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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.