

Melancon Price (GA) Smith (TX)  
Mica Putnam Souder  
Miller (FL) Rehberg Space  
Miller (MI) Reichert Stearns  
Miller, Gary Roe (TN) Sullivan  
Minnick Rogers (AL) Taylor  
Mitchell Rogers (KY) Teague  
Moran (KS) Rogers (MI) Terry  
Murphy (NY) Rohrabacher  
Murphy, Tim Rooney Thompson (PA)  
Myrick Ros-Lehtinen Thornberry  
Neugebauer Roskam Tiahrt  
Nunes Royce Tiberi  
Nye Ryan (WI) Titus  
Olson Scalise Turner  
Owens Schauer Upton  
Paul Schmidt Visclosky  
Paulsen Schock Walden  
Pence Sensenbrenner Wamp  
Perriello Sessions Westmoreland  
Peters Shadegg Whitfield  
Petri Shimkus Wilson (SC)  
Pitts Shuster Wittman  
Platts Simpson Wolf  
Poe (TX) Smith (NE) Young (AK)  
Posey Smith (NJ)

## NOT VOTING—3

Radanovich Speier Young (FL)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1625

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## DANIEL PEARL FREEDOM OF THE PRESS ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 3714, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 3714, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

## RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 403, noes 12, not voting 19, as follows:

[Roll No. 989]

AYES—403

Abercrombie Barrow Bonner  
Ackerman Bartlett Bono Mack  
Aderholt Bean Boozman  
Adler (NJ) Becerra Boren  
Akin Berkley Boswell  
Alexander Berman Boucher  
Altmire Berry Boustany  
Andrews Biggart Boyd  
Arcuri Bilbray Brady (PA)  
Austria Bilirakis Brady (TX)  
Baca Bishop (GA) Braley (IA)  
Bachmann Bishop (NY) Bright  
Bachus Blackburn Brown (SC)  
Baird Blumenauer Brown, Corrine  
Baldwin Blunt Buchanan  
Barrett (SC) Boccieri Burgess

Burton (IN) Guthrie McIntyre  
Butterfield Gutierrez McKeon  
Calvert Hall (NY) McMahon  
Camp Hall (TX) McMorris  
Campbell Halvorson Rodgers  
Cantor Hare McNeerney  
Cao Harman Meek (FL)  
Capito Harper Meeks (NY)  
Capps Hastings (FL) Melancon  
Capuano Hastings (WA) Mica  
Cardoza Heinrich Michaud  
Carnahan Heller Miller (FL)  
Carney Hensarling Miller (MI)  
Carson (IN) Herger Miller (NC)  
Carter Herseth Sandlin Miller, Gary  
Cassidy Higgins Miller, George  
Castle Hill Minnick  
Castor (FL) Himes Mitchell  
Chaffetz Hinchey Mollohan  
Chandler Hinojosa Moore (KS)  
Childers Hirono Moore (WI)  
Chu Hodes Moran (KS)  
Clarke Hoekstra Moran (VA)  
Clay Holden Murphy (CT)  
Cleaver Holt Murphy, Patrick  
Clyburn Honda Murphy, Tim  
Coble Hoyer Myrick  
Coffman (CO) Hunter Nadler (NY)  
Cohen Inglis Napolitano  
Cole Inslee Neal (MA)  
Connolly (VA) Israel Neugebauer  
Conyers Issa Nunes  
Cooper Nye  
Costa Jackson (IL) Oberstar  
Costello Jackson-Lee  
Courtney (TX)  
Crenshaw Jenkins  
Crowley Johnson (GA)  
Cuellar Johnson (IL)  
Culberson Johnson, E. B.  
Cummings Johnson, Sam  
Dahlkemper Jones  
Davis (AL) Kagen  
Davis (CA) Kanjorski  
Davis (IL) Kaptur  
Davis (KY) Kennedy  
Davis (TN) Kildee  
Deal (GA) Kilroy  
DeFazio Kind  
DeGette King (NY)  
Delahunt Kingston  
DeLauro Kirk  
Dent Kirkpatrick (AZ)  
Diaz-Balart, L. Kissell  
Diaz-Balart, M. Klein (FL)  
Dicks Kline (MN)  
Dingell Kosmas  
Doggett Kratovil  
Donnelly (IN) Kucinich  
Doyle Lamborn  
Dreier Lance  
Driehaus Langevin  
Edwards (MD) Larsen (WA)  
Edwards (TX) Larson (CT)  
Ehlers Latham  
Ellison LaTourette  
Ellsworth Latta  
Emerson Lee (CA)  
Engel Lee (NY)  
Eshoo Levin  
Etheridge Lewis (CA)  
Fallin Lewis (GA)  
Farr Linder  
Fattah Lipinski  
Filner LoBiondo  
Flake Loeb sack  
Fleming Lofgren, Zoe  
Forbes Lucas  
Fortenberry Luetkemeyer  
Foster Luján  
Frank (MA) Lungren, Daniel  
Franks (AZ) E.  
Frelinghuysen Lynch  
Fudge Maloney  
Gallegly Manzullo  
Garamendi Markey (CO)  
Gerlach Markey (MA)  
Giffords Marshall  
Gingrey (GA) Massa  
Gonzalez Matheson  
Goodlatte Matsui  
Gordon (TN) McCarthy (CA)  
Granger McCarthy (NY)  
Graves McCaul  
Grayson McCollum  
Green, Al McCotter  
Green, Gene McDermott  
Griffith McGovern  
Grijalva McHenry

Serrano Sessions Stark  
Sessions Stearns Stearns  
Sestak Stupak  
Shadegg Sullivan  
Shea-Porter Sutton  
Sherman Tanner  
Shimkus Taylor  
Shuler Teague  
Shuster Terry  
Simpson Thompson (CA)  
Sires Thompson (MS)  
Skelton Thompson (PA)  
Slaughter Thornberry  
Smith (NE) Tiahrt  
Smith (NJ) Tiberi  
Smith (TX) Tierney  
Smith (WA) Tonko  
Snyder Towns  
Souder Tsongas  
Space Turner  
Spratt Upton

## NOES—12

Barton (TX) Duncan Marchant  
Broun (GA) Foxx McClintock  
Brown-Waite, Garrett (NJ) Paul  
Ginny Gohmert  
Conaway Lummis

## NOT VOTING—19

Bishop (UT) Maffei Wasserman  
Boehner Murphy (NY) Schultz  
Buyer Murtha Waxman  
Jordan (OH) Peterson Whitfield  
Kilpatrick (MI) Radanovich Wilson (OH)  
King (IA) Speier Young (FL)  
Lowey Titus

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1636

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

The result of the vote was announced as above recorded.

The title was amended so as to read: “A bill to amend the Foreign Assistance Act of 1961 to include in the Annual Country Reports on Human Rights Practices information about freedom of the press in foreign countries, and for other purposes.”

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. RADANOVICH. Madam Speaker, I was unable to make today's votes on the House floor due to a family illness. Had I been present I would have voted as follows:

“Present” on rollcall vote No. 987, on the Quorum call.

“No” on rollcall vote No. 988, the motion to adopt H.R. 4314, to permit continued financing of government operations which is done by increasing the national debt limit.

“Yes” on rollcall vote No. 989, to suspend the rules and adopt H.R. 3714, the Daniel Pearl Freedom of the Press Act of 2009.

## JOBS FOR MAIN STREET ACT, 2010

Mr. OBEY. Madam Speaker, pursuant to House Resolution 976, I call up the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes,

with a Senate amendment thereto, and offer the motion at the desk.

The SPEAKER pro tempore. The Clerk will report the title of the bill, designate the Senate amendment, and designate the motion.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:*

#### TITLE I

#### DEPARTMENT OF COMMERCE

##### INTERNATIONAL TRADE ADMINISTRATION

##### OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, \$455,704,000, to remain available until September 30, 2011, of which \$9,439,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That not less than \$49,530,000 shall be for Manufacturing and Services; not less than \$43,212,000 shall be for Market Access and Compliance; not less than \$68,290,000 shall be for the Import Administration; not less than \$257,938,000 shall be for the Trade Promotion and United States and Foreign Commercial Service; and not less than \$27,295,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107-210, to maintain strong U.S. remedies laws, correct the problem of overreaching by World Trade Organization Panels and Appellate Body, and prevent the creation of obligation never negotiated or expressly agreed to by the United States: Provided fur-

ther, That within the amounts appropriated, \$1,500,000 shall be used for the projects, and in the amounts, specified in the table entitled "Congressionally designated projects" in the report of the Committee on Appropriations of the Senate to accompany this Act.

##### BUREAU OF INDUSTRY AND SECURITY OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$100,342,000, to remain available until expended, of which \$14,767,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

##### ECONOMIC DEVELOPMENT ADMINISTRATION

##### ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, \$200,000,000, to remain available until expended: Provided, That of the amounts provided, no more than \$4,000,000 may be transferred to "Economic Development Administration, Salaries and Expenses" to conduct management oversight and administration of public works grants.

##### SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$38,000,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

##### MINORITY BUSINESS DEVELOPMENT AGENCY

##### MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$31,200,000: Provided, That within the amounts appropriated, \$200,000 shall be used for the projects, and in the amounts, specified in the table entitled, "Congressionally designated projects" in the report of the Committee on Appropriations of the Senate to accompany this Act.

##### ECONOMIC AND STATISTICAL ANALYSIS

##### SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of

the Department of Commerce, \$100,600,000, to remain available until September 30, 2011.

##### BUREAU OF THE CENSUS

##### SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$259,024,000.

##### PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, \$7,065,707,000, to remain available until September 30, 2011: Provided, That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of census data on race identification that does not include "some other race" as a category: Provided further, That from amounts provided herein, funds may be used for additional promotion, outreach, and marketing activities.

##### NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$19,999,000, to remain available until September 30, 2011: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other government agencies shall remain available until expended.

##### PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants, authorized by section 392 of the Communications Act of 1934, \$20,000,000, to remain available until expended as authorized by section 391 of the Act: Provided, That not to exceed \$2,000,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

##### UNITED STATES PATENT AND TRADEMARK OFFICE

##### SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, \$1,930,361,000, to remain available until expended: Provided, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2010, so as to result in a fiscal year 2010 appropriation from the general fund estimated at \$0: Provided further, That during fiscal year 2010, should the total amount of offsetting fee collections be less than \$1,930,361,000, this amount shall be reduced accordingly: Provided further, That of the amount received in excess of \$1,930,361,000 in fiscal year 2010, in an amount up to \$100,000,000 shall remain until expended: Provided further, That from amounts provided herein, not to exceed \$1,000 shall be made available in fiscal year

2010 for official reception and representation expenses: Provided further, That of the amounts provided to the USPTO within this account, \$25,000,000 shall not become available for obligation until the Director of the USPTO has completed a comprehensive review of the assumptions behind the patent examiner expectancy goals and adopted a revised set of expectancy goals for patent examination: Provided further, That in fiscal year 2010 from the amounts made available for "Salaries and Expenses" for the USPTO, the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: Provided further, That sections 801, 802, and 803 of division B, Public Law 108-447 shall remain in effect during fiscal year 2010: Provided further, That the Director may, this year, reduce by regulation fees payable for documents in patent and trademark matters, in connection with the filing of documents filed electronically in a form prescribed by the Director: Provided further, That \$2,000,000 shall be transferred to "Office of Inspector General" for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND  
TECHNOLOGY  
SCIENTIFIC AND TECHNICAL RESEARCH AND  
SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$520,300,000, to remain available until expended, of which not to exceed \$9,000,000 may be transferred to the "Working Capital Fund": Provided, That not to exceed \$5,000 shall be for official reception and representation expenses: Provided further, That within the amounts appropriated, \$10,500,000 shall be used for the projects, and in the amounts, specified in the table entitled "Congressionally designated projects" in the report of the Committee on Appropriations of the Senate to accompany this Act.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, \$124,700,000, to remain available until expended. In addition, for necessary expenses of the Technology Innovation Program of the National Institute of Standards and Technology, \$69,900,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$163,900,000, to remain available until expended: Provided, That within the amounts appropriated, \$47,000,000 shall be used for the projects, and in the amounts, specified in the table entitled "Congressionally designated projects" in the report of the Committee on Appropriations of the Senate to accompany this Act: Provided further, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31,

United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than \$5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION  
OPERATIONS, RESEARCH, AND FACILITIES  
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, \$3,301,131,000, to remain available until September 30, 2011, except for funds provided for cooperative enforcement, which shall remain available until September 30, 2012: Provided, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, \$3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management" and in addition \$104,600,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That of the \$3,304,131,000 provided for in direct obligations under this heading \$3,301,131,000 is appropriated from the general fund, \$3,000,000 is provided by transfer: Provided further, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed \$226,809,000: Provided further, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed \$36,583,000: Provided further, That within the amounts appropriated, \$57,725,000 shall be used for the projects, and in the amounts, specified in the table entitled "Congressionally designated projects" in the report of the Committee on Appropriations of the Senate to accompany this Act: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That in allocating grants under sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, no coastal State shall receive more than 5 percent or less than 1 percent of increased funds appropriated over the previous fiscal year.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$1,397,685,000, to remain available until September 30, 2012, except funds provided for construction of facilities which shall remain available until expended: Provided, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar-for-dollar matching basis with funds provided for the same purpose

by the Department of Defense: Provided further, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That the Secretary of Commerce is authorized to enter into a lease, at no cost to the United States Government, with the Regents of the University of Alabama for a term of not less than 55 years, with two successive options each of 5 years, for land situated on the campus of University of Alabama in Tuscaloosa to house the Cooperative Institute and Research Center for Southeast Weather and Hydrology: Provided further, That within the amounts appropriated, \$19,000,000 shall be used for the projects, and in the amounts, specified in the table entitled "Congressionally designated projects" in the report of the Committee on Appropriations of the Senate to accompany this Act.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, \$80,000,000, to remain available until September 30, 2011: Provided, That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and federally recognized tribes of the Columbia River and Pacific Coast for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: Provided further, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

COASTAL ZONE MANAGEMENT FUND  
(INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed \$3,000,000 shall be transferred to the "Operations, Research, and Facilities" account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2010, obligations of direct loans may not exceed \$16,000,000 for Individual Fishing Quota loans and not to exceed \$59,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936: Provided, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT  
SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$5,000 for official reception and representation, \$61,000,000: Provided, That the Secretary, within 120 days of enactment of this Act, shall provide a report to the Committee on Appropriations of the Senate that audits and evaluates all decision documents and expenditures by the Bureau of the Census as they relate to the 2010 Census: Provided further, That of the amounts

provided to the Secretary within this account, \$5,000,000 shall not become available for obligation until the Secretary certifies to the Committee on Appropriations of the Senate that the Bureau of the Census has followed and met all standards and best practices, and all Office of Management and Budget guidelines related to information technology projects and contract management.

