohio in sponsoring this resolution. I encourage all of my colleagues to support it.

Children with special health care needs are defined as those children who have a chronic physical, developmental, behavioral, or emotional condition that requires special health-related services of a type or amount to go above and beyond what is generally required for children. The Department of Health and Human Services' most recent National Survey of Children with Special Health Care Needs estimates that 14 percent of children between the ages of 0 and 17 in the United States are diagnosed as having special health care needs.

As many in this Chamber already know, I am active in promoting autism awareness and advocating for more research; my only grandson is autistic and I have taken it upon myself to learn about autism and the challenges families face living with autism. Parents serve a critical role in the development of special needs children and in preparing them to succeed in school and life. All too often, children with special needs require specialized services that go well beyond those required by children generally. I believe the time has come to recognize the selfless dedication, compassion, and sacrifice of these parents.

The resolution is simple. It calls for recognition of the importance of honoring the Nation's parents of special needs children; that a National Day of Recognition for Parents of Special Needs Children should be established to honor such parents; and urges the President to issue a proclamation calling on the people of the United States to observe such a day with appropriate ceremonies, programs, and activities.

Again, I would like to encourage all of my colleagues to co-sponsor this critically important resolution.

SOCIAL SECURITY TURNS 75

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. GEORGE MILLER of California. Madam Speaker, in just a few weeks, we will celebrate the 75th anniversary of the enactment of the Social Security Act.

Americans have benefitted greatly from this extraordinary program over the past 75 years. In fact, almost half of today's elderly would live in poverty without it. It is the most successful domestic program in our nation's history.

There can be no better time to renew our commitment to defend this program, to reinvigorate it and to do everything we can to ensure that Social Security is funded, solvent, and available for generations to come.

From its very inception, Social Security was a promise of economic security and stability for older Americans after a lifetime of hard work. Over the years, that promise has been strengthened to protect Americans in case of severe disability and the death of a breadwinner as well. Year after year, Social Security continues to deliver on that promise. For three-quarters of a century, through 13 recessions, Americans have been able to depend on benefits that arrive on time and in full.

More than 50 million Americans rely on Social Security now. Six in 10 seniors rely on Social Security for more than half of their income. And more than 6 million children—nearly one in 10—receive part of their family income from Social Security.

For 75 years, we have stood by the program that we created: strengthening it in the 1950s and '60s, and preserving its solvency in the '70s and '80s. Now, as we all know, the retirement of the Baby Boom generation will create new and real challenges for Social Security. And we need to respond to those challenges with innovative solutions that guarantee the system's long-term strength for generations to come.

But make no mistake, opponents of Social Security have not given up their effort to undermine this great program. Republicans in Congress continue to deliberately exaggerate the system's problems in an attempt to scare the public into supporting the radical idea of privatizing Social Security.

The Senior Republican on the House Budget Committee, for example, unveiled his Party's plan to eliminate Medicare and privatize and cut Social Security, rehashing the failed policies that President George Bush tried to carry out but was stopped, thanks to Democratic opposition in Congress.

According to the Washington Post, "Some GOP lawmakers also have endorsed [Rep. PAUL] RYAN's alternative budget plan, which would wipe out deficits in part by privatizing social security and replacing traditional Medicare benefits with an insurance voucher for people age 55 and older."

Their strategy poses a risk to all Americans, and experts concur that privatizing Social Security will not solve the challenges facing the system.

The recent economic meltdown on Wall Street reinforces the folly of trying to tie the Social Security Trust Fund to the ups and downs of a volatile stock market. When the market crashed in 2008, investors lost 30 percent or more of their savings. Social Security recipients didn't lose a nickel in benefits. Had previous efforts to privatize Social Security succeeded, seniors would have lost trillions more in the recent stock market meltdown and economic recession. The American people deserve the income security they have earned.

In the wake of the current economic crisis, Social Security is more important than ever. Social Security was created at a time when the American economy had crumbled and was struggling to recover. Pensions were almost non-existent, and a majority of seniors were unable to support themselves after retirement. Thanks to Social Security, millions of seniors today can live their lives with dignity and independence instead of poverty and despair.

In December of this year, the President's Bipartisan Commission on Fiscal Responsibility will release recommendations on meaningful ways to improve America's long-term fiscal outlook, including the future of Social Security. I look forward to reading the report and reviewing their recommendations to ensure that Social Security is strengthened, not weakened.

As we approach August 14, the date of the 75th anniversary of Social Security, we can all be grateful for the creation of this program and we can all rededicate ourselves to ensuring its continued success. I remain committed to preserving Social Security's guaranteed, lifelong, inflation-protected insurance benefits for retirees, disabled workers and their families, and the survivors of deceased workers for generations to come.

CONGRATULATING SAVAGE PRECISION FABRICATION, INC. FOR 2010 UNITED STATES SMALL BUSINESS ADMINISTRATION SUBCONTRACTOR OF THE YEAR

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. SAM JOHNSON of Texas. Madam Speaker, it is my pleasure to recognize Savage Precision Fabrication, Inc. of Wylie, Texas.

Founded by W.T. and JoAnn Gardner in 1975, and still run by the couple today, Savage Precision has been named the 2010 Subcontractor of the Year by the United States Small Business Administration, SBA. This is the fourth time that the company has earned a prestigious designation from the SBA.

As a top-notch manufacturer of precision-machined and sheet metal components, Savage serves a number of major aerospace and defense contractors, as well as high-tech corporations. In fact, the company proudly supplies F–35 Joint Strike Fighter parts to Lockheed-Martin, playing a crucial support role for our Armed Forces.

Service to country has always been a priority at Savage Precision. The company's founder and CEO, W.T. Gardner, is a United States Army veteran. He and JoAnn grew their company through their belief in the American principles of honesty, loyalty, and hard work. From the moment they opened the doors of Savage Precision, the couple's company motto was, "If it doesn't work, you don't have to pay me." That's fair, that's right, and that's true commitment to excellence.

As the company continues to excel, I am honored to congratulate the Gardners and the many outstanding employees of Savage Precision Fabrication, Inc. The award-winning title you've received from the Small Business Administration this year is hard-earned and well-deserved.

God bless you, and I salute you.

MEMBER-DESIGNATED TRANSPORTATION AND INFRASTRUCTURE PROJECTS DATABASE INITIATIVE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. OBERSTAR. Madam Speaker, I rise today to announce a new initiative to promote transparency and accountability with regard to Member-designated projects within the jurisdiction of the Committee on Transportation and Infrastructure: a searchable database of all Member-designated projects included in Committee on Transportation and Infrastructure bills.

On the first day of the new Democratic majority of the 110th Congress, under the leadership of Speaker NANCY PELOSI, the House of Representatives adopted Rules to institute specific requirements with regard to Member-designated projects: congressional earmarks, limited tax benefits, and limited tariff benefits. See clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives of the 111th Congress. For each Member-designated project, a Member of Congress must certify that neither the Member nor his or her spouse has a financial interest in the project. See clause 17 of rule XXIII. In addition, each committee report on a bill must identify any congressional earmarks included in the bill. These transparency and accountability requirements also apply to manager's amendments and Conference Reports. As Chairman of the Committee on Transportation and Infrastructure, I have vigorously enforced these rules.

In addition, in the interests of full disclosure, transparency, and accountability, the Committee on Transportation and Infrastructure, at my direction, requires Members of Congress to comply with all of the requirements of clause 9 of rule XXI and clause 17 of rule XXIII, even if the earmark rules do not apply, if the Member of Congress requests that the Committee take legislative action targeted to a specific State, locality, or Congressional district. For instance, the Committee requires Members to certify requests for corrections to descriptions of previously designated projects, such as corrections to high-priority projects that were included in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users—Technical Corrections Act of 2008 (P.L. 110–244), even though the corrections do not involve any new funding. See Committee Print 110–175. The Committee also requires Members to certify requests for General Services Administration, GSA, Capital Investment and Leasing Program Resolutions, GSA Public Building Project Survey Resolutions, and U.S. Army Corps of Engineers Survey Resolutions, even though congressional earmark rules do not apply to these Committee actions.

In the 111th Congress, we have built upon these efforts. Member-designated projects can play an important role in certain programs, such as the Federal-aid highway program. They provide constituents with a chance to weigh in directly with their elected officials on their community priorities, and allow Members an opportunity to advocate for surface transportation and mobility improvements that may be overlooked by a State Department of Transportation. Yet, it is also necessary to use a commonsense approach to dealing with projects that are complete or no longer viable. Earlier this week, on July 27, 2010, the House passed, by a vote of 394–23, H.R. 5730, the "Surface Transportation Earmark Rescission, Savings, and Accountability Act", introduced by the gentlewoman from Colorado, Ms. MARKEY, to clear the books of projects that will not go forward and save taxpayer money. The bill eliminates a total of $713 million in unobligated funding for 309 Member-designated projects contained in four previous surface transportation acts enacted over the past two decades. Similarly, during consideration of H.R. 4715, the "Clean Estuaries Act of 2010", in the House in April of this year, I offered an amendment, which the House adopted, to strike the statutory earmarks included in the National Estuary Program under current law.

In addition, the Committee has adopted a series of Member-designated project reform principles to further promote transparency and accountability. The Committee requires Members of Congress to:

Provide specific information on the type, location, total cost, percentage of total cost of the project, that the request would finance, and benefits of the project;

Provide at least one letter of support for the project from state or local government agencies; certify that neither the Member nor his or her spouse has any financial interest in a project requested; and

Post requests for projects on the Member's website.

Today, the Committee on Transportation and Infrastructure takes another step in its continuing effort to provide unparalleled transparency and accountability of Member-designated projects. We launch a searchable database of all Member-designated projects included in Committee on Transportation and Infrastructure bills in the 110th and 111th Congresses.

The Member-designated projects database, located on the Committee on Transportation and Infrastructure website, includes the ability to search Member-designated projects by Member of Congress, State, Congressional district, bill, bill title, and amount. Each Member-designated project includes an electronic copy of the individual "no financial interest" certification of the Member of Congress and, beginning with H.R. 5892, the "Water Resources Development Act of 2010", a copy of a letter from the state or local government expressing support for the project. Finally, the Committee makes copies of all Member-designated project requests available in the Committee office.

As Chairman, I am deeply committed to transparency and accountability in all of the activities of the Committee on Transportation and Infrastructure. I look forward to working with public interest groups to endeavor to find even more ways to shine a light on the actions of our Committee.

HUGH HAZELWOOD RECOGNIZED AS 2010 FELLOWSHIP HONOREE!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. FILNER. Madam Speaker, I rise today to recognize Hugh Hazelwood, the Vice President of New Business Development for LIBERTY Dental Plan located in Irvine, California. Together with his wife, Marsha, they strive to provide quality union negotiated benefits to union members throughout California and Nevada.

Liberty Dental Plan is currently 700,000 members strong and employs union members to take care of their brothers and sisters concerns and needs.

Hugh started his working career at a very young age in the family business in Albuquerque, New Mexico. Hugh learned early on that success is equated to giving back to worthwhile charities and the community and dedication to his employer.