#### HERBERT C. HOOVER BUILDING RENOVATION AND MODERNIZATION

For expenses necessary, including blast windows, for the renovation and modernization of the Herbert C. Hoover Building, \$22,500,000, to remain available until expended.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$27,000,000.

#### GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 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 the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce: Provided further, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. The requirements set forth by section 112 of division B of Public Law 110–161 are hereby adopted by reference.

SEC. 106. Notwithstanding any other law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms or organizations are authorized pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended, on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to \$200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 107. With the consent of the President, the Secretary of Commerce shall represent the United States Government in negotiating and monitoring international agreements regarding fisheries, marine mammals, or sea turtles: Provided, That the Secretary of Commerce shall be responsible for the development and interdepartmental coordination of the policies of the United States with respect to the international negotiations and agreements referred to in this section.

SEC. 108. Section 101(k) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is amended by striking “2009” and inserting “2011”.

SEC. 109. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 110. The National Marine Fisheries Service is authorized to accept land, buildings, equipment, and other contributions including funding, from public and private sources, which shall be available until expended without further appropriation to conduct work associated with existing authorities.

This title may be cited as the “Department of Commerce Appropriations Act, 2010”.

#### TITLE II

#### DEPARTMENT OF JUSTICE

##### GENERAL ADMINISTRATION

##### SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$118,488,000, of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available until expended: Provided, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: Provided further, That \$18,693,000 is for Department Leadership; \$8,101,000 is for Intergovernmental Relations/External Affairs; \$12,715,000 is for Executive Support/Professional Responsibility; and \$78,979,000 is for the Justice Management Division: Provided further, That any change in amounts specified in the preceding proviso greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations consistent with the terms of section 505 of this Act: Provided further, That this transfer authority is in addition to transfers authorized under section 505 of this Act.

##### JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, \$95,000,000, to remain available until expended, of which \$21,132,000 is for the unified financial management system.

##### TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing a nation-wide Integrated Wireless Network supporting Federal law enforcement communications, and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, \$206,143,000, to remain available until expended: Provided, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: Provided further, That any transfer made under the preceding proviso shall be subject to section 505 of this Act.

##### ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, \$300,685,000, of which \$4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the “Immigration Examinations Fee” account.

##### DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, \$1,438,663,000, to remain available until expended: Provided, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: Provided further, That not to exceed \$5,000,000 shall be considered “funds appropriated for State and local law enforcement assistance” pursuant to 18 U.S.C. 4013(b).

##### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$84,368,000, including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character, of which \$2,000,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### UNITED STATES PAROLE COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, \$12,859,000.

##### LEGAL ACTIVITIES

##### SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

##### (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, \$875,097,000, of which \$2,500,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; and of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the total amount appropriated, not to exceed \$10,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to “Salaries and Expenses, General Legal Activities” from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 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 of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): Provided further, That of the amounts provided under this heading for the election monitoring program \$3,390,000 shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

#### SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$163,170,000, to remain available until expended: Provided, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be \$102,000,000 in fiscal year 2010), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at \$61,170,000.

#### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, \$1,926,003,000: Provided, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed \$25,000,000 shall remain available until expended: Provided further, That of the amount provided under this heading, not less than \$36,980,000 shall be used for salaries and expenses for assistant U.S. Attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) concerning the prosecution of offenses relating to the sexual exploitation of children.

#### UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, \$224,488,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, \$210,000,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year 2010 appropriation from the Fund estimated at \$9,488,000.

#### SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, \$2,117,000.

#### FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, \$168,300,000, to remain avail-

able until expended: Provided, That not to exceed \$10,000,000 may be made available for construction of buildings for protected witness safesites: Provided further, That not to exceed \$3,000,000 may be made available for the purchase and maintenance of armored and other vehicles for witness security caravans: Provided further, That not to exceed \$11,000,000 may be made available for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

#### SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, \$11,479,000: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), \$20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

#### UNITED STATES MARSHALS SERVICE

##### SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, \$1,125,763,000; of which not to exceed \$30,000 shall be available for official reception and representation expenses; of which not to exceed \$4,000,000 shall remain available until expended for information technology systems.

##### CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, \$26,625,000, to remain available until expended; and of which not less than \$12,625,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling.

#### NATIONAL SECURITY DIVISION

##### SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, \$87,938,000; of which not to exceed \$5,000,000 for information technology systems shall remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### INTERAGENCY LAW ENFORCEMENT

##### INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug traf-

ficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$515,000,000, of which \$50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

#### FEDERAL BUREAU OF INVESTIGATION SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; \$7,668,622,000, of which \$101,066,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; and of which not to exceed \$150,000,000 shall remain available until expended: Provided, That not to exceed \$205,000 shall be available for official reception and representation expenses: Provided further, That notwithstanding section 205 of this Act, the Director of the Federal Bureau of Investigation, upon a determination that additional funding is necessary to carry out construction of the Biometrics Technology Center, may transfer from amounts available for "Salaries and Expenses" to amounts available for "Construction" up to \$30,000,000 in fees collected to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs: Provided further, That any transfer made pursuant to the previous proviso shall be subject to section 505 of this Act.

##### CONSTRUCTION

For all necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of federally owned buildings; and preliminary planning and design of projects; \$244,915,000, to remain available until expended.

#### DRUG ENFORCEMENT ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, \$2,014,682,000; of which \$10,000,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; and of which not to exceed \$75,000,000 shall remain available until expended; and of which not to exceed \$100,000 shall be available for official reception and representation expenses.

#### BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

##### SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, not to exceed \$40,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$1,114,772,000, of which

not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code; and of which \$10,000,000 shall remain available until expended: Provided, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of "Curios or relics" in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: Provided further, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2010: Provided further, That, beginning in fiscal year 2010 and thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to: (1) a Federal, State, local, tribal, or foreign law enforcement agency, or a Federal, State, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or solely in connection with and for use in a criminal investigation or prosecution; or (3) a Federal agency for a national security or intelligence purpose; unless such disclosure of such data to any of the entities described in (1), (2) or (3) of this proviso would compromise the identity of any undercover law enforcement officer or confidential informant, or interfere with any case under investigation; and no person or entity described in (1), (2) or (3) shall knowingly or publicly disclose such data; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed

importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: Provided further, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: Provided further, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

#### CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites to purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally owned buildings; and preliminary planning and design of projects; \$6,000,000, to remain until expended.

#### FEDERAL PRISON SYSTEM SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed \$31, of which 743 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$5,979,831,000, of which \$10,500,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed \$6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed \$50,000,000 shall remain available for necessary operations until September 30, 2011: Provided further, That, of the amounts provided for contract confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

#### BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acqui-

sition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$99,155,000, to remain available until expended, of which not less than \$73,769,000 shall be available only for modernization, maintenance and repair, and of which not to exceed \$14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation.

#### FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

#### LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$2,700,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

#### STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

#### OFFICE ON VIOLENCE AGAINST WOMEN

#### VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386) ("the 2000 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); and for related victims services, \$435,000,000, to remain available until expended: Provided, That except as otherwise provided by law, not to exceed 3 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: Provided further, That of the amount provided (which shall be by transfer, for programs administered by the Office of Justice Programs)—

(1) \$15,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) \$2,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;



(3) \$200,000,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

(A) \$18,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act; and

(B) \$2,000,000 shall be for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women;

(4) \$60,000,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(5) \$15,000,000 for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(6) \$41,000,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(7) \$3,000,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(8) \$3,000,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act;

(9) \$9,500,000 for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(10) \$45,000,000 for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(11) \$4,250,000 for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(12) \$14,000,000 for the safe havens for children program, as authorized by section 1301 of the 2000 Act;

(13) \$6,750,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(14) \$3,000,000 for an engaging men and youth in prevention program, as authorized by section 41305 of the 1994 Act;

(15) \$1,000,000 for analysis and research on violence against Indian women, as authorized by section 904 of the 2005 Act;

(16) \$1,000,000 for tracking of violence against Indian women, as authorized by section 905 of the 2005 Act;

(17) \$3,500,000 for services to advocate and respond to youth, as authorized by section 41201 of the 1994 Act;

(18) \$3,000,000 for grants to assist children and youth exposed to violence, as authorized by section 41303 of the 1994 Act;

(19) \$3,000,000 for the court training and improvements program, as authorized by section 41002 of the 1994 Act;

(20) \$500,000 for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act; and

(21) \$1,000,000 for grants for televised testimony, as authorized by part N of title I of the 1968 Act.

#### OFFICE OF JUSTICE PROGRAMS JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968; the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Justice for All Act of 2004 (Public Law 108-405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162); the Second Chance Act of 2007 (Public Law 110-199); the Victims of Child Abuse Act of 1990 (Public Law 101-647); the Victims of Crime Act of 1984 (Public Law 98-473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248); the PROTECT Our Children Act of 2008 (Public Law 110-401); subtitle D of title II of the Homeland Security Act of 2002

(Public Law 107-296), which may include research and development; and other programs (including the Statewide Automated Victim Notification Program); \$215,000,000, to remain available until expended, of which:

(1) \$40,000,000 is for criminal justice statistics programs, pursuant to part C of the 1968 Act, of which \$35,000,000 is for the National Crime Victimization Survey;

(2) \$48,000,000 is for research, development, and evaluation programs;

(3) \$12,000,000 is for the Statewide Victim Notification System of the Bureau of Justice Assistance;

(4) \$45,000,000 is for the Regional Information System Sharing System, as authorized by part M of title I of the 1968 Act; and

(5) \$70,000,000 is for the Missing Children's Program.

#### STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Justice for All Act of 2004 (Public Law 108-405); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248); the Second Chance Act of 2007 (Public Law 110-199); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); and other programs; \$1,159,000,000, to remain available until expended as follows:

(1) \$510,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act, (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), of which \$5,000,000 is for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, \$2,000,000 is for a program to improve State and local law enforcement intelligence capabilities including anti-terrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process, \$10,000,000 is to support the Nationwide Pegasus Program in coordination with the National Sheriff's Association, for rural and non-urban law enforcement databases and connectivity to enhance information sharing technology capacity, and \$10,000,000 is for implementation of a student loan repayment assistance program pursuant to section 952 of Public Law 110-315;

(2) \$178,500,000 for discretionary grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation): Provided, That within the amounts appropriated, \$178,500,000 shall be used for the projects, and in the amounts specified in the table entitled "Congressionally designated projects" in the report of the Committee on Appropriations of the Senate to accompany this Act;

(3) \$40,000,000 for competitive grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation) of which \$8,000,000 shall be available for the SMART Office activities and \$2,000,000 shall be available for grants to States and local law enforcement agencies as authorized by section 5 of Public Law 110-344;

(4) \$2,000,000 for the purposes described in the Missing Alzheimer's Disease Patient Alert Program (section 240001 of the 1994 Act);

(5) \$15,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106-386 and for programs authorized under Public Law 109-164;

(6) \$40,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act;

(7) \$5,000,000 for prison rape prevention and prosecution and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108-79);

(8) \$20,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(9) \$50,000,000 for offender re-entry programs, as authorized by the Second Chance Act of 2007 (Public Law 110-199), of which \$25,000,000 is for grants for adult and juvenile offender State, tribal and local reentry demonstration projects, \$15,000,000 is for grants for mentoring and transitional services and \$5,000,000 is for family-based substance abuse treatment;

(10) \$5,500,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108-405;

(11) \$10,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416);

(12) \$30,000,000 for assistance to Indian tribes, of which—

(A) \$10,000,000 shall be available for grants under section 20109 of subtitle A of title II of the 1994 Act;

(B) \$10,000,000 shall be available for the Tribal Courts Initiative;

(C) \$7,000,000 shall be available for tribal alcohol and substance abuse reduction assistance grants; and

(D) \$3,000,000 shall be available for training and technical assistance and civil and criminal legal assistance as authorized by title I of Public Law 106-559;

(13) \$228,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)); and

(14) \$25,000,000 for the Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys: Provided, That no less than \$20,000,000 shall be for prosecution efforts on the Southern border: Provided further, That no less than \$5,000,000 shall be for prosecution efforts on the Northern border:

Provided, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

#### WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Office of Weed and Seed Strategies, \$20,000,000, to remain available until expended, as authorized by section 103 of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

#### JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"), the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162), the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Victims of Child Abuse Act of 1990 (Public

Law 101-647); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248); the PROTECT Our Children Act of 2008 (Public Law 110-401), and other juvenile justice programs, \$407,000,000, to remain available until expended as follows:

(1) \$75,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, non-profit organizations with the Federal grants process: Provided, That no less than \$5,000,000 shall be for the Safe Start Program, as authorized by the 1974 Act;

(2) \$82,000,000 for grants and projects, as authorized by sections 261 and 262 of the 1974 Act: Provided, That within the amounts appropriated, \$82,000,000 shall be used for the projects, and in the amounts, specified in the table entitled "Congressionally designated projects" in the report of the Committee on Appropriations of the Senate to accompany this Act;

(3) \$100,000,000 for youth mentoring grants;

(4) \$65,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) \$25,000,000 shall be for the Tribal Youth Program;

(B) \$10,000,000 shall be for a gang education initiative; and

(C) \$25,000,000 shall be for grants of \$360,000 to each State and \$4,840,000 shall be available for discretionary grants, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(5) \$25,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(6) \$60,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of title I of the 1968 Act and Guam shall be considered a State:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: Provided further, That not more than 2 percent of each amount may be used for training and technical assistance: Provided further, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act.

#### PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary (including amounts for administrative costs, which amounts shall be paid to the "Salaries and Expenses" account); and \$5,000,000 for payments authorized by section 1201(b) of such Act; and \$4,100,000 for educational assistance, as authorized by section 1218 of such Act, to remain available until expended.

#### COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296), which may include research and development; and the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177); the NICS Improvement Amendments Act of 2007 (Public Law 110-180); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) (the "Adam Walsh Act"); and the Justice for All Act of 2004 (Public Law 108-405), \$658,500,000, to remain available until expended: Provided, That

any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount provided (which shall be by transfer, for programs administered by the Office of Justice Programs)—

(1) \$30,000,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: Provided, That \$1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the Community Oriented Policing Services Office for research, testing, and evaluation programs;

(2) \$39,500,000 for grants to entities described in section 1701 of title I of the 1968 Act, to address public safety and methamphetamine manufacturing, sale, and use in hot spots as authorized by section 754 of Public Law 109-177, and for other anti-methamphetamine-related activities: Provided, That within the amounts appropriated, \$34,500,000 shall be used for the projects, and in the amounts, specified in the table entitled "Congressionally designated projects" in the report of the Committee on Appropriations of the Senate to accompany this Act;

(3) \$187,000,000 for a law enforcement technology and interoperable communications program, and related law enforcement and public safety equipment: Provided, That within the amounts appropriated, \$187,000,000 shall be used for the projects, and in the amounts, specified in the table entitled "Congressionally designated projects" in the report of the Committee on Appropriations of the Senate to accompany this Act;

(4) \$10,000,000 for grants to assist States and tribal governments as authorized by the NICS Improvements Amendments Act of 2007 (Public Law 110-180);

(5) \$10,000,000 for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(6) \$166,000,000 for DNA related and forensic programs and activities as follows:

(A) \$151,000,000 for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities including the purposes of section 2 of the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program);

(B) \$5,000,000 for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108-405, section 412);

(C) \$5,000,000 for Sexual Assault Forensic Exam Program Grants as authorized by Public Law 108-405, section 304; and

(D) \$5,000,000 for DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers as authorized by Public Law 108-405, section 303;

(7) \$20,000,000 for improving tribal law enforcement, including equipment and training;

(8) \$15,000,000 for programs to reduce gun crime and gang violence;

(9) \$10,000,000 for training and technical assistance;

(10) \$20,000,000 for a national grant program the purpose of which is to assist State and local law enforcement to locate, arrest and prosecute child sexual predators and exploiters, and to enforce sex offender registration laws described in section 1701(b) of the 1968 Act, of which:

(A) \$5,000,000 for sex offender management assistance as authorized by the Adam Walsh Act and the Violent Crime Control Act of 1994 (Public Law 103-322); and

(B) \$1,000,000 for the National Sex Offender Public Registry;

(11) \$16,000,000 for expenses authorized by part AA of the 1968 Act (Secure our Schools);

(12) \$35,000,000 for Paul Coverdell Forensic Science Improvement Grants under part BB of title I of the 1968 Act; and

(13) \$100,000,000 for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for

the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsections (g) and (i) of such section and notwithstanding 42 U.S.C. 3796dd-3(c).

#### SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office on Violence Against Women, the Office of Justice Programs and the Community Oriented Policing Services Office, \$179,000,000, of which not to exceed \$15,708,000 shall be available for the Office on Violence Against Women; not to exceed \$125,830,000 shall be available for the Office of Justice Programs; not to exceed \$37,462,000 shall be available for the Community Oriented Policing Services Office: Provided, That, notwithstanding section 109 of title I of Public Law 90-351, an additional amount, not to exceed \$21,000,000 shall be available for authorized activities of the Office of Audit, Assessment, and Management: Provided further, That the total amount available for management and administration of such programs shall not exceed \$200,000,000.

#### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$75,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. The Attorney General is authorized to extend through September 30, 2011, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107-296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

SEC. 207. Notwithstanding any other provision of law, Public Law 102-395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 208. None of the funds made available to the Department of Justice in this Act may be



used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for Sentinel, or for any other major new or enhanced information technology program having total estimated development costs in excess of \$100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 211. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 212. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A-76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 213. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.

SEC. 214. None of the funds appropriated in this or any other Act shall be obligated for the initiation of a future phase of the Federal Bureau of Investigation's Sentinel program until the Attorney General certifies to the Committees on Appropriations that existing phases currently under contract for development or fielding have completed a majority of the work for that phase under the performance measurement baseline validated by the integrated baseline review conducted in 2008: Provided, That this restriction does not apply to planning and design activities for future phases: Provided further, That the Bureau will notify the Committees on Appropriations of any significant changes to the baseline.

SEC. 215. In addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this Act under the headings "Justice Assistance", "State and Local Law Enforcement Assistance", "Weed and Seed", "Juvenile Justice Programs", and "Community Oriented Policing Services"—

(1) Up to 3 percent of funds made available to the Office of Justice Programs for grants or reimbursement may be used to provide training and technical assistance; and

(2) Up to 1 percent of funds made available to such Office for formula grants under such headings may be used for research or statistical purposes by the National Institute of Justice or the Bureau of Justice Statistics, pursuant to, respectively, sections 201 and 202, and sections 301 and 302 of title I of Public Law 90-351.

SEC. 216. Section 5759(e) of title 5, United States Code, is amended by striking subsection (e).

SEC. 217. (a) The Attorney General shall submit quarterly reports to the Inspector General of the Department of Justice regarding the costs and contracting procedures relating to each conference held by the Department of Justice during fiscal year 2010 for which the cost to the Government was more than \$20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and

(3) a description of the contracting procedures relating to that conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by the Department of Justice in evaluating potential contractors for that conference.

SEC. 218. (a) Subchapter IV of chapter 57 of title 5, United States Code, is amended by adding at the end of the following:

**“§5761. Foreign language proficiency pay awards for the Federal Bureau of Investigation**

“The Director of the Federal Bureau of Investigation may, under regulations prescribed by the Director, pay a cash award of up to 10 percent of basic pay to any Bureau employee who maintains proficiency in a language or languages critical to the mission or who uses one or more foreign languages in the performance of official duties.”.

(b) The analysis for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

**“§5761. Foreign language proficiency pay awards for the Federal Bureau of Investigation.”**

SEC. 219. The Attorney General is authorized to waive the application of 42 U.S.C. 3755(d)(2)(A) with respect to grants made to units of local government pursuant to 42 U.S.C. 3755(d)(1), if such units of local government were eligible to receive such grants under the transitional rule in 42 U.S.C. 3755(d)(2)(B).

This title may be cited as the “Department of Justice Appropriations Act, 2010”.

## TITLE III

### SCIENCE

#### OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed \$2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$6,154,000.

#### NATIONAL AERONAUTICS AND SPACE

##### ADMINISTRATION

##### SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration,

and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$4,517,000,000, to remain available until September 30, 2011.

##### AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$507,000,000, to remain available until September 30, 2011.

##### EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management, personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$3,940,400,000, to remain available until September 30, 2011.

##### SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$6,161,600,000, to remain available until September 30, 2011.

##### EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, uniforms

or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$140,100,000, to remain available until September 30, 2011.

#### CROSS AGENCY SUPPORT

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$70,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$3,383,500,000, to remain available until September 30, 2011: Provided, That within the amounts appropriated \$47,000,000 shall be used for the projects, and in the amounts, specified in the table entitled “Congressionally designated projects” in the report of the Committee on Appropriations of the Senate to accompany this Act.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$36,400,000, to remain available until September 30, 2011.

#### ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the duration of availability of funds appropriated to the National Aeronautics and Space Administration for any account in this Act, except for “Office of Inspector General”, when any activity has been initiated by the incurrence of obligations for environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until expended.

Notwithstanding the limitation on the availability of funds appropriated to the National Aeronautics and Space Administration for any account in this Act, except for “Office of Inspector General”, the amounts appropriated for construction of facilities shall remain available until September 30, 2014.

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Notwithstanding any other provision of law, no funds shall be used to implement any Reduction in Force or other involuntary separations (except for cause) by the National Aeronautics and Space Administration prior to September 30, 2010.

The unexpired balances of the Science, Aeronautics, and Exploration account, for activities for which funds are provided under this Act,

may be transferred to the new accounts established in this Act that provide such activity. Balances so transferred shall be merged with the funds in the newly established accounts, but shall be available under the same terms, conditions and period of time as previously appropriated.

Funding designations and minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this title for the National Aeronautics and Space Administration.

#### NATIONAL SCIENCE FOUNDATION RESEARCH AND RELATED ACTIVITIES (INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; \$5,618,000,000, to remain available until September 30, 2011, of which not to exceed \$570,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: Provided, That from funds specified in the fiscal year 2010 budget request for icebreaking services, \$54,000,000 shall be transferred to the U.S. Coast Guard “Operating Expenses”: Provided further, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That not less than \$147,800,000 shall be available for activities authorized by section 7002(c)(2)(A)(iv) of Public Law 110–69.

#### MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including authorized travel, \$122,290,000, to remain available until expended.

#### EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, \$857,760,000, to remain available until September 30, 2011: Provided, That not less than \$55,000,000 shall be available until expended for activities authorized by section 7030 of Public Law 110–69.

#### AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; \$300,370,000: Provided, That contracts may be entered into under this heading in fiscal year 2010 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

#### OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger

motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), \$4,340,000: Provided, That not to exceed \$2,500 shall be available for official reception and representation expenses.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, \$14,000,000.

This title may be cited as the “Science Appropriations Act, 2010”.

#### TITLE IV

#### RELATED AGENCIES

#### COMMISSION ON CIVIL RIGHTS

#### SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,400,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

#### SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (Public Law 110–23); the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; and not to exceed \$30,000,000 for payments to State and local enforcement agencies for authorized services to the Commission, \$367,303,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds: Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the House and Senate Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: Provided further, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

#### INTERNATIONAL TRADE COMMISSION

#### SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$82,700,000, to remain available until expended.

#### LEGAL SERVICES CORPORATION

#### PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$400,000,000, of which \$374,600,000 is for basic field programs and required independent audits; \$4,000,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients;

\$17,000,000 is for management and grants oversight; \$3,400,000 is for client self-help and information technology; and \$1,000,000 is for loan repayment assistance: *Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d).*

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2009 and 2010, respectively.

MARINE MAMMAL COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, \$3,250,000.

OFFICE OF THE UNITED STATES TRADE  
REPRESENTATIVE  
SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$48,326,000, of which \$1,000,000 shall remain available until expended: *Provided, That not to exceed \$124,000 shall be available for official reception and representation expenses: Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107-210 to maintain strong U.S. remedies laws, correct the problem of overreaching by World Trade Organization Panels and Appellate Body, and prevent the creation of obligation never negotiated or expressly agreed to by the United States.*

STATE JUSTICE INSTITUTE  
SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et. seq.) \$5,000,000, of which \$500,000 shall remain available until September 30, 2011: *Provided, That not to exceed \$3,000 shall be available for official reception and representation expenses.*

TITLE V  
GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, 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. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds that:

(1) creates or initiates a new program, project or activity;

(2) eliminates a program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted by this Act, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(4) relocates an office or employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(5) reorganizes or renames offices, programs or activities, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(6) contracts out or privatizes any functions or activities presently performed by Federal employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(7) proposes to use funds directed for a specific activity by either the House or Senate Committee on Appropriations for a different purpose, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(8) augments funds for existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds; or

(9) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds after August 1, except in extraordinary circumstances, and only after the House and Senate Committees on Appropriations are notified 30 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this or any other Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration, shall provide to the House and Senate Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 509. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.*

SEC. 510. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 511. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 512. None of the funds made available in this Act may be used to pay the salaries and expenses of personnel of the Department of Justice to obligate more than \$705,000,000 during fiscal year 2010 from the fund established by section 1402 of chapter XIV of title II of Public Law 98-473 (42 U.S.C. 10601): *Provided, That hereafter the availability of funds under section 1402(d)(3) to improve services shall be understood to mean availability for pay or salary, including benefits for the same.*

SEC. 513. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 514. 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. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 516. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearm traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 517. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the require-

ments in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 518. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 520. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding \$500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 521. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

SEC. 522. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 523. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; and the laws amended by these Acts.