Hugh's past volunteer endeavors have included The Association for the Research of Childhood Cancer, The Leukemia Society, and various food banks. He currently serves as a Vice President on the Board of Directors for Guide Dogs of America.

Marsha and Hugh were married on Valentine's Day in 1998, and enjoy working together. Liberty Dental Plan allows them the time and resources to give back to the community.

For his many years of dedicated service to the organized labor movement and to our community, I am pleased in joining others to honor Hugh Hazelwood as the Fellowship Honoree at the 28th Annual John S. Lyons Memorial Banquet in San Diego on September 11, 2010.

CONGRATULATIONS TO AMERICAN LEGION LEON OGIER POST NO. 2

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. SKELTON. Madam Speaker, it has come to my attention that on August 7, 2010, the American Legion Leon Ogier Post No. 2 will celebrate the 100th anniversary of the construction of Memorial Hall, a place the post has called home since 1922. This sturdy building befits an organization that has provided unwavering service to the Nevada community for more than 8 decades.

Completed in 1910, Memorial Hall was originally constructed by the citizens of Vernon County to be the home of Company G of the Fifth Regular Missouri National Guard, the company that ably fought in the Spanish-American War. Twelve years later, the building was deeded to the American Legion Leon Ogier Post No. 2 and was renamed Memorial Hall.

It is fitting that a structure which has stood the test of time bears the name Memorial Hall. This building and the American Legion post housed within are enduring testaments to the men and women who lost their lives in defense of our country and to those who have

returned from battle to once again serve our communities. While our Nation's veterans may stop wearing the uniform of the Armed Forces, these brave men and women never stop serving. And, it's comforting to know that the American Legion is dedicated to providing support and stability to these veterans.

The Leon Ogier Post No. 2 has become a fixture of the Nevada community. From the annual kids Christmas program, a tradition that dates back to 1922, to the meal delivery program during the holidays, this post has set a high standard of service. The fabric of the community is strong due in no small part to the Leon Ogier Post No. 2.

Madam Speaker, on the occasion of the 100th anniversary of the construction of Memorial Hall, let us all take a moment to thank our veterans and the organizations that support them. As we celebrate this important milestone, I trust my fellow members of the House will join me in wishing the American Legion Leon Ogier Post No. 2 the very best in the next 100 years.

CHINA'S UTTER DISREGARD FOR BASIC HUMAN RIGHTS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. WOLF. Madam Speaker, I submit an AFP article detailing a tragic story which illustrates the Chinese government's callousness and utter disregard for basic human rights.

AFP reports that China repatriated an 81-year old former South Korean prisoner of war who fled North Korea literally decades after first being captured.

China regularly repatriates North Korean refugees, in violation of their international obligations oftentimes sending these individuals back to certain punishment and possible death. The Chinese government simply doesn't care.

CHINA SENDS S. KOREAN POW BACK TO N. KOREA

SEOUL.—China has repatriated an 81-year-old former South Korean prisoner of war who had fled North Korea decades after being captured, a newspaper report and an activist said Tuesday.

Dong-A Ilbo quoted an unidentified government official as saying the man surnamed Jung was sent back despite intensive diplomatic efforts by Seoul to bring him to the South.

A foreign ministry spokeswoman said she had no information.

''The government made tremendous diplomatic efforts but he was eventually sent back to the North,'' the source was quoted as saying.

South Korea had contacted Chinese diplomatic authorities more than 50 times since Jung's arrest, the daily said.

Choi Sung-Yong, an activist who campaigns for the return of South Korean abductees, said Jung was forcibly returned to the North in September last year, about a month after being arrested in China where he was hiding.

He said Jung was arrested eight days after he fled the North with the help of South Korean activists.

China repatriates escapees from North Korea as illegal immigrants even though they can face harsh punishment back home.

By Seoul's official account 494 South Koreans, mostly fishermen, were seized in the Cold War decades following the war. Seoul also says more than 500 prisoners of war were never sent home after the Korean War armistice was signed on July 27, 1953.

North Korea denies holding any southerners against their will, even though some have managed to escape from the hunger-stricken country.

SECURING AIRCRAFT COCKPITS AGAINST LASERS ACT OF 2010

SPEECH OF

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to express my support for H.R. 5810, which amends title 18 of the United States Code to provide penalties for aiming laser pointers at airplanes. The effect of laser pointer glare on the windows of airplane cockpits is extremely dangerous to pilots. Laser glare that incapacitates pilots can endanger all other people onboard the aircraft. In order to prevent unnecessary harm to pilots, airplane passengers, and other airline employees, deliberate aiming of laser pointers at airplanes must be regulated.

Pilots experience laser glare in cockpits at a rate that has steadily increased over the past fifteen years. In 2009 alone, 1600 individual laser-aircraft incidents occurred. The intensity with which laser light reflects off cockpit glass can result in varying degrees of danger for pilots, from simple distraction by the bright flash of laser light to temporary flash blindness that greatly reduces their ability to capably navigate the aircraft. If the laser light is aimed from a near enough distance, pilots can sustain permanent eye damage from the brightness of the laser light. In some cases, pilots have even taken evasive action, confusing the laser light for the dot-type laser reticle of a weapon.

Eleven states have already enacted laws regulating the use of laser pointers around aircraft. While the use and ownership of small laser pointers is legal, this legislation is vital to preventing laser pointer users from accidentally harming or incapacitating pilots. I support this bill, in the hope that it will help Americans to be more careful in their use of laser pointers, and realize the grave consequences their actions can have for our Nation's pilots and aircraft passengers.

I urge my colleagues to also support this important resolution.

INTRODUCTION OF THE IMPROVING ACCESS TO MEDICARE COVERAGE ACT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. COURTNEY. Madam Speaker, today on the eve of Medicare's 45th anniversary, I rise to recognize the tireless work and fierce vigilance of an organization that has prioritized the care needs of Medicare beneficiaries, the Center for Medicare Advocacy, as well as bring to light a coverage issue that the agency has been worked on for years: lengthy hospital observation stays.

Earlier this summer, I had discussions with leaders of the Center for Medicare Advocacy about lengthy hospital observation stays which has inhibited care for Medicare beneficiaries. Excessive time on hospital observation status has been shown to create two potential problems for Medicare beneficiaries. First, prescription drugs administered in the hospital during an observation stay are not included in the inpatient deductible cap, which can easily become unaffordable for patients and their families if the medications are not included in the beneficiary's Part D formulary. Secondly, time spent on observation status in a hospital is not counted towards the three-day inpatient hospital stay required for the beneficiary to receive skilled nursing care. Both potential consequences create financial and care burdens for Medicare beneficiaries.

Earlier in the month, I met with the Renshaw family from my district that had been negatively affected by a lengthy hospital observation status. After falling and breaking his hip, Mr. Renshaw, an elderly Medicare beneficiary, was taken to a local hospital treatment where he was subsequently put on observation status. He remained in the hospital for four days. After he was released, Mr. Renshaw required skilled nursing care for his rehabilitation. However, because Mr. Renshaw was placed on observation status instead of admitted officially as an inpatient, his time in the hospital did not count towards the Medicare three-day hospital stay required for skilled nursing care. His family was forced to write a check for nearly $10,000 in order to get him the care that he needed because Medicare would not cover this benefit.

In response to the Center for Medicare Advocacy's vigilance on this issue and the experiences shared with me by the Renshaw family, I am introducing the Improving Access to Medicare Coverage Act. My legislation will fix this unfair component of Medicare law that arbitrarily differentiates between patients on inpatient versus observation status with obtaining necessary skilled care. The Improving Access to Medicare Coverage Act will count a beneficiary's time on observation towards the three-day hospital stay requirement for skilled nursing care. And while my legislation does not address the challenges associated with unaffordable out-of-pocket prescription drug and other costs associated with lengthy hospital observation stays, I look forward to working with the Center for Medicare Advocacy on finding a long-term solution to this urgent problem.

HONORING KATHLEEN SCHUERMANN

HON. STEVE DRIEHAUS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. DRIEHAUS. Madam Speaker, today I want to recognize the 100th birthday of someone who is not only a constituent of mine, but a woman very dear to my heart, my great aunt, Kathleen Schuermann.

Our family will soon gather to mark this occasion, and there's so much to celebrate.

Over the past century, Aunt Kathleen has been a public servant in the State Liquor Department and Hamilton County Juvenile Sheriff's Department. She has been a ballet teacher to a generation of young dancers in Cincinnati. She has been a proud supporter of the Ancient Order of Hibernians, and a faithful parishioner at Holy Cross-Immaculata. She has been the loving mother of seven children, grandmother of 21, and great-grandmother of 36.

Though she was born ten years before women in America had the right to vote, Aunt Kathleen has her whole life embraced and extolled the importance of civic involvement. Whether working the polls or attending presidential inaugurations, advocating to save Cincinnati's streetcars or offering her own brand of political advice, Kathleen remains an example of the sort of concerned and active citizenship we too seldom see. As a public servant, I draw inspiration from her undimmed interest in governance and community.

We can be certain in coming weeks to see Aunt Kathleen at the Immaculata church festival or making the rounds at the Delhi Senior Center. And so, on her 100th birthday, we not only reflect on her life's journey thus far, but we look forward to the days ahead.

Happy birthday, Aunt Kathleen.

THE 170TH ANNIVERSARY OF ST. JOHN'S A.M.E. CHURCH

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. SCOTT of Virginia. Madam Speaker, I rise today to congratulate a storied institution of faith in the Third Congressional District. This year, Saint John's African Methodist Episcopal (A.M.E.) Church is celebrating its 170th anniversary, and I would like to highlight some moments from the history of the church and its contribution to our community.

St. John's was organized in 1840 within the old Cumberland Street Methodist Episcopal Church in Norfolk. The land where the church now stands was purchased for just $450 in 1848. The church disconnected from the Methodist Episcopal Church in 1863 and was formally received into the African Methodist Episcopal Church in 1864. Elder John M. Brown was the Church's first pastor.

The church grew rapidly. Additional land to erect a parsonage was bought in 1865, and the church was enlarged twice between 1868 and 1888. In 1888, the present church building on Bute Street was erected. St. John's exterior has stood nearly unchanged since then.

St. John's flourished in Norfolk during the turn of the century. The church was the first African-American congregation in Norfolk to install a pipe organ. The parsonage was completed, and in 1908 St. John's had reached such a level of prominence as to host the General Conference of the entire African Methodist Episcopal Church.

St. John's continued to grow in the early twentieth century. Its membership grew to over 1000, and two new churches grew from it. This rapid growth helped the church burn its mortgage after just 46 years in 1915. Along with its internal growth, St. John's was also active in the community. The church established the first African-American Boy Scout Troop in Norfolk in 1930 and the first African-American Girl Scout Troop in 1935.

The growth of St. John's in the second half of the century mirrored our country's growth. The church building underwent a massive renovation in 1956. The church's growth helped it to pay off the mortgage of the parsonage, install air conditioning, and buy buses, pianos, organs and robes for new choirs.