SEC. 524. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than \$75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 525. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for fiscal year 2010.

SEC. 526. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 528. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

SEC. 529. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 530. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

#### (RESCISSIONS)

SEC. 531. (a) Of the unobligated balances available to the Department of Justice from prior appropriations, the following funds are hereby rescinded, not later than September 30, 2010, from the following accounts in the specified amounts:

(1) “Legal Activities, Assets Forfeiture Fund”, \$379,000,000, of which \$136,000,000 shall be permanently rescinded and returned to the general fund;

(2) “Office of Justice Programs”, \$42,000,000; and

(3) “Community Oriented Policing Services”, \$40,000,000.

(b) The Department of Justice shall, within 30 days of enactment of this Act, submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

(c) The rescissions contained in this section shall not apply to funds provided in this Act.

SEC. 532. Section 504(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104–134) is amended:

(1) in subsection (a), in the matter preceding paragraph (1), by inserting after “(1)” the following: “that uses Federal funds (or funds from any source with regard to paragraphs (14) and (15)) in a manner”;

(2) by striking subsection (d); and

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 533. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

#### REVIEW AND AUDIT OF ACORN FEDERAL FUNDING

SEC. 534. (a) REVIEW AND AUDIT.—The Comptroller General of the United States shall conduct a review and audit of Federal funds received by the Association of Community Organizations for Reform Now (referred to in this section as “ACORN”) or any subsidiary or affiliate of ACORN to determine—

(1) whether any Federal funds were misused and, if so, the total amount of Federal funds involved and how such funds were misused;

(2) what steps, if any, have been taken to recover any Federal funds that were misused;

(3) what steps should be taken to prevent the misuse of any Federal funds; and

(4) whether all necessary steps have been taken to prevent the misuse of any Federal funds.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller

General shall submit to Congress a report on the results of the audit required under subsection (a), along with recommendations for Federal agency reforms.

This Act may be cited as the “Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010”.

#### MOTION OFFERED BY MR. OBEY

The text of the motion is as follows:

Mr. OBEY moves that the House concur in the Senate amendment to H.R. 2847 with the amendment printed in part B of House Report 111–380.

The SPEAKER pro tempore. The House amendment to the Senate amendment to the bill H.R. 2847 contains an emergency designation for purposes of pay-as-you-go principles.

Accordingly, the Chair must put the question of consideration under clause 10(c)(3) of rule XXI.

The question is, Will the House now consider the motion to concur in the Senate amendment with an amendment?

The question of consideration was decided in the affirmative.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 976, the amendment printed in part B of House Report 111–380 and the motion shall be considered as read.

The text of the amendment is as follows:

#### Amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

#### TITLE I—INFRASTRUCTURE AND JOBS INVESTMENT

##### CHAPTER 1—JUSTICE

##### DEPARTMENT OF JUSTICE

##### COMMUNITY ORIENTED POLICING SERVICES

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Community Oriented Policing Services”, for grants under section 1701 of title I of the 1968 Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3796dd) for hiring and rehiring of additional career law enforcement officers under part Q of such title, notwithstanding subsection (i) of such section, \$1,179,000,000, of which \$2,950,000 shall be transferred to “State and Local Law Enforcement Activities, Salaries and Expenses” for management, administration and oversight of such grants.

##### CHAPTER 2—ENERGY AND WATER

##### DEVELOPMENT

##### CORPS OF ENGINEERS—CIVIL WORKS

##### DEPARTMENT OF THE ARMY

##### CORPS OF ENGINEERS—CIVIL CONSTRUCTION

##### (INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Construction”, \$715,000,000: Provided, That section 102 of Public Law 109–103 (33 U.S.C. 2221) shall not apply to funds provided in this title: Provided further, That not less than \$30,000,000 of the funds provided shall be for water-related environmental infrastructure assistance: Provided further, That up to \$30,000,000 of the funds provided under this heading may be transferred to “Mississippi Rivers and Tributaries” for authorized projects and activities: Provided further, That notwithstanding any other provision of law, funds provided under this heading shall not be

cost shared with the Inland Waterways Trust Fund as authorized in Public Law 99–662: Provided further, That funds provided under this heading shall only be allocated to programs, projects or activities that heretofore received funds provided in Acts making appropriations available for Energy and Water Development and that are selected using only the following criteria in order of priority: programs, projects or activities that can be commenced quickly; programs, projects or activities that will create immediate employment; programs, projects or activities that will be executed by contract or direct hire of temporary labor; and programs, projects or activities that are located in a State with high unemployment: Provided further, That the limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), shall not apply during fiscal years 2010 and 2011 for any project receiving funds provided in this title: Provided further, That for projects that are being completed with funds appropriated in this paragraph that would otherwise be expired for obligation, expired funds appropriated in this paragraph may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any: Provided further, That funds made available under this heading shall be apportioned by the Office of Management and Budget not later than 30 days after the date of enactment of this Act and allocated by the Secretary of the Army to specific programs, projects or activities not later than 45 days after the date of enactment of this Act: Provided further, That the Secretary of the Army shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation, obligation and expenditures of these funds, including an explanation of how each selected program, project or activity fulfills the funding criteria above, beginning not later than 45 days after the date of enactment of this Act: Provided further, That the Secretary shall have unlimited reprogramming authority for the funds provided under this heading: Provided further, That up to 0.5 percent of funds provided under this heading may be transferred to “Expenses” for the purposes of management and oversight of the programs, projects or activities funded by this paragraph.

##### DEPARTMENT OF THE INTERIOR

##### BUREAU OF RECLAMATION

##### WATER AND RELATED RESOURCES

##### (INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Water and Related Resources”, \$100,000,000: Provided, That of the amount appropriated under this heading, not less than \$26,000,000 shall be used for water reclamation and reuse projects authorized under title XVI of Public Law 102–575: Provided further, That up to \$30,000,000 of the funds provided under this heading may be used for programs, projects, and activities authorized by Public Law 108–361 and up to \$10,000,000 of the funds provided under this heading may be transferred to the Department of the Interior for programs, projects, and activities authorized by titles II–V of Public Law 102–575: Provided further, That funds provided under this heading shall only be allocated to programs, projects or activities that heretofore received funds provided in Acts making appropriations available for Energy and Water Development: Provided further, That for projects that are being completed with funds appropriated in this paragraph that would otherwise be expired for obligation, expired funds appropriated in this paragraph may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any: Provided further, That the Secretary of the Interior shall submit a quarterly report to the Committees on Appropriations of

the House of Representatives and the Senate detailing the allocation, obligation and expenditures of these funds, beginning not later than 45 days after the date of enactment of this Act: Provided further, That the Secretary shall have unlimited reprogramming authority for the funds provided under this heading: Provided further, That up to 0.5 percent of funds appropriated under this heading may be transferred to "Policy and Administration" for the purposes of management and oversight of the programs, projects, or activities funded by this paragraph.

#### DEPARTMENT OF ENERGY ENERGY PROGRAMS

##### TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

For an additional amount for "Title 17 Innovative Technology Loan Guarantee Program" for the cost of guaranteed loans authorized by section 1705 of the Energy Policy Act of 2005, \$2,000,000,000, available until expended: Provided, That the cost of such loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

#### GENERAL PROVISION, THIS CHAPTER

##### INCENTIVES FOR INNOVATIVE TECHNOLOGIES LOAN GUARANTEE PROGRAM

SEC. 1201. (a) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

"(1) IN GENERAL.—No guarantee shall be made unless—

"(A) an appropriation for the cost has been made;

"(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury; or

"(C) a combination of appropriations or payments from the borrower has been made sufficient to cover the cost of the obligation.

"(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) or (C) shall not be a loan or other debt obligation, that is made or guaranteed by the Federal Government."; and

(2) by adding at the end the following:

"(k) CREDIT REPORT.—If, in the opinion of the Secretary, a third-party credit rating of the applicant or project is not relevant to the determination of the credit risk of a project, if the project costs are not projected to exceed \$100,000,000, and the applicant agrees to accept the credit rating assigned to the applicant by the Secretary, the Secretary may waive any otherwise applicable requirement (including any requirement described in part 609 of title 10, Code of Federal Regulations) to provide a third-party credit report.

"(l) DIRECT HIRE AUTHORITY.—

"(1) IN GENERAL.—Notwithstanding section 3304 and sections 3309 through 3318 of title 5, United States Code, the head of the loan guarantee program under this title (referred to in this subsection as the 'Executive Director') may, on a determination that there is a severe shortage of candidates or a severe hiring need for particular positions to carry out the functions of this title, recruit and directly appoint highly qualified critical personnel with specialized knowledge important to the function of the programs under this title into the competitive service.

"(2) EXCEPTION.—The authority granted under paragraph (1) shall not apply to positions in the excepted service or the Senior Executive Service.

"(3) REQUIREMENTS.—In exercising the authority granted under paragraph (1), the Executive Director shall ensure that any action taken by the Executive Director—

"(A) is consistent with the merit principles of section 2301 of title 5, United States Code; and

"(B) complies with the public notice requirements of section 3327 of title 5, United States Code.

"(4) SUNSET.—The authority provided under paragraph (1) shall terminate on January 1, 2011.

"(m) MULTIPLE SITES.—Notwithstanding any contrary requirement (including any provision under part 609.12 of title 10, Code of Federal Regulations) an eligible project may be located on 2 or more non-contiguous sites in the United States."

(b) APPLICATIONS FOR MULTIPLE ELIGIBLE PROJECTS.—Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) MULTIPLE APPLICATIONS.—Notwithstanding any contrary requirement (including any provision under part 609.3(a) of title 10, Code of Federal Regulations), a project applicant or sponsor of an eligible project may submit an application for more than 1 eligible project under this section."

(c) ENERGY EFFICIENCY LOAN GUARANTEES.—Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

"(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment."

#### CHAPTER 3—HOMELAND SECURITY

##### DEPARTMENT OF HOMELAND SECURITY

##### FEDERAL EMERGENCY MANAGEMENT AGENCY

##### FIREFIGHTER ASSISTANCE GRANTS

For an additional amount for "Firefighter Assistance Grants" for necessary expenses for programs authorized by section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a), \$500,000,000: Provided, That notwithstanding any provision under section 34(a)(1)(A) such Act specifying that grants must be used to increase the number of firefighters in fire departments, the Secretary of Homeland Security, in making grants under section 34 of such Act for fiscal year 2010, shall grant waivers from the requirements of subsections (a)(1)(B), (c)(1), (c)(2), and (c)(4)(A) of such section: Provided further, That section 34(a)(1)(E) of such Act shall not apply with respect to funds appropriated in this or any other Act making appropriations for fiscal year 2010 for grants under section 34 of such Act: Provided further, That the Secretary of Homeland Security, in making grants under section 34 of such Act, shall ensure that funds appropriated under this or any other Act making appropriations for fiscal year 2010 are made available for the retention of firefighters and shall award grants not later than 120 days after the date of enactment of this Act: Provided further, That the Secretary may transfer any unused funds under this heading to make grants for programs authorized by section 33 of such Act (15 U.S.C. 2229) after notification to the Committees on Appropriations of the Senate and the House of Representatives.

#### CHAPTER 4—INTERIOR AND ENVIRONMENT

##### DEPARTMENT OF THE INTERIOR

##### BUREAU OF LAND MANAGEMENT

##### MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of Lands and Resources", for activities on all Bureau of Land Management lands using term employment, \$20,000,000.

##### UNITED STATES FISH AND WILDLIFE SERVICE

##### RESOURCE MANAGEMENT

For an additional amount for "Resource Management", for activities using term employment, \$30,000,000.

##### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System", for activities on all national park units using term employment, \$50,000,000.

##### DEPARTMENT-WIDE PROGRAMS

##### WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management", for hazardous fuels reduction and related activities including necessary inventory and monitoring, using term employment, \$20,000,000.