Over the last 25 years, St. John's has continued to both grow and stay relevant in the community. The church has started many new ministries to address the needs of both its members and its Downtown Norfolk neighborhood. An education building conceived earlier was finally built, and the church created a Social Service Outreach Program, the Hope Outreach Ministry, and the Medical and Wellness Ministry. In 1986, St. John's A.M.E. was registered as a Virginia Historic Landmark. St. John's has taken care to develop programs for the next generation of its members, recently revitalizing its Children's Choir, and establishing both a Nursery and Young Adult Choir.

St. John's has had numerous pastors over its history, and many members have left St. John's to enter the priesthood and to preside over congregations of their own. In addition to First Pastor Rev. Brown, a selected list of pastors includes: Rev. W.D. Cook; Rev. J.R. Johnson; Rev. Walter L. Hildebrand; Rev. A.R. Powell; Rev. Walter C. Davis; Rev. L.W. Knight, Sr.; Rev. Larry S. Hinton; and the current pastor, Rev. John D. Burton.

As St. John's gathers to celebrate this historic milestone, the church can truly remember its past, celebrate its present, and focus on the future knowing in the words of Rev. Burton that "Everything is going to be alright!" I would like to congratulate Rev. Burton and all of the members of Saint John's African Methodist Episcopal Church on the occasion of their 170th anniversary.

TRIBUTE TO NELLE HARPER LEE AND THE 50TH ANNIVERSARY OF HER PULITZER PRIZE WINNING NOVEL "TO KILL A MOCKINGBIRD"

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. ADERHOLT. Madam Speaker, July 2010 marks the 50th Anniversary of Nelle Harper Lee's novel "To Kill a Mockingbird."

First published on July 11, 1960, "To Kill a Mockingbird" has since sold over 30 million copies and has been published in over 40 languages.

During the past 50 years the world has seen many changes but one thing still remains constant—"To Kill a Mockingbird", the novel that inspired children and adults in 1961 is still inspiring a new generation of children and adults today. Few novels have such timeless and universal appeal.

"To Kill a Mockingbird" has received numerous awards including the Pulitzer Prize in 1960 and the film adaptation received three Academy Awards and three Golden Globe Awards in 1962.

The Mockingbird Players, an amateur theater group, perform the dramatization of "To Kill a Mockingbird" every April and May in Monroeville, Alabama, Lee's hometown. The players have performed at both home and abroad including performances in Chicago, Washington, D.C., the United Kingdom and Israel.

One of the novels best known quotes is, "Lawyers, I suppose, were children once." This quote and her character, Atticus Finch, have inspired lawyers for the past 50 years, including myself.

For those who have read "To Kill a Mockingbird" you may remember Scout's first grade teacher was Miss Caroline Fisher. On Scout's first day at school, Miss Caroline Fisher introduced herself proudly saying, "I am Caroline Fisher. I am from North Alabama, from Winston County." Being born and raised in Winston County, which is a small rural county in North Alabama. I remember being surprised to see my home county mentioned as I first read the book as a law student at Samford University's Cumberland School of Law. From that day forward "To Kill a Mockingbird" has been a favorite of mine, not only because my home county was mentioned but most importantly because the message the book articulates.

Nelle, as she is affectionately known by her friends, was awarded the Presidential Medal of Freedom on November 5, 2007 by President George W. Bush.

Besides "To Kill a Mockingbird," Lee also penned "Christmas to Me" and "When Children Discover America" for McCall's Magazine in the 1960s.

Miss Lee is a national treasure and I am proud to cosponsor and vote for Mr. BONNER's resolution, H. Res. 1525, honoring the 50th anniversary of "To Kill a Mockingbird."

THE BOY SCOUTS OF AMERICA

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. REICHERT. Madam Speaker, I rise today in recognition of the 2010 National Scout Jamboree that concluded at Fort A.P. Hill, near Fredericksburg. Thousands upon thousands of Boy Scouts, Troop masters, and other staff and family descended on the greater DC area to join together and celebrate the 100th Anniversary of the Boy Scouts of America.

Madam Speaker, the Boy Scouts of America make positive contributions in every community around the United States. Boy Scouts volunteer many hours to improve their communities, enhance the environment, and help those in need. In their dedication to service to others, Scouts never shy away from a challenge.

I trust the Jamboree that just concluded was a successful and joyous one, Madam Speaker. The Boy Scouts of America, as an organization, has a lot to be proud of and celebrate. Every former and current Scout should be proud of their contributions to humanity and their community. The Jamboree encouraged participants to "Be Prepared" as they anticipate the challenges of life and continue to act as leaders at home and school. Ultimately, Madam Speaker, the Jamboree "Inspire[d] every participant to return to their home, troop, chartered organization, and community telling

the story of the freedom that is ours and the greatness of the United States of America.''

I want to offer my heartfelt congratulations to the Boy Scouts of America on their very special 100-year milestone. Madam Speaker, the Boy Scouts of America prepare our young men for lives of leadership and selflessness. I applaud the organization for its longevity and commitment to service.

HONORING THE SWISHER FAMILY, ARKANSAS FAMILY OF THE YEAR

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. BOOZMAN. Madam Speaker, I would like to recognize the Swisher family, who have been named Arkansas Family of the Year by the state Knights of Columbus council.

Brian and Gail Swisher have persevered and sacrificed to allow their son Michael the opportunity to accomplish his dreams and goals, specifically gaining Eagle Scout status, despite his cerebral palsy, which he was diagnosed with at birth. The Swisher family truly deserves recognition for being the Knights of Columbus Family of the Year because of their resiliency and passion in teaching their son that no matter what physical condition he is in, he can still accomplish whatever he tries at, even though he has been confined to a wheelchair since he was a little boy.

Michael Swisher is an inspiration to all of us with his determination to overcome his ailment and complete the tasks necessary to become an Eagle Scout. Michael Swisher and the entire Swisher family are an inspiration and a heartfelt story that should be commemorated throughout the nation for their passion, commitment and desire. They truly are deserving of the recognition Arkansas Family of the Year.

COMMENDING BILL DAVIS FROM TIFTON, GEORGIA

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. KINGSTON. Madam Speaker, today I rise to commend Bill Davis from Tifton, Georgia.

For 20 years, Bill Davis owned a Sonny's barbeque franchise in Tifton, Georgia. After his 22-year license for the franchise expired in 2007, Mr. Davis met with corporate officials to discuss a new condition of their agreement. The company asked Davis to initiate the selling of beer, wine, and liquor drinks in the restaurant in order to fully comply with corporate standards. Davis refused, claiming that his restaurant was family-oriented and suggesting that the initiation of alcoholic sales could detract from the family environment. It was the first of a philosophical divergence. More would come.

On October 18, 2008, an individual from the corporate office visited the establishment. There, he found the employees wearing white T-shirts with an American flag logo and the words ''I Pledge . . . I Pray'' written on them. He also noticed a Jesus souvenir sitting behind the counter. The patrons and staff of the restaurant were accustomed to the display, claiming that it allowed them to exhibit their patriotism and religious affiliation. The corporate employee, however, was less than pleased, perceiving the actions as a breach of the conditions and the typical practice of the franchise owners. An extension on license agreement was signed, and both parties agreed to extend through November 30, 2009.

This past October, Davis received a letter stating that his franchise agreement would end on December 31.

Rather than altering the atmosphere of his establishment to conform to the politically correct request of the corporation, Davis decided to ''stand up for God'' and continue the demonstration of his beliefs, despite the attempts of the company to silence them, so he parted ways with Sonny's. True to his word, he stuck with his convictions, and the display of American patriotism and religious faith are still a part of the restaurant's atmosphere today.

While the basic restaurant has changed, Mr. Davis is no longer a franchise owner, but a sole proprietor. The restaurant is now called ''The Smokehouse Restaurant.'' Davis affirms that, aside from the name change, everything at the establishment will remain in place. I commend Bill Davis for ''standing up for God,'' and I also support Sonny's right to set the rules for their franchise. They have a contractual right to set the rules, but sometimes, as businesses grow and become prosperous, they have to play it safe, conforming to political correctness and avoiding anything that could potentially raise an eyebrow. Thus, the straightjacket of public opinion and the murky center of legal conformity play an increasing role in decision-making. Some corporations, such as Graco, Domino's, and Chick-fil-A, have stood tall and should be commended.

The decision to run family friendly and patriotic operations is what makes America thrive. It seems as if Davis' decision to stick to these values will likely pay off, as many local patrons have insisted that they will continue to dine at the restaurant on a regular basis.

HONORING RUDY AND EVA LEON AND LONNIE AND MARILYN KILGORE

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. GRIJALVA. Madam Speaker, I rise today to recognize the unyielding commitment of two families to caring for and improving the lives of foster care children in Arizona.

Rudy and Eva Leon have been licensed foster care parents for 45 years and were recently honored by former Governor Janet Napolitano for being the longest serving foster parents in the state of Arizona. They have spent the past 17 years serving the children of Devereux Arizona. The Leons have selflessly provided over 200 children with a safe and loving home environment.

Lonnie and Marilyn Kilgore began their service assisting foster care children in the Juvenile Court Foster Care Program of Arizona. Since that time, they have been licensed with Devereux for the past 16 years, during which they have cared for 47 children.

Foster care parents such as the Leons and the Kilgores recognize that all children deserve a home that will shelter them from the trauma and stress of their young lives. These families have made it their mission to provide these children with the opportunity to move on from their often difficult pasts and benefit from caring and supportive guardians. This foundation truly creates the groundwork for a meaningful, enriching life.

Organizations like Devereux have proven enormously successful at changing the lives of some of our state's most at-risk youth, helping them find stable homes and setting thousands of children on the right path in the face of tremendous difficulty.

I would like once more to thank Rudy and Eva Leon and Lonnie and Marilyn Kilgore for their hard work, deep commitment and determined sacrifice to the children of Arizona. Their long-standing dedication to the future of children and impact on their communities are an example of selfless dedication to us all.

HONORING CARL MESCHER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. SHIMKUS. Madam Speaker, I rise today to honor Carl Mescher of Metropolis, Illinois. Mr. Mescher will turn 90 on August 12, 2010. A reception to celebrate his birthday is being held in Metropolis on August 8, 2010.

Mr. Mescher grew up on the family farm, where he still raises cattle and crops. He served in the United States Navy from June 1940 to July 1946, where he achieved the rank of Chief Petty Officer. He was assigned to the USS Pennsylvania, which was in Pearl Harbor on December 7, 1941. Mr. Mescher manned the telephone connected directly to the bridge during the attack.

On December 20, 1941, the USS Pennsylvania was sent to San Francisco for repairs of damage caused during the attack with Mr. Mescher on board. He then served as an observation plane radioman-gunner and participated in missions to retake the islands. He was awarded the Air Medal for courageous action in the Pacific theater at Makin, Kwajalein, and Eniwetok Atoll.

I am honored to thank Mr. Mescher for his service to our nation. May God bless him with continued health and happiness.

IN SUPPORT OF H.R. 2480, THE TRUTH IN FUR LABELING ACT OF 2009

SPEECH OF

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. FARR. Mr. Speaker, I rise today in strong support of H.R. 2480, the Truth in Fur Labeling Act of 2009. This bill will amend the Fur Products Labeling Act of 1951 to close the loophole that allows the sale of products containing a relatively small quantity of fur or fur that is valued at $150 or less.

The current loophole denies consumers the right to know what their garment is really

made of. It may say ''faux'' but this may not be accurate. Consumers who may have allergies to fur or ethical objections to fur cannot make informed purchases. Our constituents have the right to know what they are purchasing and wearing.

This bill was introduced in response to a series of investigations of fur products sold at major retailers across the country. This investigation found that a significant number of clothes designers and retailers were selling some fur-trimmed garments that were described as faux when actually they turned out to be real fur. This legislation is about transparency and providing consumers with accurate information on what they're buying.

This legislation simply requires that fur-trimmed garments meet the same labeling standard already in place for fur garments of a higher dollar value. It does not affect the trade in any animal fur or the methods used to produce animal fur. The legislation also asks the Federal Trade Commission to review the Fur Products Name Guide and ensure accuracy and consistency of species names.

I supported this legislation in the 110th Congress, and strongly support it today.

Mr. Speaker, I want to strongly add my support to H.R. 2480, the Truth in Fur Labeling Act of 2009.

HONORING THE LIFE OF LORENZEN WRIGHT

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. COHEN. Madam Speaker, I rise today to honor the life of Memphian and NBA star Lorenzen Wright. Mr. Wright was born in Memphis, Tennessee and attended the historic Booker T. Washington High School. After graduating, he attended the University of Memphis where he helped lead the team to the ''Sweet Sixteen'' in the 1995 NCAA tournament. While there, he was selected Third Team All-American by the Associated Press and earned the nickname ''The Howl'' because of his tendency to yell after exciting plays.

In 1996, after playing two seasons for the Memphis Tigers, Mr. Wright entered the NBA draft and was selected 7th overall by the Los Angeles Clippers. After three seasons with the Clippers, he played for the Atlanta Hawks for two years before returning home to play for the newly relocated Memphis Grizzlies in 2001.

For Lorenzen Wright, playing for his hometown team at the professional level gave him a chance to play alongside some of the best athletes for the city he loved. During his tenure with the Grizzlies, he became an emotional leader of the team, bringing passion and dedication to each and every game. Friend and former NBA star Penny Hardaway recalled the fans' love for Lorenzen and how ''he attacked the game every single night.'' After five seasons with the Memphis Grizzlies, he was traded back to the Atlanta Hawks and has since played for the Sacramento Kings and most recently the Cleveland Cavaliers until his retirement in 2009.

Off the basketball court, Lorenzen Wright was a devoted family man and a loyal friend. He is survived by six children, Lorenzen Jr., Loren, twins Lamar and Shamar, Lawson and Sofia, his parents Herb Wright and Deborah Marion and a host of family and friends. Lorenzen Wright's passing is a great loss to our city and the basketball world. I will miss him as a friend and appreciate all he did for Memphis.÷

HONORING DON EUCARIO BERMUDEZ

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, this month Colombia celebrates 200 years as a sovereign nation. As we congratulate our democratic ally and friend on its bicentennial, it is fitting that we also honor some of Colombia's finest, and among them, is Eucario Bermudez.

This distinguished journalist got his start as a broadcaster, radio host and General Director of Radio Caracol Colombia. While in Colombia, he also produced and directed various TV programs, earning him the ''Premio Ondas de España'' a prestigious award for journalism given by Spain. In 1981, he moved to Miami, expanding the radio station to the United States. He established Radio Klaridad, which later became Radio Calidad and is now a days the very popular Radio Caracol in South Florida. He has since been director of the station, which together with its sister station Radio Caracol Colombia, broadcasts news in both the United States and Colombia.

Don Eucario also oversees community relations for Radio Caracol, leads the news department, and continues to broadcast daily on his show ''The Voice of the Community,'' as well as the noon news cast. He does so with true professionalism, honesty and a commitment to reporting the truth, always maintaining a fair and balanced approach.

What stands out most about Don Eucario is his activism and service to the community. He has been president of the Colombian American Chamber of Commerce, founded the Association of Colombian News Outlets and Journalists in the United States, the Colombian American Association, known as CASA, and the first ever Colombian Political Action Committee, COLPAC. He has published several works about the economy, small businesses, entrepreneurship and immigration, and has been recognized by various local governments and the Florida State Legislature for his service to the development of the Colombian American community in South Florida as well as his contributions in the field of journalism.

Although he has called South Florida home for nearly three decades, Don Eucario is still as passionate about his native Colombia as he is about the United States and works to ensure that the Colombian American community has a voice and that its needs are represented. Above all, he is committed to promoting democracy and speaking out for those who cannot express themselves as freely as he can.

I ask that you join me in thanking and honoring Eucario Bermudez, a fine journalist and friend, for his service to the community and his commitment to always speaking the truth.

HONORING THE FRANK L. MITCHELL POST 3335 OF THE VETERANS OF FOREIGN WARS

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. MICHAUD. Madam Speaker, I rise today to honor the Frank L. Mitchell Post 3335 of the Veterans of Foreign Wars as they celebrate their 75th anniversary.

The mission of Veterans of Foreign Wars is to honor the dead by helping the living, and the Frank L. Mitchell Post 3335 in Jay, Maine, has spent the past 75 years meeting this goal. Post members have honored their fallen comrades in the community and have strived to ensure that all veterans receive the benefits they deserve. The Post honors those who remain Prisoners of War or Missing in Action and ensures that the community never forgets the sacrifices of these service members and their families.

Post 3335 helps improve the civic engagement of its community by sponsoring the local Patriot's Pen competition. This essay writing competition is designed to foster patriotism by giving students in grades six, seven and eight the opportunity to write essays expressing their views on democracy. Additionally, their homecoming celebrations continue to provide Jay with occasions to come together as a community.

The people of Jay know firsthand the important role Post 3335 has played in the life of their town. Through their countless hours of volunteer work and remarkable commitment to our veterans, the members of Post 3336 have been a shining light to some of our nation's most deserving citizens.

Madam Speaker, please join me in congratulating the members of the Frank L. Mitchell Post 3335 as they celebrate their 75th anniversary and thanking them for their tremendous contributions to the Jay community and to the State of Maine.

HONORING MR. FABIO ANDRADE

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, this week Colombia celebrates 200 years as a sovereign nation. As we congratulate our democratic ally and friend on its Bicentennial, it is fitting that we also honor some of Colombia's finest, and among them, is Fabio Andrade.

Fabio is one of South Florida's most dedicated, selfless and tireless community activists. He leads the Colombian American community with conviction and commitment. He is a leading voice in urging the passage of a Free Trade Agreement between the United States and Colombia and is an advocate of strengthening the partnership between the two countries. Fabio understands that as the hemisphere's leading democracies, Colombia and the United States are positioned to make an impact through trade, the creation of jobs and a steadfast commitment to spreading democracy throughout Latin America.

Fabio is committed to ensuring that the needs of our diverse community are met, the voice of South Florida is heard throughout the various levels of government and that Hispanics have opportunity for growth and success. He has set forth to empower individuals, strengthen families, create networks, and bring within reach opportunities for others.

For more than 20 years, Fabio has been instrumental in the creation of work training centers across South Florida, providing support for small businesses and assisting new business owners. As a founder and the CEO of The Americas Community Center, a non-profit organization, he has created a network of support and guidance for immigrants and minorities as they enter the workforce. Fabio himself was able to achieve his success through hard work and dedication, and it is those values which he strives to instill in others.

Fabio's work and his love of service embody the true spirit of prosperity and freedom. He is committed to defending our nation's principles, while at the same time working to ensure that his native Colombia remains the strongest democracy in Latin America.

I ask that you join me in honoring and thanking my good friend Fabio Andrade, a true leader who loves and values freedom and works so that others may enjoy it.

IOWA SAFE SCHOOLS LAW THREE YEAR ANNIVERSARY

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. BRALEY of Iowa. Madam Speaker, I rise today to celebrate the three year anniversary of the Iowa Safe Schools law. As an Iowan, I'm proud to say that my home state has a strong Safe Schools law which protects all students against prejudice. Iowa is the 10th state to pass such a law which was the extension of the Civil Rights law which protects LGBT school staff members from discrimination.

I also rise today to recognize my friend, former State Senator Mike Connelly. Senator Connelly has been a trusted advocate for policies related to education and youth in Iowa during his 30 years working as a legislator. Senator Connelly played an integral role in the passing of the Safe Schools law serving as the floor manager in the Iowa Senate for the passing of the bill. It was Senator Connolly who successfully challenged those who were initially opposed to the Safe Schools Law. His support helped persuade many Senators to switch their final vote from ''no'' to ''yes.''

I'm pleased to be celebrating the three year anniversary of the Iowa Safe Schools law. This law will protect students against discrimination for generations to come.

HONORING THE MILITARY SERVICE OF SERGEANT GLENN LATRONICO

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. LIPINSKI. Madam Speaker, I rise today to honor Sergeant Glenn Latronico of Oak Lawn, Illinois, who is returning home after a fifth tour of duty in the Middle East as an Army Ranger.

U.S. military forces currently rely on the sacrifice and dedication of volunteer soldiers. The freedom every one of us enjoys today depends on the choice made by hundreds of thousands of men and women to risk their own lives for the sake of others through military service.

But even among our dedicated soldiers, the service of certain individuals can rise far above and beyond the call of duty. Sergeant Latronico began his service six years ago with basic training at the age of 18, and proceeded to undergo additional rigorous requirements to become an Army Ranger. After basic training, Army Rangers must take part in Advanced Individual Training and obtain a Military Occupational Specialty; complete Airborne Training; and attend the Ranger Assessment and Selection Program. Not every soldier chooses or is able to fulfill these additional requirements. Sergeant Latronico's completion of this training alone places him among the elite in our military forces.

With his training completed, Sergeant Latronico took part in five tours of duty—two in Iraq and three in Afghanistan. His steadfast service in the face of difficult conditions on the ground in these two countries exemplifies dedication, discipline, and unwavering resolve. I am proud to welcome such a committed soldier back home to my district. I ask you to join me in honoring his sacrifice, a reminder of the very best that our young servicemen and women can offer our great country.

HONORING FLYING TIGERS

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. KINGSTON. Madam Speaker, celebrating the 69th anniversary of the first combat action of the American Volunteer Group, AVG, and to recognize the contribution of the AVG and the 23rd Fighter Group ''Flying Tigers'' to America's victory in World War II.