##### ENVIRONMENTAL PROTECTION AGENCY

##### STATE AND TRIBAL ASSISTANCE GRANTS

##### (INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "State and Tribal Assistance Grants", \$2,000,000,000, of which \$1,000,000,000 shall be for capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act and \$1,000,000,000 shall be for capitalization grants under section 1452 of the Safe Drinking Water Act: Provided, That the Administrator may retain up to 1 percent of the funds appropriated herein for management and oversight purposes: Provided further, That funds appropriated herein shall not be subject to the matching or cost share requirements of sections 602(b)(2), 602(b)(3) or 202 of the Federal Water Pollution Control Act nor the matching requirements of section 1452(e) of the Safe Drinking Water Act: Provided further, That the Administrator shall reallocate funds appropriated herein for the Clean and Drinking Water State Revolving Funds (Revolving Funds) where projects are not under contract or construction within 8 months of the date of enactment of this Act: Provided further, That notwithstanding the priority rankings they would otherwise receive under each program, priority for funds appropriated herein shall be given to projects on a State priority list that are ready to proceed to construction within 12 months of the date of enactment of this Act: Provided further, That notwithstanding the requirements of section 603(d) of the Federal Water Pollution Control Act or section 1452(f) of the Safe Drinking Water Act, for the funds appropriated herein, each State shall use not less than 50 percent of the amount of its capitalization grants to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination of these: Provided further, That, to the extent there are sufficient eligible project applications, not less than 20 percent of the funds appropriated herein for the Revolving Funds shall be for projects to address green infrastructure, water or energy efficiency improvements or other environmentally innovative activities: Provided further, That notwithstanding the limitation on amounts specified in section 518(c) of the Federal Water Pollution Control Act, up to 2.0 percent of the funds appropriated herein for the Clean Water State Revolving Funds may be reserved by the Administrator for tribal grants under section 518(c) of such Act: Provided further, That up to 4 percent of the funds appropriated herein for tribal set-asides under the Revolving Funds may be transferred to the Indian Health Service to support management and oversight of tribal projects: Provided further, That none of the funds appropriated herein shall be available for the purchase of land or easements as authorized by section 603(c) of the Federal Water Pollution Control Act or for activities authorized by section 1452(k) of the Safe Drinking Water Act: Provided further, That notwithstanding section 603(d)(2) of the Federal Water Pollution Control Act and section 1452(f)(2) of the Safe Drinking Water Act, funds may be used to buy, refinance, or restructure the debt obligations of eligible recipients only where such debt was incurred on or after October 1, 2009: Provided further, That section 1606



of title XVI of Public Law 111-5 shall apply to the use of the funds provided under this heading.

DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount for "State and Private Forestry for financial assistance to States and territories for authorized activities using term employment, \$75,000,000.

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System", for activities on the National Forest System using term employment, \$40,000,000.

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management", for hazardous fuels reduction and related activities using term employment, \$35,000,000.

GENERAL PROVISIONS, THIS CHAPTER  
(INCLUDING TRANSFER OF FUNDS)

SEC. 1401. Funds made available to the Environmental Protection Agency by this Act for management and oversight purposes shall remain available until September 30, 2012, and may be transferred to the "Environmental Programs and Management" account as needed.

SEC. 1402. In carrying out the work for which funds in this title are being made available, the Secretary of the Interior and the Secretary of Agriculture shall utilize, to the maximum extent practicable, the Public Lands Corps, Youth Conservation Corps, Student Conservation Association, Job Corps, Corps Network members, and other related partnerships with Federal, State, local, tribal or non-profit groups that serve young adults, underserved and minority populations, veterans, and special needs individuals.

CHAPTER 5—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION  
TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services" for activities under the Workforce Investment Act of 1998 ("WIA"), \$1,250,000,000, which shall be available for obligation on the date of enactment of this Act, as follows:

(1) \$500,000,000 for grants to the States for youth activities: Provided, That such funds shall be used solely for summer employment programs for youth: Provided further, That no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA: Provided further, That for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities in the fiscal year does not exceed \$1,000,000,000: Provided further, That the work readiness performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds: Provided further, That an in-school youth shall meet the requirement that eligible youth be a low-income individual under section, 101(13)(B) of the WIA if such youth has been determined to meet the eligibility requirements for free meals under the National School Lunch Act (42 U.S.C. 1751 et seq.) during the most recent school year; and

(2) \$750,000,000 for a program of competitive grants for worker training and placement in high growth and emerging industry sectors: Provided, That \$275,000,000 shall be for job training projects that prepare workers for careers in energy efficiency and renewable energy as described in section 171(e)(1)(B) of the WIA, of which \$225,000,000 shall be for Pathways Out of Poverty projects: Provided further, That awarding grants from those funds not dedicated in the

preceding proviso, the Secretary of Labor shall give priority to projects that prepare workers for careers in the health care sector.

DEPARTMENT OF EDUCATION  
EDUCATION JOBS FUND

For necessary expenses for an Education Jobs Fund, \$23,000,000,000, which shall remain available for obligation through September 30, 2010 and shall be administered under the terms and conditions of sections 14001 through 14013 of title XIV, and title XV, of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), except as follows:

(1) ALLOTMENTS TO STATES AND TERRITORIES.—Such funds shall be available only for allocations by the Secretary under subsections (a) and (d) of section 14001.

(2) RESERVATION.—With respect to funds appropriated under this heading, a State that receives an allocation may reserve not more than 5 percent, for—

(A) the administrative costs of carrying out its responsibilities with respect to those funds, provided the State reserves not more than 1 percent of its total allocation for those costs; and

(B) retaining or creating positions in the State educational agency or the State agency for higher education, and other State agency positions related to the administration or support of early childhood, elementary, secondary or postsecondary education.

(3) AWARDS TO LOCAL EDUCATIONAL AGENCIES AND PUBLIC INSTITUTIONS OF HIGHER EDUCATION.—

(A) Except as specified under paragraph (2), allocation of such funds to a State under section 14001(d) shall be used only for awards to local educational agencies and public institutions of higher education for the support of elementary, secondary, and postsecondary education. The Governor shall determine how the funds appropriated under this heading are allocated for elementary and secondary education and for public institutions of higher education. In making the determination in the preceding sentence, the Governor shall allocate funds among the categories of elementary and secondary education and public institutions of higher education generally in proportion to any reductions in State funds for such categories.

(B) Funds used to support elementary and secondary education, shall be distributed through the State's primary elementary and secondary funding formulae.

(C) Section 14002(a) and (b) shall not apply.

(4) INAPPLICABILITY OF EDUCATION REFORM ASSURANCES.—Subsection (b)(2), and paragraphs (1) through (5) of subsection (d), of section 14005 shall not apply to any application for an allocation of such funds.

(5) REQUIREMENT TO USE FUNDS TO RETAIN OR CREATE EDUCATION JOBS.—Notwithstanding sections 14003(a) and 14004(a), such funds may be used only for compensation and benefits and other expenses, such as support services, necessary to retain existing employees, for activities defined in section 101(31) of the Workforce Investment Act of 1998, and to hire new employees in order to provide early childhood, elementary, secondary, or postsecondary educational and related services or for modernization, renovation, and repair of public school facilities and facilities of institutions of higher education.

(6) PROHIBITION ON USE OF FUNDS FOR RAINY-DAY FUNDS OR DEBT RETIREMENT.—A State that receives an allocation may not use such funds, directly or indirectly, to establish, restore, or supplement a rainy-day fund, or to supplant State funds in a manner that has the effect of establishing, restoring, or supplementing a rainy-day fund; or to reduce or retire debt obligations incurred by the State, or to supplant State funds in a manner that has the effect of reducing or retiring debt obligations incurred by the State, provided that this prohibition shall not apply to fund balances that are necessary to comply with any State requirement to maintain a balanced budget.

(7) APPLICATION CONSIDERATIONS.—If, by a date set by the Secretary, a Governor has not submitted an approvable application under section 14005(a), the Secretary may provide for the distribution of funds allocated under section 14001(d) to another entity or other entities in the State, under such terms and conditions as the Secretary may establish, provided that all terms and conditions that apply to the appropriation under this heading shall apply to such funds distributed to such entity or entities.

(8) LOCAL EDUCATIONAL AGENCY APPLICATION.—Section 442 of the General Education Provisions Act does not apply to a local educational agency that has previously submitted an application to the State under title XIV of division A of the American Recovery and Reinvestment Act of 2009. The assurances provided under that application shall continue to apply to funds awarded under this heading.

(9) MAINTENANCE OF EFFORT.—The Secretary shall not allocate funds to a State under paragraph (1) unless the Governor of the State provides an assurance to the Secretary that the State will—

(A) for fiscal year 2010—

(i) maintain State support for elementary, secondary, and public higher education (not including support for capital projects or research and development or tuition and fees paid by students), in the aggregate, at the level of such support for fiscal year 2009; or

(ii) maintain State support for elementary, secondary, and public higher education (not including support for capital projects or research and development or tuition and fees paid by students), in the aggregate, at a level no less than such support for fiscal year 2006, provided that if a State has enacted a reduction to such aggregate level of fiscal year 2010 State support for elementary, secondary, and public higher education after December 12, 2009, the State shall maintain State support for elementary, secondary, and public higher education at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for such purpose for fiscal year 2010 prior to December 12, 2009; and

(B) for fiscal year 2011—

(i) comply with subparagraph (A)(i); or

(ii) maintain State support, for elementary, secondary, and public higher education (not including support, for capital projects or research and development or tuition and fees paid by students), in the aggregate, at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for such purpose for fiscal year 2010.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student Financial Assistance" to carry out part C of title IV of the Higher Education Act of 1965, \$300,000,000, which, shall remain available through September 30, 2011.

RELATED AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operating Expenses" to carry out the Domestic Volunteer Service Act of 1973 ("1973 Act") and the National and Community Service Act of 1990 ("1990 Act"), \$132,000,000, which shall remain available through September 30, 2011: Provided, That not less than \$90,000,000 of the funds made available in this paragraph shall be used to make additional awards to existing AmeriCorps grantees and may be used to provide adjustments to awards under subtitle C of title I of the 1990 Act made prior to September 30, 2011 for which the Chief Executive Officer of the Corporation for National and Community Service ("CEO") determines that a waiver of the Federal share limitation is warranted under section 2521.70 of title 45 of the Code of Federal Regulations: Provided

further, That up to \$30,000,000 shall be for programs under title I, part A of the 1973 Act: Provided further, That any funds provided in the previous proviso shall not be made available in connection with cost-share agreements authorized under section 192A(g)(10) of the 1990 Act: Provided further, That of the amount made available in this paragraph, not less than \$7,000,000 shall be transferred to “Salaries and Expenses” to administer the funds provided in this paragraph, including making any necessary information technology upgrades: Provided further, That the CEO shall provide to the Committees on Appropriations of the house of Representatives and the Senate a fiscal year 2010 operating plan for the funds appropriated in this paragraph prior to making any Federal obligations of such funds in fiscal year 2010, but not later than 90 days after the date of enactment of this Act, and a fiscal year 2011 operating plan for such funds in fiscal year 2011, but not later than November 1, 2010, that detail the allocation of resources and the increased number of members supported by the AmeriCorps programs: Provided further, That the CEO shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each activity funded under this heading not later than 90 days after issuance of the operating plan, and quarterly thereafter as long as funding provided under this heading is available for obligation or expenditure.

NATIONAL SERVICE TRUST  
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “National Service Trust” established under subtitle D of title I of the National and Community Service Act of 1990 (“1990 Act”), \$68,000,000, which shall remain available until expended: Provided, That the Corporation for National and Community Service may transfer additional funds from the amount provided within “Operating Expenses” allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the amount appropriated or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirements to apportion funds under 31 U.S.C. 1513(b).

GENERAL PROVISION, THIS CHAPTER

ISSUER ALLOWED REFUNDABLE CREDIT FOR QUALIFIED ZONE ACADEMY BONDS AND QUALIFIED SCHOOL CONSTRUCTION BONDS

SEC. 1501. (a) IN GENERAL.—Section 6431 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(f) APPLICATION OF SECTION TO QUALIFIED ZONE ACADEMY BONDS AND QUALIFIED SCHOOL CONSTRUCTION BONDS—

“(1) IN GENERAL.—In the case of any specified tax credit bond—

“(A) such bond shall be treated as a qualified bond for purposes of this section,

“(B) subsection (a) shall be applied without regard to the requirement that the qualified bond be issued before January 1, 2011,

“(C) the amount of the payment determined under subsection (b) with respect to any interest payment date under such bond shall be equal to the lesser of—

“(i) the amount of interest payable under such bond on such date, or

“(ii) the amount of interest which would have been payable under such bond on such date if such interest were determined at the applicable credit rate determined under section 54A(b)(3) with respect to such bond,

“(D) interest on any such bond shall be includible in gross income for purposes of this title, and

“(E) no credit shall be allowed under section 54A with respect to such bond.

“(2) SPECIFIED TAX CREDIT BOND.—For purposes of nets of this subsection, the term ‘specified tax credit bond’ means any qualified tax credit bond (as defined in section 54A(d)) if—

“(A) such bond is a qualified zone academy bond (as defined in section 54E) or a qualified school construction bond (as defined in section 54F), and

“(B) the issuer of such bond makes an irrevocable election to have this subsection apply.”.

(b) TECHNICAL CORRECTIONS RELATING TO QUALIFIED SCHOOL CONSTRUCTION BONDS.—

(1) The second sentence of section 54F(d)(1) of such Code is amended by striking “by the State” and inserting “by the State education agency (or such other agency as is authorized under State law to make such allocation)”.

(2) The second sentence of section 54F(e) of such Code is amended by striking “subsection (d)(4)” and inserting “paragraphs (2) and (4) of subsection (d)”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendment made by this section shall apply to bonds issued after December 31, 2009.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (b) shall take effect as if included in section 1521 of the American Recovery and Reinvestment Tax Act of 2009.