Whereas the American Volunteer Group was formed by Lieutenant General Claire Chennault for the defense of China;

Whereas the American Volunteer Group was affectionately known as the Flying Tigers;

Whereas the American Volunteer Group Flying Tigers saw their first combat over Yunnan Province in China on December 20th, 1941 shooting down nine enemy bombers;

Whereas the American Volunteer Group Flying Tigers faced a numerically superior enemy force, long logistics supply lines and poor infrastructure and despite those challenges ultimately destroyed 299 enemy aircraft and 153 probably destroyed, losing only 12 aircraft in combat;

Whereas the American Volunteer Group Flying Tigers were disbanded and the 23rd Fighter Group Flying Tigers were activated in their stead on July 4th, 1942;

Whereas the 23rd Fighter Group while facing similar challenges in the Chinese theater, nonetheless destroyed 621 enemy aircraft finishing as the third highest scoring Army Air Force's Fighter Group of World War II;

Whereas the current day 23rd Fighter Group and 23rd Wing continues the proud combat tradition of the American Volunteer Group seeing combat action in Vietnam, Desert Storm, Operation Allied Force, Operation Enduring Freedom and Operation Iraqi Freedom;

Resolved, that the United States Congress congratulates the Flying Tigers of the American Volunteer Group and the 23rd Fighter Group for their contribution to our nation's defense and celebrates the 69th anniversary of the first combat action by the Flying Tigers.

HONORING ARMY STAFF SERGEANT ERIC BYRON SHAW

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. MICHAUD. Madam Speaker, I rise today to recognize the accomplishments of Army Staff Sergeant Eric Byron Shaw of Exeter, ME who was killed while serving his country in Afghanistan.

Eric was well-loved by his community, family, and friends. He is remembered for his dedication to serving his nation, his generous spirit, and his devotion to his family. On June 23rd, Sergeant Shaw was killed in action on his third tour of duty in support of Operation Enduring Freedom. This loss is particularly painful as Shaw leaves behind a young family.

Known for his good nature, Shaw was a 1999 graduate of Dexter High School. After high school, he enrolled in the University of Southern Maine where he was a member of the Sigma Nu fraternity. As a history major with a minor in education, Shaw planned to pursue a career teaching history. His close friends remember him as a caring person willing to do volunteer work and participate in community activities.

Staff Sergeant Shaw was on his third tour of duty with the 327th Infantry, First Brigade Combat Team from Fort Campbell, Kentucky. During his service, he received many awards including the Army Commendation Medal with one Oak Leaf Cluster, the Iraq Campaign Medal, and the National Defense Service Ribbon. Sergeant Shaw will be receiving three awards posthumously, the Bronze Star, the Purple Heart and the NATO Medal.

In Maine, our communities are known for coming together during a crisis, and I know that everyone in the state stands together to support Eric's mother, wife and three children, although they do not live in the state. Eric is mourned by all as a true American hero and a defender of the freedom we all hold dear.

Madam Speaker, please join me in honoring the memory of Staff Sergeant Eric Byron Shaw for his patriotism and devotion to his community and his country.

RECOGNIZING THE WORK AND SERVICE OF ANA SOTORRIO

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to recognize Ana Sotorrio for her years of service to the residents of Miami-Dade County, as she retires this month.

During the last three decades, Ana has demonstrated extreme professionalism, loyalty and commitment to her work. She has proven to be an exceptional leader with the ability to work in a team, develop and maintain working relationships at the local, state, and federal levels and ensure that the goals and priorities of Miami-Dade County are met.

Ana joined the County Manager's office in 1974 and later moved on to Miami-Dade Aviation, where she has served with six Aviation Directors and has been instrumental in the growth and expansion of Miami International Airport.

For 22 years, Ana has been critical to the ongoing operation of the Miami-Dade Aviation Department. Through her leadership in developing the government and regulatory agenda she was successful in securing funding for vital projects at Miami International Airport, including $100 million for a runway project, $74 million for the federally mandated explosive detection systems, and approval of the ongoing $6.3 billion Capital Improvement Program.

Ana is not just a leader at the Airport, but also an activist in the community, serving on numerous boards and associations including the Florida Airports Council, of which she recently served as President, the Greater Miami Chamber of Commerce, the Jay Malina International Trade Consortium and Leadership Miami.

Ana's work and dedication have directly impacted her colleagues, the residents of Miami-Dade County and the thousands who travel through South Florida each day, as well as those involved in the aviation community across the nation. She has been a steadfast leader with qualities that many, including myself, admire. She will be missed at the County, the Airport and even in Washington, DC, but I know that the positive impact left behind through her work will be felt for years.

I ask that you join me in recognizing Ana Sotorrio for her service, her activism and her commitment to working towards improving Miami-Dade County and the lives of others. I wish Ana the best in her future endeavors and on behalf of our community, I thank her for her years of service.

HONORING RICHARD ''DICK'' WILSON, SR.

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. BURTON of Indiana. Madam Speaker, I rise tonight to honor the life of Richard ''Dick'' Wilson, Sr., who recently lost his 21-month battle with brain cancer at the age of 78. Dick is survived by his wife Phyllis JoAn; two sons, Rick (and his wife Leslie), Indianapolis, Indiana—my long-time staffer and former District Director—Steve (and his wife Michelle), Overland Park, Kansas; a daughter, Patricia Geyling (and her husband Rolf), Santa Barbara, California; 12 grandchildren and four great-grandchildren.

Study after study has proven beyond a shadow of a doubt that fathers play an important role in teaching their children life lessons and preparing them to succeed in life. Although I did not know Dick Wilson, Sr. very well, I do know his son Rick extremely well. For a little over 15 years Rick Wilson served the people of Indiana's Fifth Congressional District with grace and skill; first as director of my mobile office and later as my District Director. And if the measure of a father is the quality of the children that he raises, then based upon what I know about his son Rick, Dick Wilson, Sr. was undoubtedly an exceptional man.

Richard ''Dick'' Wilson was born December 29, 1931, in Schenectady, NY. He graduated from Mount Pleasant High School in 1950 and attended the University of Kansas on a cross country and track scholarship. Dick was a member of the 1953 NCAA championship cross-country team—Kansas' only cross-country team to ever win a national championship—and part of the four-mile relay team that broke the American record that same year. In 2008 he was inducted into the KU Athletics Hall of Fame.

After graduating from the University of Kansas, Dick Wilson served in the U.S. Army and U.S. Army Reserves from 1956 to 1968, achieving the rank of captain.

On July 15, 1956, he married Phyllis JoAn Fink. He and his wife raised three children, moving from Schenectady, NY, to Palatine, IL, and then to Indianapolis before settling in Lawrence in 1992.

Dick began his career in commercial underwriting in 1957; eventually serving with the Travelers Insurance Company for 35 years before he retired in 1992 in Lawrence.

In addition to working hard all of his life and raising a family, Dick Wilson was also a competitive Masters runner for more than 30 years; and was nationally ranked in the top 10 of his age group every year from 1985 to 2005—a remarkable 20 year streak. In fact, in 2003 Dick was ranked No. 2 in the nation and No. 4 in the World in his age group.

Twenty-one months ago though, Dick began the race for his life when he was diagnosed with cancer; a race he would ultimately lose. However, no matter the odds, Dick never gave up living life. Last year, after doctors removed 95 percent of a brain tumor, Dick ran in the Head for the Cure 5K—a race to support the Chris Anthony Tumor Research Fund at the M.D. Anderson Cancer Center in Houston. The race honors the late Chris Anthony, who died at the age of 37 from a brain tumor. When interviewed by the Kansan—the University of Kansas' Daily newspaper—about what running in the Chris Anthony meant to him, Dick said: ''Maybe someday there will be a cure, and if there is, it can hopefully help my children and help my grandchildren.''

Shakespeare once wrote: ''All the world's a stage, and all the men and women merely players. They have their exits and entrances, and one man in his time plays many parts. . . .'' Dick Wilson played his parts and played them well. May flights of angels sing him to his eternal rest.

Madam Speaker, I ask my colleagues to join me in sending condolences and best wishes to the Wilson Family in their time of need. God bless you.

INTRODUCTION OF RESOLUTION SUPPORTING THE GOALS AND IDEALS OF JUBILEE DAY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution supporting the goals and ideals of Jubilee Day, which is celebrated on October 6 of every year by the Fisk University community.

Just after the end of the Civil War, the Fisk School was founded in Nashville, Tennessee as an educational institute that would be open to all, regardless of race or age. However, just five years after its founding, the school faced dire economic struggles.

In an effort to save the University from closing, a group of students formed a choral group, the Fisk Jubilee Singers, with the goal of raising money to fund the institution. They took all of the funds in the university's treasury for travel expenses, hoping that the enormous risk would pay off.

Despite a few initial struggles, the Jubilee Singers eventually came to tour throughout the United States and Europe and raised enough funds to not only preserve the university but also to pay for the construction of Jubilee Hall, the first permanent structure built for the education of African-American students in the South.

The singers came to perform for such notable figures as William Lloyd Garrison, Wendell Phillips, Ulysses S. Grant, William Gladstone, Mark Twain, Johann Strauss, and Queen Victoria, and introduced the world to the spirituals of enslaved Africans as a musical genre.

Since its founding in 1866, Fisk has educated countless intellectual, artistic, and civic leaders, and has played a pivotal role in the advancement of education for African-American students. None of its accomplishments would have been possible without the talents and sacrifices of that first group of nine students.

To honor the hard work, perseverance, and accomplishments of the original Jubilee Singers and the continued success of the generations of Jubilee Singers who followed and continue to tour today, Fisk University celebrates Jubilee Day on October 6 of every year.

This year in particular, members of the Fisk community in Washington, DC, will come together for an event at the Capitol to celebrate Jubilee Day along with the Fisk community in Nashville.

Madam Speaker, as a proud alumnus of Fisk, I urge my colleagues to join me in this year's celebration of Jubilee Day by cosponsoring this resolution, and I urge its immediate consideration.

Daily Digest

HIGHLIGHTS

Senate agreed to H. Con. Res. 308, Adjournment Resolution.

The House passed H.R. 5850, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2011.