CHAPTER 6—TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT  
DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION  
GRANTS-IN-AID FOR AIRPORTS

For an additional amount for “Grants-In-Aid for Airports”, to enable the Secretary of Transportation to make grants for discretionary projects as authorized by subchapter 1 of chapter 471 and subchapter 1 of chapter 475 of title 49, United States Code, \$500,000,000: Provided, That such funds shall not be subject to apportionment formulas, special apportionment categories, or minimum percentages under chapter 471 of such title: Provided further, That the Secretary shall distribute funds provided under this heading as discretionary grants to airports using the criteria established under chapters 471 and 475 of such title, but with priority given to those projects that demonstrate to his satisfaction their ability to be completed within 2 years of enactment of this Act: Provided further, That the Secretary shall award grants under this heading within 120 days of enactment of this Act: Provided further, That the amount made available under this heading shall not be subject to any limitation on obligations for the Grants-In-Aid for Airports program set forth in any Act: Provided further, That the Federal share payable of the costs for which a grant is made under this heading shall be, at the option of the recipient, up to 100 percent: Provided further, That the amounts provided under this heading may be used for expenses the agency incurs in administering this program in addition to amounts provided for administrative expenses for the Grants-In-Aid Airport Improvement Program from any other Act.

FEDERAL HIGHWAY ADMINISTRATION  
HIGHWAY INFRASTRUCTURE INVESTMENT

For an additional amount for “Highway Infrastructure Investment” for restoration, repair, construction and other activities eligible under paragraph (b) of section 133 of title 23, United States Code, and for passenger and freight rail transportation and port infrastructure projects eligible for assistance under subsection 601(a)(8) of such title, \$27,500,000,000 to remain available through September 30, 2011: Provided, That, after making the set-asides required under this heading, 50 percent of the funds made available under this heading shall be apportioned to States using the formula set forth in section 104(b)(3) of title 23, United States Code, and the

remaining funds shall be apportioned to States in the same ratio as the obligation limitation for fiscal year 2008 was distributed among the States in accordance with the formula specified in section 120(a)(6) of division K of Public Law 110-161: Provided further, That funds made available under this heading shall be apportioned not later than 21 days after the date of enactment of this Act: Provided further, That in selecting projects to be carried out with funds apportioned under this heading, priority shall be given to projects that are projected for completion within a 3-year time frame, and are located in economically distressed areas as defined by section 301 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3161): Provided further, That in selecting projects to be carried out with funds apportioned under this heading, States shall ensure an equitable geographic distribution of funds and an appropriate balance in addressing the needs of urban and rural communities in the State: Provided further, That 90 days following the date of such apportionment, the Secretary of Transportation shall withdraw from each State an amount equal to 50 percent of the funds awarded to that State less the amount of funding under contract, as determined by the Secretary, and the Secretary shall redistribute such amounts to other States that have had no funds withdrawn under this proviso in the manner described in section 120(c) of division K of Public Law 110-161: Provided further, That 1 year following the date of such apportionment, the Secretary shall withdraw from each recipient of funds apportioned under this heading any funds that are not under contract, as determined by the Secretary, and the Secretary shall redistribute such amounts to States that have had no funds withdrawn under this proviso in the manner described in section 120(c) of division K of Public Law 110-161: Provided further, That at the request of a State, the Secretary of Transportation may provide an extension of such 1-year period only to the extent that he feels satisfied that the State has encountered extreme conditions that create an unworkable bidding environment or other extenuating circumstances: Provided further, That before granting such an extension, the Secretary shall send a letter to the House and Senate Committees on Appropriations that provides a thorough justification for the extension: Provided further, That 3 percent of the funds apportioned to a State under this heading shall be set aside for the purposes described in subsection 133(d)(2) of title 23, United States Code (without regard to the comparison to fiscal year 2005): Provided further, That 30 percent of the funds apportioned to a State under this heading shall be suballocated within the State in the manner and for the purposes described in the first sentence of subsection 133(d)(3)(A), in subsection 133(d)(3)(B), and in subsection 133(d)(3)(D): Provided further, That such suballocation shall be conducted in every State: Provided further, That of the funds provided under this heading, \$105,000,000 shall be for the Puerto Rico highway program authorized under section 165 of title 23, United States Code, and \$45,000,000 shall be for the territorial highway program authorized under section 215 of title 23, United States Code: Provided further, That of the funds provided under this heading, \$60,000,000 shall be for capital expenditures eligible under section 147 of title 23, United States Code (without regard to subsection (d)): Provided further, That the Secretary of Transportation shall distribute such \$60,000,000 as competitive discretionary grants to States, with priority given to those projects that demonstrate to his satisfaction their ability to be completed within 2 years of enactment of this Act: Provided further, That of the funds provided under this heading, \$550,000,000 shall be for investments in transportation at Indian reservations and Federal lands: Provided further, That of the funds identified in the preceding proviso, \$310,000,000 shall be for

the Indian Reservation Roads program, \$170,000,000 shall be for the Park Roads and Parkways program, \$60,000,000 shall be for the Forest Highway Program, and \$10,000,000 shall be for the Refuge Roads program: Provided further, That for investments at Indian reservations and Federal lands, priority shall be given to capital investments, and to projects and activities that can be completed within 2 years of enactment of this Act: Provided further, That 1 year following the enactment of this Act, to ensure the prompt use of the \$550,000,000 provided for investments at Indian reservations and Federal lands, the Secretary shall have the authority to redistribute unobligated funds within the respective program for which the funds were appropriated: Provided further, That up to 4 percent of the funding provided for Indian Reservation Roads may be used by the Secretary of the Interior for program management and oversight and project-related administrative expenses: Provided further, That section 134(f)(3)(C)(ii)(II) of title 23, United States Code, shall not apply to funds provided under this heading: Provided further, That of the funds made available under this heading, \$20,000,000 shall be for highway surface transportation and technology training under section 140(b) of title 23, United States Code, and \$20,000,000 shall be for disadvantaged business enterprises bonding assistance under section 332(e) of title 49, United States Code: Provided further, That funds made available under this heading shall be administered as if apportioned under chapter 1 of title 23, United States Code, except for funds made available for investments in transportation at Indian reservations and Federal lands, and for the territorial highway program, which shall be administered in accordance with chapter 2 of title 23, United States Code, and except for funds made available for disadvantaged business enterprises bonding assistance, which shall be administered in accordance with chapter 3 of title 49, United States Code: Provided further, That the Federal share payable on account of any project or activity carried out with funds made available under this heading shall be, at the option of the recipient, up to 100 percent of the total cost thereof: Provided further, That funds made available by this paragraph shall not be obligated for the purposes authorized under section 115(b) of title 23, United States Code: Provided further, That funding provided under this heading shall be in addition to any and all funds provided for fiscal years 2010 and 2011 in any other Act for "Federal-aid Highways" and shall not affect the distribution of funds provided for "Federal-aid Highways" in any other Act: Provided further, That the amount made available under this heading shall not be subject to any limitation on obligations for Federal-aid highways or highway safety construction programs set forth in any Act: Provided further, That section 1101(b) of Public Law 109-59 shall apply to funds apportioned under this heading: Provided further, That the Administrator of the Federal Highway Administration may retain up to \$45,000,000 of the funds provided under this heading to fund the oversight by the Administrator of projects and activities carried out with funds made available to the Federal Highway Administration in this Act, of which \$5,000,000 shall be for the Office of Expedited Project Delivery in the Office of the Administrator of the Federal Highway Administration, and such funds shall be available through September 30, 2013.

#### FEDERAL RAILROAD ADMINISTRATION

##### CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for "Capital Grants to the National Railroad Passenger Corporation" to enable the Secretary of Transportation to make capital grants to The National Railroad Passenger Corporation (Amtrak) as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (Public Law

110-432), \$800,000,000, for fleet modernization, including rehabilitation of existing and acquisition of new passenger equipment, including fuel efficient locomotives: Provided, That none of the funds provided under this heading shall be used to subsidize the operating losses of Amtrak: Provided further, That section 24305(f)(4)(B) of title 49, United States Code, shall not apply to any new equipment acquired with funds provided under this heading: Provided further, That funds provided under this heading shall be awarded not later than 60 days after the date of enactment of this Act.

#### FEDERAL TRANSIT ADMINISTRATION

##### TRANSIT CAPITAL ASSISTANCE

For an additional amount for "Transit Capital Assistance" for transit capital assistance grants authorized under section 5302(a)(1) of title 49, United States Code, \$6,150,000,000: Provided, That the Secretary of Transportation shall provide 80 percent of the funds appropriated under this heading for grants under section 5307 of title 49, United States Code, and apportion such funds in accordance with section 5336 of such title (other than subsections (i)(1) and (j)): Provided further, That the Secretary shall apportion 10 percent of the funds appropriated under this heading in accordance with section 5340 of such title: Provided further, That the Secretary shall provide 10 percent of the funds appropriated under this heading for grants under section 5311 of title 49, United States Code, and apportion such funds in accordance with such section: Provided further, That funds apportioned under this heading shall be apportioned not later than 21 days after the date of enactment of this Act: Provided further, That 90 days following the date of such apportionment, the Secretary shall withdraw from each urbanized area or State an amount equal to 50 percent of the funds apportioned to such urbanized areas or States less the amount of funding under contract, as determined by the Secretary, and the Secretary shall redistribute such amounts to other urbanized areas or States that have had no funds withdrawn under this proviso utilizing whatever method he deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly: Provided further, That 1 year following the date of such apportionment, the Secretary shall withdraw from each urbanized area or State any funds that are not under contract, as determined by the Secretary, and the Secretary shall redistribute such amounts to other urbanized areas or States that have had no funds withdrawn under this proviso utilizing whatever method he deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly: Provided further, That at the request of an urbanized area or State, the Secretary of Transportation may provide an extension of such 1-year period if he feels satisfied that the urbanized area or State has encountered an unworkable bidding environment or other extenuating circumstances: Provided further, That before granting such an extension, the Secretary shall send a letter to the House and Senate Committees on Appropriations that provides a thorough justification for the extension: Provided further, That of the funds provided for section 5311 of title 49, United States Code, 2.5 percent shall be made available for section 5311(c)(1): Provided further, That of the funding provided under this heading, \$100,000,000 shall be distributed as discretionary grants to public transit agencies for capital investments that will assist in reducing the energy consumption or greenhouse gas emissions of their public transportation systems: Provided further, That for such grants on energy-related investments, priority shall be given to projects based on the total energy savings that are projected to result from the investment, and projected energy savings as a percentage of the total energy usage of the public transit agency: Provided further, That applicable chapter 53 re-

quirements shall apply to funding provided under this heading, except that the Federal share of the costs for which any grant is made under this heading shall be, at the option of the recipient, up to 100 percent: Provided further, That the amount made available under this heading shall not be subject to any limitation on obligations for transit programs set forth in any Act: Provided further, That section 1101(b) of Public Law 109-59 shall apply to funds appropriated under this heading: Provided further, That the funds appropriated under this heading shall not be commingled with any prior year funds: Provided further, That a recipient and subrecipient of funds made available under this heading may use up to 10 percent of the amount apportioned to a State or urbanized area for the operating costs of equipment and facilities for use in public transportation or for eligible activities under section 5311(f): Provided further, That in selecting projects to be carried out with funds apportioned under this heading, priority shall be given to projects that are located in economically distressed areas as defined by section 301 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3161): Provided further, That in selecting projects to be carried out with funds apportioned under this heading, States shall ensure an equitable geographic distribution of funds and an appropriate balance in addressing the needs of urban and rural communities in the State: Provided further, That notwithstanding any other provision of law, three-quarters of 1 percent of the funds provided for grants under section 5307 and section 5340, and one-half of 1 percent of the funds provided for grants under section 5311, shall be available for administrative expenses and program management oversight, and such funds shall be available through September 30, 2013.

#### FIXED GUIDEWAY INFRASTRUCTURE INVESTMENT

For an amount for capital expenditures authorized under section 5309(b)(2) of title 49, United States Code, \$1,750,000,000: Provided, That the Secretary of Transportation shall apportion funds under this heading pursuant to the formula set forth in section 5337 of title 49, United States Code: Provided further, That the funds appropriated under this heading shall not be commingled with any prior year funds: Provided further, That funds made available under this heading shall be apportioned not later than 21 days after the date of enactment of this Act: Provided further, That 90 days following the date of such apportionment, the Secretary shall withdraw from each urbanized area an amount equal to 50 percent of the funds apportioned to such urbanized area less the amount of funding under contract, as determined by the Secretary, and the Secretary shall redistribute such amounts to other urbanized areas that have had no funds withdrawn under this proviso utilizing whatever method he deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly: Provided further, That 1 year following the date of such apportionment, the Secretary shall withdraw from each urbanized area any funds that are not under contract, as determined by the Secretary, and the Secretary shall redistribute such amounts to other urbanized areas that have had no funds withdrawn under this proviso utilizing whatever method he deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly: Provided further, That at the request of an urbanized area, the Secretary of Transportation may provide an extension of such 1-year period if he feels satisfied that the urbanized area has encountered an unworkable bidding environment or other extenuating circumstances: Provided further, That before granting such an extension, the Secretary shall send a letter to the House and Senate Committees on Appropriations that provides a thorough justification for the extension: Provided further, That applicable chapter 53 requirements

shall apply except that the Federal share of the costs for which a grant is made under this heading shall be, at the option of the recipient, up to 100 percent: Provided further, That the provisions of section 1101(b) of Public Law 109-59 shall apply to funds made available under this heading: Provided further, That notwithstanding any other provision of law, up to 1 percent of the funds under this heading shall be available for administrative expenses and program management oversight and shall remain available for obligation until September 30, 2013.