Senate

Chamber Action

Routine Proceedings, pages S6459–S6539

Measures Introduced: Fourteen bills and one resolution were introduced, as follows: S. 3665–3678, and S. Res. 601. **Pages S6519–20**

Measures Reported:

S. 3676, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2011. (S. Rept. No. 111–237)

S. 3677, making appropriations for financial services and general government for the fiscal year ending September 30, 2011. (S. Rept. No. 111–238)

S. 3397, to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, with amendments. **Page S6519**

Measures Passed:

Saving Kids From Dangerous Drugs Act: Senate passed S. 258, to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors, after agreeing to the committee amendment in the nature of a substitute. **Pages S6536–37**

Multinational Species Conservation Funds Semipostal Stamp Act: Senate passed H.R. 1454, to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp, after agreeing to the committee amendment in the nature of a substitute. **Page S6537**

United States Patent and Trademark Office Supplemental Appropriations Act, 2010: Senate passed H.R. 5874, making supplemental appropriations for the United States Patent and Trademark Office for the fiscal year ending September 30, 2010. **Pages S6537–38**

Polycystic Kidney Disease Awareness Week: Committee on the Judiciary was discharged from further consideration of S. Res. 592, designating the week of September 13–19, 2010, as "Polycystic Kidney Disease Awareness Week", and supporting the goals and ideals of Polycystic Kidney Disease Awareness Week to raise awareness and understanding of polycystic kidney disease and the impact the disease has on patients now and for future generations until it can be cured, and the resolution was then agreed to. **Page S6538**

Authorizing Testimony: Senate agreed to S. Res. 601, to authorize testimony of Senate employees in a grand jury proceeding in the District of Columbia. **Pages S6538–39**

Adjournment Resolution: Senate agreed to H. Con. Res. 308, providing for a conditional adjournment of the House of Representatives. **Page S6539**

Measures Considered:

Small Business Lending Fund Act: Senate continued consideration of H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, taking action on the following amendments and motion proposed thereto: **Pages S6460–98**

Pending:

Reid (for Baucus/Landrieu) Amendment No. 4519, in the nature of a substitute. **Page S6440**

Reid Amendment No. 4520 (to Amendment No. 4519), to change the enactment date. **Page S6440**

Reid Amendment No. 4521 (to Amendment No. 4520), of a perfecting nature. **Page S6440**

Reid Amendment No. 4522 (to the language proposed to be stricken by Amendment No. 4519), to change the enactment date. **Page S6440**

Reid Amendment No. 4523 (to Amendment No. 4522), of a perfecting nature. **Page S6440**

Reid motion to commit the bill to the Committee on Finance with instructions, Reid Amendment No. 4524 (the instructions on the motion to commit), to provide for a study. **Page S6440**

Reid Amendment No. 4525 (to the instructions (Amendment No. 4524) of the motion to commit), of a perfecting nature. **Page S6440**

Reid Amendment No. 4526 (to Amendment No. 4525), of a perfecting nature. **Page S6440**

During consideration of this measure today, Senate also took the following action:

By 58 yeas to 42 nays (Vote No. 221), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on Reid (for Baucus/Landrieu) Amendment No. 4519 (listed above). **Page S6473**

Subsequently, Senator Reid entered a motion to reconsider the vote by which cloture was not invoked on Reid (for Baucus/Landrieu) Amendment No. 4519. **Page S6473**

A unanimous-consent agreement was reached providing that the motion to invoke cloture on the bill be withdrawn. **Page S6473**

By 70 yeas to 23 nays (Vote No. 222), Senate agreed to the motion to instruct the Sergeant at Arms to request the attendance of absent Senators. **Page S6497**

House Messages:

FAA Air Transportation Modernization and Safety Improvement Act: Senate began consideration of the amendment of the House of Representatives to the amendment of the Senate to H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, taking action on the following amendments and motions proposed thereto: **Pages S6498–99**

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid (for Murray) Amendment No. 4567 (to the House amendment to the Senate amendment to the bill), in the nature of a substitute. **Page S6498**

Reid Amendment No. 4568 (to Amendment No. 4567), to change the enactment date. **Page S6498**

Reid motion to refer the message of the House on the bill to the Committee on Appropriations, with instructions, Reid Amendment No. 4569 (the instructions on motion to refer), to provide for a study. **Page S6498**

Reid Amendment No. 4570 (to the instructions (Amendment No. 4569), of the motion to refer), of a perfecting nature. **Pages S6498–99**

Reid Amendment No. 4571 (to Amendment No. 4570), of a perfecting nature. **Page 6499**

A motion was entered to close further debate on the motion to concur in the House amendment to the Senate amendment to the bill, with Reid (for Murray) Amendment No. 4567 (listed above), and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Monday, August 2, 2010. **Page S6499**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report relative to the continuation of the national emergency with respect to the actions of certain persons to undermine the sovereignty of Lebanon or its democratic processes and institutions; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–65) **Page S6517**

Nomination Confirmed: Senate confirmed the following nomination:

1 Coast Guard nomination in the rank of admiral. **Page S6539**

Messages from the House: **Pages S6517–18**

Measures Placed on the Calendar: **Page S6518**

Enrolled Bills Presented: **Page S6518**

Executive Communications: **Pages S6518–19**

Executive Reports of Committees: **Page S6519**

Additional Cosponsors: **Pages S6520–21**

Statements on Introduced Bills/Resolutions: **Pages S6521–28**

Additional Statements: **Pages S6515–17**

Amendments Submitted: **Pages S6528–36**

Authorities for Committees to Meet: **Page S6536**

Quorum Calls:

One quorum call was taken today. (Total—4) **Page S6497**

Record Votes: Two record votes were taken today. (Total—222) **Pages S6473, S6497**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:58 p.m., until 10 a.m. on Friday, July 30, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6539.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Appropriations: Committee ordered favorably reported the following bills:

An original bill making appropriations for State, Foreign Operations, and Related Programs for fiscal year ending September 30, 2011;

An original bill making appropriations for Department of Labor, Health and Human Services, and Education, and Related Agencies for fiscal year ending September 30, 2011; and

An original bill making appropriations for Financial Services and General Government for fiscal year ending September 30, 2011.

NEW START TREATY

Committee on Armed Services: Committee concluded a hearing to examine treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol (Treaty Doc. 111–05), after receiving testimony from Rose Gottmoeller, Assistant Secretary of State for Verification, Compliance, and Implementation; and Edward L. Warner III, Secretary of Defense Representative to the New START Negotiations.

NEW START TREATY

Committee on Armed Services: Committee received a closed briefing on Department of Defense strategic force structure options under the New START from Edward L. Warner III, Secretary Representative to Post-START Negotiations, and Michael S. Elliott, Deputy Director, Plans and Policy, United States Strategic Command, both of the Department of Defense.

NOMINATIONS

Committee on Finance: Committee concluded a hearing to examine the nominations of Michael C. Camuñez, of California, to be Assistant Secretary of Commerce, and Charles P. Blahous III, of Maryland, who was introduced by Senator Gregg, and Robert D. Reischauer, of Maryland, who was introduced by Senator Conrad, both to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund, a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, and a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

ARLINGTON NATIONAL CEMETERY MISMANAGEMENT OF CONTRACTS

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Contracting Oversight concluded a hearing to examine mismanagement of contracts at Arlington National Cemetery, after receiving testimony from Edward M. Harrington, Deputy Assistant Secretary of the Army for Procurement, Office of the Assistant Secretary of the Army for Acquisition, Logistics and Technology, Claudia L. Tornblom, Deputy Assistant Secretary of the Army for Management and Budget, Office of the Assistant Secretary of the Army for Civil Works, and Kathryn A. Condon, Executive Director, Army National Cemeteries Program, all of the Department of Defense; John C. Metzler, Jr., Pittsburgh, Pennsylvania; and Thurman Higginbotham, District Heights, Maryland.

FEDERAL GOVERNMENT FOREIGN LANGUAGE CAPABILITIES

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine closing the language gap, focusing on improving the Federal government's foreign language capabilities, after receiving testimony from David C. Maurer, Director, Homeland Security and Justice Issues, Government Accountability Office; Jeffrey R. Neal, Chief Human Capital Officer, Department of Homeland Security; Nancy E. Weaver, Director, Defense Language Office, Office of the Under Secretary for Personnel and Readiness, Department of Defense; David S. C. Chu, Institute for Defense Analyses, Alexandria, Virginia; Richard D. Brecht, University of Maryland Center for Advanced Study of Language, College Park; and Dan E. Davidson, American Councils for International Education: ACTR/ACCELS, Washington, D.C.

STATE OF THE AMERICAN CHILD

Committee on Health, Education, Labor, and Pensions: Subcommittee on Children and Families concluded a hearing to examine the state of the American child, focusing on the impact of Federal policies on children, after receiving testimony from Cecilia Elena Rouse, Member, Council of Economic Advisers; Seth D. Harris, Deputy Secretary of Labor; David A. Hansell, Acting Assistant Secretary for Children and Families, and Howard K. Koh, Assistant Secretary for Health, both of the Department of Health and Human Services; and Thelma Melendez de Santa Ana, Assistant Secretary of Education for Elementary and Secondary Education.

INDIAN GAMING

Committee on Indian Affairs: Committee concluded an oversight hearing to examine Indian gaming, after receiving testimony from Tracie Stevens, Chairwoman, National Indian Gaming Commission; Mark Brnovich, Arizona Department of Gaming, Phoenix; Philip N. Hogen, Jacobson, Buffalo, Magnuson, Anderson & Hogen, P.C., St. Paul, Minnesota; and Ernest Stevens, Jr., National Indian Gaming Commission, Washington, D.C.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 3397, to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, with an amendment in the nature of a substitute; and

The nominations of John F. Walsh, to be United States Attorney for the District of Colorado, John William Vaudreuil, to be United States Attorney for the Western District of Wisconsin, William J. Ihlenfeld II, to be United States Attorney for the Northern District of West Virginia, Mark Lloyd Ericks, to be United States Marshal for the Western District of Washington, Joseph Patrick Faughnan, Sr., to be United States Marshal for the District of Connecticut, Harold Michael Oglesby, to be United States Marshal for the Western District of Arkansas, and Conrad Ernest Candelaria, to be United States Marshal for the District of New Mexico, all of the Department of Justice.

PASSPORT ISSUANCE PROCESS

Committee on the Judiciary: Subcommittee on Terrorism and Homeland Security concluded a hearing to examine the passport issuance process, focusing on closing the door to fraud, after receiving testimony from Gregory Kutz, Managing Director, Forensic Audits and Special Investigations, Government Accountability Office; and Brenda S. Sprague, Deputy Assistant Secretary of State for Passport Services.

BUSINESS MEETING

Select Committee on Intelligence: Committee ordered favorably reported the nomination of James R. Clapper, of Virginia, to be Director of National Intelligence.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 64 public bills, H.R. 5917–5980; and 16 resolutions, H. Con. Res. 307–310; and H. Res. 1570–1573, 1575–1582, were introduced. **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Reports Filed: Reports were filed today as follows:

H.R. 5663, to improve compliance with mine and occupational safety and health laws, empower workers to raise safety concerns, prevent future mine and other workplace tragedies, and establish rights of families of victims of workplace accidents, with an amendment (H. Rept. 111–579, Pt. 1);

H.R. 5226, to require the Secretary of Veterans Affairs and the Appalachian Regional Commission to carry out a program of outreach for veterans who reside in Appalachia (H. Rept. 111–580, Pt. 1);

H.R. 5626, to protect public health and safety and the environment by requiring the use of safe well control technologies and practices for the drilling of high-risk oil and gas wells in the United States, with an amendment (H. Rept. 111–581, Pt. 1); and

H. Res. 1574, providing for consideration of the bill (H.R. 3534) to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes; and providing for consideration of the bill (H.R. 5851) to provide whistleblower protections to certain workers in the offshore oil and gas industry (H. Rept. 111–582). **(See next issue.)**

Speaker: Read a letter from the Speaker wherein she appointed Representative Loretta Sanchez to act as Speaker pro tempore for today. **Page H6285**

Chaplain: The prayer was offered by the guest chaplain, Reverend Bruce Scott, Pentecostals of South Lake, Merrillville, Indiana. **Page H6285**

Adjournment Resolution—Senate: The House agreed to H. Con. Res. 307, providing for a conditional recess or adjournment of the Senate, by voice vote. **Page H6306**

Adjournment Resolution—House of Representatives: The House agreed to H. Con. Res. 308, providing for a conditional adjournment of the House of Representatives, by a yea-and-nay vote of 231 yeas to 189 nays, Roll No. 483. **Pages H6306–07**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, July 27th:

Senior Financial Empowerment Act: H.R. 3040, amended, to prevent mail, telemarketing, and Internet fraud targeting seniors in the United States, to promote efforts to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud have on seniors, and to educate the public, seniors, their families, and their caregivers about how to identify and combat fraudulent activity, by a 2/3 yea-and-nay vote of 335 yeas to 81 nays, Roll No. 487 and **Page H6309**

Expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO): H. Con. Res. 266, to express the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

(See next issue.)

Privileged Resolution—Intent to Offer: Representative Price (GA) announced his intent to offer a privileged resolution. **Pages H6354–55**

Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2011: The House passed H.R. 5850, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, by a yea-and-nay vote of 251 yeas to 167 nays, Roll No. 499. **Pages H6310–53, H6368–82**

Agreed to:

Boehner amendment (No. 1 printed in part A of H. Rept. 111–578) that terminates the HUD program for doctoral dissertation research grants on housing and urban development issues; **Page H6345**

Boehner amendment (No. 4 printed in part A of H. Rept. 111–578) that reduces the Office of the Assistant Secretary for Budget and Programs, Office of the Secretary, Salaries and Expenses, within the Department of Transportation by $1.6 million; **Page H6346**

Kaptur amendment (No. 5 printed in part A of H. Rept. 111–578) that eliminates all travel funds for the Department of Housing and Urban Development; **Pages H6346–48**

Arcuri amendment (No. 6 printed in part A of H. Rept. 111–578) that reduces funding for the Office of Policy Development and Research within HUD by $2,978,450—resulting in a 2.5% reduction in funding below the amount appropriated in fiscal year 2010; **Pages H6348–53**

Perlmutter amendment (No. 7 printed in part A of H. Rept. 111–578) that strikes $50 million in incentive grants to states to enact laws to make it a primary traffic violation for occupants to not use a seat belt; **Page H6349**

DeFazio amendment (No. 9 printed in part A of H. Rept. 111–578) that prohibits any funds under the Act from being used to reallocate Federal highway formula funding for the livable communities program unless the program is first authorized by Congress; **Page H6351**

Eddie Bernice Johnson (TX) amendment (No. 11 printed in part A of H. Rept. 111–578) that increases by $10 million activities under Section 107, under the Community Development Grant program at HUD. Specifically additional funding would be requested for the HBCU Community Development Grant Program. Subsequently, reverse mortgages would be decreased by $10 million; **Page H6353**

Moore (WI) amendment (No. 13 printed in part A of H. Rept. 111–578) that increases funding for the Office of Small and Disadvantaged Business Utilization by $100,000 and increases funding for the Minority Business Research Center 's outreach activities by $225,000 to help ensure that the small and disadvantaged business policies and goals of the Department are developed and implemented; **Page H6372**

Braley amendment (No. 15 printed in part A of H. Rept. 111–578) that increases funding to the Community Development Block Grant (CDBG) by $20 million and offsets this increase with a decrease of $20 million for non-personnel expenses within the Department of Housing and Urban Development. The purpose of the CDBG funding increase is to provide CDBG disaster relief and recovery funds to assist communities in the Midwest affected by the flooding that occurred during July of 2010; and **Pages H6373–74**

Turner amendment (No. 16 printed in part A of H. Rept. 111–578) that prevents funds in the bill from being used to prohibit the establishment of any occupancy preference for veterans in supporting housing for the elderly that is assistance by HUD and is located on Department of Veterans Affairs (VA) property or is subject to an enhanced use lease with the VA. **Page H6374**

Rejected:

Boehner amendment (No. 2 printed in part A of H. Rept. 111–578) that sought to reduce HUD's Transformation Initiative (technical assistance and

capacity building) by $40 million (by a recorded vote of 206 ayes to 217 noes, Roll No. 488);

Pages H6345–46, H6368–69

Latham amendment (No. 8 printed in part A of H. Rept. 111–578) that sought to cut $1.8 billion from specific accounts that were increased over and above the President's request (by a recorded vote of 197 ayes to 225 noes, Roll No. 489);

Pages H6349–51, H6369–70

Culberson amendment (No. 10 printed in part A of H. Rept. 111–578) that sought to reduce the bill's funding level by $12.4 billion dollars, returning the bill to the FY2009 funding level. This is an 18% cut in the bill's spending (by a recorded vote of 169 ayes to 252 noes, Roll No. 490);

Pages H6351–53, H6370–71

Graves (MO) amendment (No. 12 printed in part A of H. Rept. 111–578) that sought to prohibit the Federal Aviation Administration from using funds in the Act to require a sponsor of a public general aviation airport to terminate existing residential through-the-fence agreements, or otherwise withhold funds from a sponsor of a general aviation airport, solely because the sponsor enters into a residential through-the-fence agreement; **Pages H6371–72**

Kirkpatrick amendment (No. 17 printed in part A of H. Rept. 111–578) that sought to make an across the board cut of 5% from the base text of the bill. It would have reduced the cost of the bill by $3.37 billion, bringing the total cost of the bill down to $64.03 billion; **Pages H6374–75**

Neugebauer amendment (No. 14 printed in part A of H. Rept. 111–578) that sought to reduce spending in the bill by $10.52 billion. This amount represents the uncommitted funds from the $61.7 billion in 2009 stimulus funds that were appropriated for transportation and housing related programs (by a recorded vote of 177 ayes to 247 noes, Roll No. 492); **Pages H6372–73 (continued next issue)**

Jordan amendment (No. 18 printed in part A of H. Rept. 111–578) that sought to reduce spending by $18,579,000,000 in order to reflect FY 2008 levels (by a recorded vote of 159 ayes to 265 noes, Roll No. 493); **Pages H6375–76 (continued next issue)**

Flake amendment (No. 20 printed in part A of H. Rept. 111–578) that sought to reduce funding for Capital and Debt Service Grants to the National Railroad Passenger Corporation for capital investments by $1,203,500,000 (by a recorded vote of 129 ayes to 293 noes, Roll No. 494);

Pages H6376–77 (continued next issue)

Flake amendment (No. 2 printed in part B of H. Rept. 111–578) that sought to prohibit $1,000,000 from being made available for the Blackstone River Bikeway in Rhode Island and reduce the overall cost of the bill by the same amount (by a recorded vote of 163 ayes to 260 noes, Roll No. 495);

Pages H6377–78 (continued next issue)

Flake amendment (No. 4 printed in Part B of H. Rept. 111–578) that sought to prohibit $1,000,000 from being made available for the downtown Tacoma streetscapes improvement project in Washington and reduce the overall cost of the bill by the same amount (by a recorded vote of 157 ayes to 267 noes, Roll No. 496);

Pages H6378–79 (continued next issue)

Flake amendment (No. 10 printed in part B of H. Rept. 111–578) that sought to prohibit $1,000,000 from being made available for the restoration and improvements to the historical Darwin Martin House Home and complex in New York and reduce the overall cost of the bill by the same amount (by a recorded vote of 165 ayes to 258 noes, Roll No. 497); and **Pages H6379–81 (continued next issue)**

Flake amendment (No. 11 printed in part B of H. Rept. 111–578) that sought to prohibit $150,000 from being made available for the construction of a children's playground in the Municipality of Yauco, Puerto Rico and reduce the overall cost of the bill by the same amount (by a recorded vote of 159 ayes to 264 noes, Roll No. 498).

Pages H6381–82 (continued next issue)

H. Res. 1569, the rule providing for consideration of the bill, was agreed to by a recorded vote of 231 ayes to 185 noes, Roll No. 485, after the previous question was ordered by a yea-and-nay vote of 236 yeas to 179 nays, Roll No. 484.

Pages H6289–97, H6307–08

A point of order was raised against the consideration of H. Res. 1569 and it was agreed to proceed with consideration of the resolution by voice vote.

Pages H6289–90

Investing in American Jobs and Closing Tax Loopholes Act of 2010: The House began consideration of H.R. 5893, to amend the Internal Revenue Code of 1986 to create jobs through increased investment in infrastructure and to eliminate loopholes which encourage companies to move operations offshore. Further proceedings were postponed.

Pages H6355–68

H. Res. 1568, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 233 yeas to 182 nays, Roll No. 486, after the previous question was ordered without objection.

Pages H6297–H6306, H6308–09

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure:

James Zadroga 9/11 Health and Compensation Act of 2010: H.R. 847, amended, to amend the Public Health Service Act to extend and improve

protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, by a 2/3 yea-and-nay vote of 255 yeas to 159 nays, Roll No. 491.

Pages H6382–H6400 (continued next issue)

Suspensions: The House agreed to suspend the rules and pass the following measures:

Airline Safety and Federal Aviation Administration Extension Act of 2010: H.R. 5900, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund and to amend title 49, United States Code, to extend airport improvement program project grant authority and to improve airline safety; (See next issue.)

Modifying the date on which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels: S. 3372, to modify the date on which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels;

(See next issue.)

Assistance, Quality, and Affordability Act of 2010: H.R. 5320, amended, to amend the Safe Drinking Water Act to increase assistance for States, water systems, and disadvantaged communities; to encourage good financial and environmental management of water systems; to strengthen the Environmental Protection Agency's ability to enforce the requirements of the Act; to reduce lead in drinking water; and to strengthen the endocrine disruptor screening program; (See next issue.)

Ski Area Recreational Opportunity Enhancement Act: H.R. 2476, amended, to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System lands that are subject to ski area permits;

(See next issue.)

Expressing support for designation of September 2010 as "Gospel Music Heritage Month": H.J. Res. 90, to express support for designation of September 2010 as "Gospel Music Heritage Month" and to honor gospel music for its valuable and longstanding contributions to the culture of the United States; and (See next issue.)

Congratulating the United States Men's National Soccer Team for its inspiring performance in the 2010 FIFA World Cup: H. Res. 1527, to congratulate the United States Men's National Soccer Team for its inspiring performance in the 2010 FIFA World Cup. (See next issue.)

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Real Estate Jobs and Investment Act of 2010: H.R. 5901, to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investment in United States real property interests; (See next issue.)

Recognizing the 50th anniversary of the Student Nonviolent Coordinating Committee (SNCC): H. Res. 1566, to recognize the 50th anniversary of the Student Nonviolent Coordinating Committee (SNCC) and the pioneering of college students whose determination and nonviolent resistance led to the desegregation of lunch counters and places of public accommodation over a 5-year period; and

(See next issue.)

Providing for the conveyance of a small parcel of National Forest System land in the Francis Marion National Forest in South Carolina: H.R. 5414, amended, to provide for the conveyance of a small parcel of National Forest System land in the Francis Marion National Forest in South Carolina.