#### CAPITAL INVESTMENT GRANTS

For an additional amount for "Capital Investment Grants", as authorized under section 5338(c)(4) of title 49, United States Code, and allocated under section 5309(m)(2)(A) of such title, to enable the Secretary of Transportation to make discretionary grants as authorized by section 5309(d) and (e) of such title, \$500,000,000, of which \$1,500,000 shall be for the Office of Expedited Project Delivery in the Office of the Administrator of the Federal Transit Administration: Provided, That such amount shall be allocated without regard to the limitation under section 5309(m)(2)(A)(i): Provided further, That in selecting projects to be funded, priority shall be given to projects that are able to award contracts within 90 days of enactment of this Act: Provided further, That the provisions of section 1101(b) of Public Law 109-59 shall apply to funds made available under this heading: Provided further, That funds appropriated under this heading shall not be commingled with any prior year funds: Provided further, That applicable chapter 53 requirements shall apply, except that notwithstanding any other provision of law, up to 1 percent of the funds provided under this heading shall be available for administrative expenses and program management oversight, and shall remain available through September 30, 2013: Provided further, That, notwithstanding any other provision of law, the provisions of section 3011(f) of Public Law 109-59 shall apply to all projects evaluated under sections 5309(d) and 5309(e) of title 49, United States Code, and funded in fiscal years 2010 and 2011 with funds made available in the Act or any other Act.

#### MARITIME ADMINISTRATION

##### MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

###### (INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized, \$100,000,000: 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, as amended: Provided further, That the Maritime Administrator may retain, and transfer to "Maritime Administration, Operations and Training" up to 2 percent of the funds provided under this heading to carry out the guaranteed loan program.

#### GENERAL PROVISION, DEPARTMENT OF TRANSPORTATION

##### SEC. 1601. (a) MAINTENANCE OF EFFORT.—

###### (1) CERTIFICATION.—

(A) CERTIFICATION THROUGH SEPTEMBER 30, 2010.—The certification made by the Governor of each State under section 1201(a) of division A of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5, 123 Stat. 115, 212) shall continue in effect under this Act.

(B) CERTIFICATION THROUGH SEPTEMBER 30, 2011.—Not later than 30 days after the date enactment of this Act, for each amount that is distributed to a State or agency thereof from an appropriation in this Act for a covered program, the Governor of the State shall certify to the Secretary of Transportation that the State will maintain its effort with regard to State funding for the types of projects that are funded by the appropriation. As part of this certification, the Governor shall submit to the Secretary of Transportation a statement identifying the amount of State funds the State planned to expend from

State sources as of the date of enactment of this Act for the period of October 1, 2010, through September 30, 2011, for the types of projects that are funded by the appropriation. For the period of October 1, 2010, through September 30, 2011, the Governor of a State may calculate planned expenditures from State funds in the same manner as under section 1201(a) of division A of the American Recovery and Reinvestment Act of 2009 or may calculate the amount by pro rating the amount certified under section 1201(a) of division A of the American Recovery and Reinvestment Act of 2009 to establish the amount of planned expenditures for such period.

(2) DEFINITION OF STATE FUNDS.—For purposes of the certifications required by section 1201(a) of division A of the American Recovery and Reinvestment Act of 2009 and paragraph (1)(B), State funding means State funds used for transportation purposes that are expended by the State agency that is primarily responsible for carrying out the covered program. State funding does not include State transportation funds that are expended by on at the direction of non-State governmental entities.

###### (b) REQUIREMENT TO MAINTAIN EFFORT.—

(1) REPORTS.—Each State shall submit to the Department of Transportation for each covered program the actual aggregate expenditures from State funds during the period of February 17, 2009, through September 30, 2011, as compared to the level of such expenditures from State funds that were planned to occur during such period as certified in accordance with subsection (a). The State shall submit the maintenance of effort reports in the same manner and in the same timeframe required by subsection (c), except the State is not required to submit a maintenance of effort report on February 17, 2013. The covered agencies shall submit the reports to Congress in accordance with subsection (c)(1).

(2) DETERMINATION OF MAINTENANCE OF EFFORT.—A State is deemed to have met its level of effort if the aggregate amount of actual expenditures of State funds reported in the February 17, 2012 report in accordance with paragraph (1) meets or exceeds the aggregate amount of planned expenditures of State funds identified in the certification required by subsection (a).

(3) PENALTY FOR FAILURE TO MAINTAIN EFFORT.—If a State is unable to maintain the level of effort certified pursuant to subsection (a), the State will be prohibited by the Secretary of Transportation from receiving additional limitation on obligations for Federal-aid highway and highway safety construction programs that occurs after August 1 for fiscal year 2012.

###### (c) PERIODIC REPORTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, each grant recipient shall submit to the covered agency from which they received funding periodic reports on the use of the funds appropriated in this chapter for the Department of Transportation for covered programs. Such reports shall be collected and compiled by the covered agency and transmitted to Congress. Covered agencies may develop such reports on behalf of grant recipients to ensure the accuracy and consistency of such reports.

(2) CONTENTS OF REPORTS.—For amounts received under each covered program by a grant recipient under this chapter for the Department of Transportation, the grant recipient shall include in the periodic reports information tracking—

(A) the amount of Federal funds appropriated, allocated, obligated, and outlayed under the appropriation;

(B) the number of projects that have been put out to bid under the appropriation and the amount of Federal funds associated with such projects;

(C) the number of projects for which contracts have been awarded under the appropriation and the amount of Federal funds associated with such contracts;

(D) the number of projects for which work has begun under such contracts and the amount of Federal funds associated with such contracts;

(E) the number of projects for which work has been completed under such contracts and the amount of Federal funds associated with such contracts; and

(F) the number of direct, on-project jobs created or sustained by the Federal funds provided for projects under the appropriation and, to the extent possible, the estimated indirect jobs created or sustained in the associated supplying industries, including the number of job-years created and the total increase in employment since the date of enactment of this Act.

(3) TIMING OF REPORTS.—Each grant recipient shall submit the first of the periodic reports required under this subsection not later than 1 year after the date of enactment of the American Recovery and Reinvestment Act of 2009 and shall submit updated reports not later than 15 months, 18 months, 2 years, 3 years, and 4 years after such date of enactment.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED AGENCY.—The term "covered agency" means the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, the Federal Transit Administration, and the Maritime Administration of the Department of Transportation.

(2) COVERED PROGRAM.—The term "covered program" means funds appropriated in this Act for Grants-in-Aid for Airports" to the Federal Aviation Administration; for "Highway Infrastructure Investment" to the Federal Highway Administration; for "Capital Grants to the National Railroad Passenger Corporation" to the Federal Railroad Administration; for "Transit Capital Assistance", "Fixed Guideway Infrastructure Investment", and "Capital Investment Grants" to the Federal Transit Administration; and for "Maritime Guaranteed Loan (Title XI) Program Account" to the Maritime Administration.

(3) GRANT RECIPIENT.—The term "grant recipient" means a State or other recipient of assistance provided under a covered program in this Act. Such term does not include a Federal department or agency.

(e) EXEMPTION.—Notwithstanding any other provision of law, sections 3501-3521 of title 44 United States Code, shall not apply to the provisions of this section.

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### PUBLIC AND INDIAN HOUSING

##### PUBLIC HOUSING CAPITAL FUND

For an additional amount for the "Public Housing Capital Fund" to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (in this heading referred to as the "Act"), \$1,000,000,000: Provided, That the Secretary of Housing and Urban Development shall make the funds provided under this heading available by competition for priority investments, including investments that leverage private sector funding or financing for renovations and energy conservation retrofit investments: Provided further, That the Secretary shall obligate the funds provided under this heading by such competition within 60 days of the date of the enactment of this Act: Provided further, That in using the funds provided under this heading public housing authorities shall give priority to capital projects that can award contracts based on bids within 120 days from the date that the funds are made available to the public housing authorities: Provided further, That in using such funds provided under this heading public housing agencies shall give priority consideration to the rehabilitation of vacant rental units: Provided further, That in using such funds provided under this heading public housing agencies

shall prioritize capital projects that are already underway or included in the 5-year capital fund plans required by section 5A of the Act (42 U.S.C. 1437c-1(a)): Provided further, That notwithstanding any other provision of law, funds provided under this heading (1) may not be used for operating or rental assistance activities, and (2) shall not be subject to any restriction of funding to replacement housing uses: Provided further, That notwithstanding section 9(j) of the Act, public housing agencies shall obligate 50 percent of the funds provided under this heading within 180 days of the date on which such funds become available to the agency for obligation, and shall expend 100 percent of such funds within one year of the date on which such funds become available to the agency for obligation: Provided further, That if a public housing agency fails to comply with the 180-day obligation requirement under the preceding proviso, the Secretary shall recapture all funds provided under this heading awarded to the public housing agency that remain unobligated and reallocate such funds to agencies that are in compliance with such requirement: Provided further, That in administering funds appropriated or otherwise made available under this heading, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation in connection with the obligation by the Secretary or the use of such funds (except for requirements related to fair housing, non-discrimination, labor standards, and the environment), upon a finding that such a waiver is necessary to expedite or facilitate the use of such funds: Provided further, That, in addition to waivers authorized under the preceding proviso, the Secretary may direct that requirements relating to the procurement of goods and services arising under State and local laws and regulations shall not apply to funds provided under this heading.

#### COMMUNITY PLANNING AND DEVELOPMENT

##### HOUSING TRUST FUND

For the Housing Trust Fund established pursuant to section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568), \$1,065,000,000, for use under such section: Provided, That of the total amount provided under this heading, \$65,000,000 shall be available to the Secretary of Housing and Urban Development only for incremental project-based voucher assistance or project-based rental assistance, to be allocated to States pursuant to the formula established under such section 1338, to be used solely in conjunction with grant funds awarded under such section 1338.

#### CHAPTER 7—GENERAL PROVISIONS, THIS TITLE

##### TARP REDUCTION

SEC. 1701. The limitation under section 115(a)(3) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)(3)) in effect on the (date of the enactment of this Act is decreased by \$150,000,000,000.

##### LIMIT ON FUNDS

SEC. 1702. All funds provided under this title shall be subject to the requirements of section 1604 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

##### RECOVERY ACT REPORTING REQUIREMENTS

SEC. 1703. (a) Funds made available by this title shall be subject to the reporting, transparency, and oversight requirements established by title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), on the same basis as funds made available in division A of that Act.

(b) Amounts appropriated in division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) to any Office of Inspector General or to the Recovery Accountability and Transparency Board shall also be available for the same purposes with respect to any programs, grants, projects, and activities for which funds are made available by this title.

#### TITLE II—SURFACE TRANSPORTATION EXTENSION

##### SHORT TITLE

SEC. 2001. This title may be cited as the “Surface Transportation Extension Act of 2009”.

##### FEDERAL-AID HIGHWAYS

##### SEC. 2002. (a) IN GENERAL.—

(1) APPLICABILITY OF PROVISIONS.—Except as provided in this title, requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under titles I, V, and VI of SAFETEA-LU (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title), which would otherwise expire on or cease to apply after September 30, 2009, or the date specified in section 106(3) of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), are incorporated by reference and shall continue in effect through September 30, 2010.

(2) AUTHORIZATION OF APPROPRIATIONS.—Except as provided in subsection (b), there are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2010 an amount equal to the sum of the amounts authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for programs, projects, and activities for fiscal year 2009 under titles I, V, and VI of SAFETEA-LU (119 Stat. 1144) and title 23, United States Code (excluding administrative expenses under section 104(a) and programs, projects, and activities under chapter 4 of that title), minus \$1,394,358,419.

##### (3) USE OF FUNDS.—

(A) FISCAL YEAR 2010.—Except as otherwise expressly provided in this title, funds authorized to be appropriated under paragraph (2) for fiscal year 2010 shall be distributed, administered, limited, and made available for obligation in the same manner as the total amount of funds authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under SAFETEA-LU (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title).

(B) CALCULATION.—The amounts authorized to be appropriated under paragraph (2) shall be calculated without regard to any rescission or cancellation of funds or contract authority for fiscal year 2009 under SAFETEA-LU (119 Stat. 1144) or any other law.

(C) DISTRIBUTION BETWEEN PROGRAMS.—Funds authorized to be appropriated under paragraph (2) shall be distributed under subparagraph (A) among programs, projects, and activities referenced in such subparagraph in the ratio that—

(i) the amount authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for such program, project, or activity for fiscal year 2009; bear to

(ii) the amount authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for all such programs, projects, and activities for fiscal year 2009.

##### (D) CONTRACT AUTHORITY.—

(i) IN GENERAL.—Except as provided in clause (ii), funds authorized to be appropriated under this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and subject to a limitation on obligations for Federal-aid highways and highway safety construction programs included in an Act making appropriations for fiscal year 2010.