(See next issue.)

Presidential Message: Read a message from the President wherein he notified Congress that the national emergency declared with respect to the actions of certain persons to undermine the sovereignty of Lebanon or its democratic processes and institutions is to continue in effect beyond August 1, 2010—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 111–136). Page H6355

Senate Message: Message received from the Senate today will appear in the next issue.

Quorum Calls—Votes: Six yea-and-nay votes and 11 recorded votes developed during the proceedings of today and appear on pages H6306–07, H6307, H6307–08, H6308–09, H6309, H6369, H6369–70, H6370 (continued next issue). There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 1:10 a.m. on Friday, July 30, 2010.

Committee Meetings

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Financial Services and General Government approved for full Committee action the FY 2011 Financial Services and General Government Appropriations bill.

QUADRENNIAL DEFENSE REVIEW

Committee on Armed Services: Held a hearing on the Final Report of the Independent Panel's Assessment of the Quadrennial Defense Review. Testimony was heard from the following officials of the United States Institute of Peace: William J. Perry, Co-Chairman; and Stephen J. Hadley, Co-Chairman, Quadrennial Defense Review Independent Panel.

TOXIC CHEMICALS SAFETY ACT OF 2010

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing on H.R. 5820, Toxic Chemicals Safety Act of 2010. Testimony was heard from Steve Owens, Assistant Administrator, Office of Chemical Safety and Pollution Prevention, EPA; and public witnesses.

MISCELLANEOUS MEASURES; COMMERCIAL REAL STATE LIQUIDITY OPTIONS

Committee on Financial Services: Ordered reported, as amended, the following bills: H.R. 4790, Shareholder Protection Act of 2010; and H.R. 2267, Internet Gambling Regulation, Consumer Protection, and Enforcement Act.

The Committee also held a hearing entitled "Alternatives for Promoting Liquidity in the Commercial Real Estate Markets, Supporting Businesses and Increasing Job Growth." Testimony was heard from public witnesses.

PRIVATE MORTGAGE INSURANCE

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored enterprises held a hearing entitled "Future of Housing Finance: The Role of Private Mortgage Insurance." Testimony was heard from public witnesses.

HAITI CRISIS

Committee on Foreign Affairs: Subcommittee on Western Hemisphere held a hearing on The Crisis in Haiti: Are We Moving Fast Enough? Testimony was heard from Rajiv Shah, Administrator, U.S. Agency for International Development, Department of State; and public witnesses.

CAPITOL POLICE BUDGET CONCERNS

Committee on House Administration: Subcommittee on Capitol Security held a hearing on U.S. Capitol Police Budget Concerns. Testimony was heard from the following officials of the United State Capitol Police: Phillip D. Morse, Sr., Chief; and Carl W. Hoeker, Inspector General.

FAIR HOUSING ACT AFTER HURRICANE KATRINA

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights, and Civil Liberties held a hearing on the American Dream Part III: Advancing and Improving the Fair Housing Act at the 5-year Anniversary of Hurricane Katrina. Testimony was heard from public witnesses.

SECURE RURAL SCHOOLS PROGRAM

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held an oversight hearing entitled "Building Success: Implementation of the Secure Rural Schools Program." Testimony was heard from Joel Holtrop, Deputy Chief, Forest Service, USDA; Ed Roberson, Assistant Director, Renewable Resources and Planning, Bureau of Land Management, Department of the Interior; and public witnesses.

SMALL HYDROPOWER PROJECT INVESTMENT

Committee on Natural Resources: Subcommittee on Water and Power held an oversight hearing entitled "Investment in Small Hydropower: Prospects of Expanding Low-Impact and Affordable Hydropower Generation in the West." Testimony was heard from Michael L. Connor, Commissioner, Bureau of Reclamation, Department of the Interior; Michael G. Ensch, SES, Chief, Operations and Regulatory Community of Practice, U.S. Army Corps of Engineers, Department of Defense; the following officials of the Department of Energy: Jeff Wright, Director, Office of Energy Projects, Federal Energy Regulatory Commission; and Sonya Baskerville, Manager, National Relations Officer, Bonneville Power Administration; and public witnesses.

IRAN SANCTIONS IMPLEMENTATION

Committee on Oversight and Government Reform: Held a hearing entitled Implementations of Iran Sanctions. Testimony was heard from Robert J. Einhorn, Special Advisor, Nonproliferation and Arms Control, Department of State; Daniel Glaser, Deputy Assistant Secretary, Terrorist Financing and Financial Crimes, Department of the Treasury; Joseph A. Neurauter, Deputy Associate Administrator, Office of Acquisition Policy, GSA; Joseph A. Christoff, Director, International Affairs and Trade, GAO; and public witnesses.

FEDERALLY-FUNDED RESEARCH PUBLIC ACCESS

Committee on Oversight and Government Reform: Subcommittee on Information Policy, Census, and the National Archives held a hearing entitled "Public Access to Federally-Funded Research." Testimony

was heard from David Lipman, M.D., Director, NCBI, NLM, National Institutes of Health, Department of Health and Human Services; and public witnesses.

CONSOLIDATED LAND, ENERGY, AND AQUATIC RESOURCES (CLEAR) ACT OF 2009; AND OFFSHORE OIL AND GAS WORKER WHISTLEBLOWER PROTECTION ACT OF 2010

Committee on Rules: Granted, by a non-record vote, a rule for consideration of H.R. 3534, the ''Consolidated Land, Energy, and Aquatic Resources Act of 2009,'' and H.R. 5851, the ''Offshore Oil and Gas Worker Whistleblower Protection Act of 2010.''

The rule provides a structured rule for consideration of H.R. 3534. The rule provides one hour of general debate with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that in lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources printed in the bill, the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute printed in part A of the report except those arising under clause 10 of rule XXI. The rule further makes in order only those amendments printed in part B of the report. The amendments made in order my be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against the amendments printed in part B of the report are waived except those arising under clause 9 or 10 of rule XXI. The rule provides one motion to recommit with or without instructions. The rule provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Natural Resources or a designee. The rule provides that the Chair may not entertain a motion to strike out the enacting words of the bill.

The rule also grants a closed rule for consideration of H.R. 5851, the ''Offshore Oil and Gas Worker Whistleblower Protection Act of 2010.'' The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that the amendment printed in part C of the report shall be considered as adopted. The rule provides that the bill, as amended, shall be considered as read. The rule waives all points of order against provisions of the bill, as amended. The rule provides one motion to recommit with or without instructions. The rule provides that in the engrossment of H.R. 3534, the Clerk shall add the text of H.R. 5851, as passed by the House, as new matter at the end of H.R. 3534. Upon the addition of the text of H.R. 5851 to the end of H.R. 3534, H.R. 5851 shall be laid on the table. Testimony was heard by Chairman George Miller (CA), Chairman Rahall, Representatives Bordallo, Cummings, Jackson Lee (TX), Altmire, Kline (MN), Hastings (WA), Young (AK), Lamborn, Lummis, Cassidy, Brady (TX), and Scalise.

SMALL BUSINESS INTERCHANGE FEES

Committee on Small Business; Held a hearing entitled ''The Impact of Interchange Fees on Small Businesses.'' Testimony was heard from public witnesses.

IN THE MATTER OF REPRESENTATIVE CHARLES B. RANGEL

Committee on Standards of Official Conduct: Adjudicatory Subcommittee met to organize regarding a Statement of Alleged Violations in the Matter of Representative Charles B. Rangel.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Ordered reported the following measures: H.R. 5892, amended, Water Resources Development Act of 2010; H.R. 5897, Economic Revitalization and Innovation Act of 2010; H.R. 5112, Federal Buildings Personnel Training Act of 2010; H.R. 5282, amended, To provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities; H.R. 305, Horse Transportation Safety Act of 2009; H.R. 5717, amended, Smithsonian Conservation Biology Institute Enhancement Act; H.R. 1997, To direct the Secretary of Transportation to update a research report and issue guidance to the States with respect to reducing lighting on the Federal-aid system during periods of low traffic density;

H.R. 4387, To designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow Federal Building''; H.R. 5651, To designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the ''Andrew W. Bogue Federal Building and United States Courthouse''; H.R. 5706, amended, To designate the facility of the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the ''Frank Evans Government Printing Office Building''; H.R. 5773, amended, To designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, as the ''Robert M. Ball Federal Building''; H.R. 5591, amended, To designate the facility of the Federal Aviation Administration located at Spokane International Airport in Spokane, Washington, as the ''Ray Daves Air Traffic Control Tower''; and H. Res. 1473, amended, Supporting backcountry airstrips and recreational aviation.

LICENSURE AND CERTIFICATION

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity held a hearing on Licensure and Certification. Testimony was heard from Raymond M. Jefferson, Assistant Secretary, Veterans' Employment and Training, Department of Labor; the following officials of the Department of Defense: John R. Campbell, Deputy Under Secretary, Wounded Warrior Care and Transition Policy; and Ron Horne, Deputy Director, Transition Assistance Program, Wounded Warrior Care, Transition Policy; Margarita Cocker, Deputy Director, Vocational Rehabilitation and Employment Service, Veterans Benefits Administration, Department of Veterans Affairs; and representatives of veterans organizations.

STATE CHILD WELFARE PROGRAM WAIVERS

Committee on Ways and Means: Subcommittee on Income Security and Family Support held a hearing to Review the Use of Child Welfare Waiver Demonstration Projects to Promote Child Well-Being. Testimony was heard from Ruth Kagi, member, House of Representatives, State of Washington; George Sheldon, Secretary, Department of Children and Families, State of Florida; and public witnesses.

CLASSIFIED INFORMATION—NON-COMMITTEE REQUESTS FOR ACCESS

Permanent Select Committee on Intelligence: Committee approved three requests from non-Committee members for access to classified information.

BRIEFING—DOD QUARTERLY UPDATE

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on DOD Quarterly Update. The Committee was briefed by departmental witnesses.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D846)*

H.R. 689, to interchange the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management. Signed on July 27, 2010. (Public Law 111–206)

H.R. 3360, to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels. Signed on July 27, 2010. (Public Law 111–207)

H.R. 4840, to designate the facility of the United States Postal Service located at 1981 Cleveland Avenue in Columbus, Ohio, as the ''Clarence D. Lumpkin Post Office''. Signed on July 27, 2010. (Public Law 111–208)

H.R. 5502, to amend the effective date of the gift card provisions of the Credit Card Accountability Responsibility and Disclosure Act of 2009. Signed on July 27, 2010. (Public Law 111–209)

H.J. Res. 83, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003. Signed on July 27, 2010. (Public Law 111–210)

COMMITTEE MEETINGS FOR FRIDAY, JULY 30, 2010

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

10 a.m., Friday, July 30

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, July 30

House Chamber

Program for Friday: Consideration of H.R. 3534—Consolidated Land, Energy, and Aquatic Resources Act of 2010 (Subject to a Rule) and H.R. 5851—Offshore Oil and Gas Worker Whistleblower Protection Act of 2010 (Subject to a Rule).

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