##### (ii) EXCEPTIONS.—

(I) IN GENERAL.—A limitation on obligations described in clause (i) shall not apply to any obligation under—

(aa) section 125 of title 23, United States Code; or

(bb) section 105 of title 23, United States Code, but only in an amount equal to \$639,000,000.

(II) SPECIAL RULES.—Except as otherwise expressly provided by this title, any special rule that applied in fiscal year 2009 to any program, project, or activity for which funds are authorized to be appropriated under paragraph (2) shall continue to apply through September 30, 2010.

##### EXTENSION FLEXIBILITY FOR CERTAIN ALLOCATED PROGRAMS.—

##### (A) FISCAL YEAR 2010.—

(i) IN GENERAL.—Notwithstanding any other provision of law, for fiscal year 2010, the portion of the share of funds of a State under paragraph (2) determined by the amount that the State received or was authorized to receive for fiscal year 2009 to carry out sections 1307, 1702, and 1934 of SAFETEA-LU (119 Stat. 1217, 1256, and 1485) and section 144(f)(1) of title 23, United States Code, shall be—

(I) made available to the State for programs specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program), and in the same proportion for each such program that—

(aa) the amount apportioned to the State for that program for fiscal year 2009; bears to

(bb) the amount apportioned to the State for fiscal year 2009 for all such programs; and

(II) administered in the same manner and with the same period of availability as such funding as administered under programs identified in clause (i), except that no funds may be used to carry out the project described in section 1307(d)(1) of SAFETEA-LU (119 Stat. 1217; 122 Stat. 1577).

##### (ii) TERRITORIES AND PUERTO RICO.—

(I) IN GENERAL.—Notwithstanding any other provision of law, the portion of the share of funds of a territory or Puerto Rico under paragraph (2) determined by the amount that the territory or Puerto Rico received or was authorized to receive for fiscal year 2009 to carry out section 1934 of SAFETEA-LU (119 Stat. 1485), shall be—

(aa) for a territory, made available and administered in the same manner as funding is made available and administered under section 215 of title 23, United States Code; and

(bb) for Puerto Rico, made available and administered in the same manner as funding is made available and administered under section 165 of title 23, United States Code.

(II) TERRITORY DEFINED.—In this clause, the term “territory” means any of the following territories of the United States: American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the United States Virgin Islands.

##### (B) ADDITIONAL FUNDS.—

(i) IN GENERAL.—No additional funds shall be provided for any project or activity under paragraph (3)(A) that the Secretary of Transportation determines was sufficiently funded before or during fiscal year 2009 to achieve the authorized purpose of the project or activity.

##### (ii) RESERVATION AND REDISTRIBUTION AMONG STATES.—

(I) IN GENERAL.—Funds made available in accordance with paragraph (3)(A) for a project or activity described in clause (i) shall be—

(aa) reserved by the Secretary of Transportation; and

(bb) apportioned among all States such that each State's share of funds so apportioned is equal to the State's share for fiscal year 2009 of funds apportioned or allocated for the programs specified in subclause (II).

(II) SPECIFIC PROGRAMS.—The programs referred to in subclause (I) are—

(aa) the programs listed in section 105(a)(2) of title 23, United States Code;



(bb) the program authorized by section 144(f)(1) of such title; and

(cc) the program authorized by section 1934 of SAFETEA-LU (119 Stat. 1485).

(iii) DISTRIBUTION AMONG PROGRAMS.—Funds apportioned to a State pursuant to clause (ii) shall be—

(I) made available to the State for programs specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program), and in the same proportion for each such program that—

(aa) the amount apportioned to the State for that program for fiscal year 2009; bears to

(bb) the amount apportioned to the State for fiscal year 2009 for all such programs; and

(II) administered in the same manner and with the same period of availability as such, funding is administered under programs identified in subclause (I).

(C) COMPETITIVE DISTRIBUTION OF CERTAIN DISCRETIONARY FUNDS.—

(i) PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE.—Notwithstanding section 1301(m) of SAFETEA-LU (119 Stat. 1202), the Secretary shall allocate funds authorized to be appropriated under paragraph (2) for the projects of national and regional significance program on the basis of a competitive selection process in accordance with sections 1301(d), 1301(e), and 1301(f) of that Act (119 Stat. 1199).

(ii) NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAM.—Notwithstanding section 1302 (e) of SAFETEA-LU (119 Stat. 1205), the Secretary shall allocate funds authorized to be appropriated under paragraph (2) for the national corridor infrastructure improvement program on the basis of a competitive selection process in accordance with section 1302(b) of that Act (119 Stat. 1204).

(5) EXTENSION OF AUTHORIZATION UNDER TITLE V OF SAFETEA-LU.—

(A) IN GENERAL.—The programs authorized under paragraphs (1) through (5) of section 5101(a) of SAFETEA-LU (119 Stat. 1779) shall be continued for fiscal year 2010 at the funding levels authorized for those programs for fiscal year 2009.

(B) DISTRIBUTION OF FUNDS.—Funds for programs continued under subparagraph (A) shall be distributed to major program areas under those programs in the same proportions as funds were allocated for those program areas for fiscal year 2009, except that designations for specific activities shall not be required to be continued for fiscal year 2010.

(C) ADDITIONAL FUNDS.—

(i) IN GENERAL.—No additional funds shall be provided for any project or activity under this paragraph that the Secretary of Transportation determines was sufficiently funded before or during fiscal year 2009 to achieve the authorized purpose of the project or activity.

(ii) DISTRIBUTION.—Funds that would have been made available under subparagraph (A) for a project or activity but for the prohibition under clause (i) shall be distributed in accordance with subparagraph (B).

(b) ADMINISTRATION EXPENSES.—

(1) AUTHORIZATION OF CONTRACT AUTHORITY.—Notwithstanding other provision of this title or any other law, there is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account), \$420,562,000 for administrative expenses of the Federal-aid highway program for fiscal year 2010.

(2) CONTRACT AUTHORITY.—Funds authorized to be appropriated by this subsection shall be—

(A) available for obligation, and shall be administered, in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that such funds shall remain available until expended; and

(B) subject to a limitation on obligations for Federal-aid highways and highway safety construction programs included in an Act making appropriations for fiscal year 2010.

(c) RECONCILIATION OF FUNDS.—The Secretary shall reduce the amount apportioned or allocated for a program, project, or activity continued under this section by any amount apportioned or allocated for such program, project, or activity pursuant to the Continuing Appropriations Resolution, 2010 (Public Law 111–68).

(d) REFERENCES.—Except as otherwise expressly provided, any reference in this section to an Act, or a provision contained in an Act, shall be considered to include the amendments made by that Act or provision.

EXTENSION OF HIGHWAY SAFETY PROGRAMS OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 2003. (a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2001(a)(1) of SAFETEA-LU (119 Stat. 1519) is amended—

(1) by striking “and”; and

(2) by inserting after “2009” the following: “, and \$235,000,000 for fiscal year 2010”.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2001(a)(2) of such Act (119 Stat. 1519) is amended—

(1) by striking “and”; and

(2) by inserting after “2009” the following: “, and \$105,500,000 for fiscal year 2010”.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 405 of title 23, United States Code, is amended—

(A) in subsection (a)(3) by striking “6” and inserting “7”; and

(B) in subsection (a)(4)(C) by striking “in each of the fifth and sixth fiscal years beginning after September 30, 2003,” and inserting “in each subsequent fiscal year”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(3) of such Act (119 Stat. 1519) is amended—

(A) by striking “and”; and

(B) by inserting after “2009” the following: “, and \$25,000,000 for fiscal year 2010”.

(d) SAFETY BELT PERFORMANCE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 406(c)(1) of title 23, United States Code, is amended by striking “2009” and inserting “2010”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(4) of such Act (119 Stat. 1519) is amended—

(A) by striking “and”; and

(B) by inserting after “2009” the following: “, and \$124,500,000 for fiscal year 2010”.

(e) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—Section 2001(a)(5) of such Act (119 Stat. 1519) is amended—

(1) by striking “and”; and

(2) by inserting after “2009” the following: “, and \$34,500,000 for fiscal year 2010”.

(f) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—

(1) EXTENSION OF PROGRAM.—Section 410 of title 23, United States Code, is amended—

(A) in subsection (a)(3)(C) by striking “in each of the fifth, sixth, seventh, and eighth fiscal years” and inserting “in each subsequent fiscal year”; and

(B) in subsection (b)(2)(C) by striking “and 2009” and inserting “, 2009, and 2010”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(6) of such Act (119 Stat. 1519) is amended—

(A) by striking “and”; and

(B) by inserting after “2009” the following: “, and \$139,000,000 for fiscal year 2010”.

(g) NATIONAL DRIVER REGISTER.—Section 2001(a)(7) of such Act (119 Stat. 1520) is amended—

(1) by striking “and”; and

(2) by inserting after “2009” the following: “and \$4,000,000 for fiscal year 2010”.

(h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—

(1) EXTENSION OF PROGRAM.—Section 2009(a) of such Act (23 U.S.C. 402 note; 119 Stat. 1535) is amended by striking “2009” and inserting “2010”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(8) of such Act (119 Stat. 1520) is amended—

(A) by striking “and”; and

(B) by inserting after “2009” the second place it appears the following: “, and \$29,000,000 for fiscal year 2010”.

(i) MOTORCYCLIST SAFETY.—

(1) EXTENSION OF PROGRAM.—Section 2010(d)(1)(B) of such Act (23 U.S.C. 402 note; 119 Stat. 1536) is amended by striking “and fourth” and inserting “fourth, and fifth”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(9) of such Act (119 Stat. 1520) is amended—

(A) by striking “and”; and

(B) by inserting after “2009” the following: “, and \$7,000,000 for fiscal year 2010”.

(j) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 2011(c)(2) of such Act (23 U.S.C. 405 note; 119 Stat. 1538) is amended by striking “fourth fiscal year” and inserting “fourth and fifth fiscal years”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(10) of such Act (119 Stat. 1520) is amended—

(A) by striking “and”; and

(B) by inserting after “2009” the following: “, and \$7,000,000 for fiscal year 2010”.

(k) ADMINISTRATIVE EXPENSES.—Section 2001(a)(11) of such Act (119 Stat. 1520) is amended—

(1) by striking “and” the last place it appears; and

(2) by inserting after “2009” the following: “, and \$18,500,000 for fiscal year 2010”.

(l) APPLICABILITY OF TITLE 23.—Section 2001(c) of such Act (119 Stat. 1520) is amended by striking “2009” and inserting “2010”.

(m) DRUG-IMPAIRED DRIVING ENFORCEMENT.—Section 5013(7) of such Act (23 U.S.C. 103 note; 119 Stat. 1:540) is amended by striking “2009” and inserting “2010”.

(n) OLDER DRIVER SAFETY; LAW ENFORCEMENT TRAINING.—Section 2017 of such Act (23 U.S.C. 402 note; 119 Stat. 1541) is amended—

(1) in subsection (a)(1) by striking “2009” and inserting “2010”; and

(2) in subsection (b)(2) by striking “2009” and inserting “2010”.

EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS

SEC. 2004. (a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a) of title 49, United States Code, is amended—

(1) by striking “and” at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting “; and”; and

(3) by adding at the end the following:

“(6) \$212,070,000 for fiscal year 2010.”.

(b) ADMINISTRATIVE EXPENSES.—Section 31104(1)(1) of title 49, United States Code is amended—

(1) by striking “and” at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting “; and”; and

(3) by adding at the end the following:

“(F) \$239,828,000 for fiscal year 2010.”.

(c) HIGH PRIORITY ACTIVITIES.—Section 31104(k)(2) of title 49, United States Code, is amended by striking “2009” and inserting “2010”.

(d) GRANT PROGRAM.—Section 4104(c) of SAFETEA-LU (119 Stat. 1715) is amended—

(1) in paragraph (1) by striking “2009” and inserting “2010”; and

(2) in paragraph (2) by striking “and 2009” and inserting “2009, and 2010”; and

(3) in paragraph (3) by striking “and 2009” and inserting “2009, and 2010”; and

(4) in paragraph (4) by striking “2009” and inserting “2010”; and

(5) in paragraph (5) by striking “2009” and inserting “2010”.



(e) **COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM MODERNIZATION.**—Section 4123(d) of SAFETEA-LU (119 Stat. 1736) is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following:

“(5) \$8,000,000 for fiscal year 2010.”.

(f) **OUTREACH AND EDUCATION.**—Section 4127(e) of such Act (119 Stat. 1741) is amended by striking “and 2009” and inserting “2009, and 2010”.

(g) **GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.**—Section 4134(c) of such Act (119 Stat. 1744) is amended by striking “2009” and inserting “2010”.

(h) **WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.**—Section 4213(d) of such Act (119 Stat. 1759) is amended by striking “2009” and inserting “2010”.

(i) **OFFICE OF INTERMODALISM.**—Section 5503(1) of title 49, United States Code, is amended by striking “2009” and inserting “2010”.

#### EXTENSION OF FEDERAL TRANSIT ASSISTANCE PROGRAMS

SEC. 2005. (a) **EXTENSION OF FEDERAL TRANSIT ASSISTANCE PROGRAMS.**—Except as otherwise provided in this title, requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under title III of SAFETEA-LU (119 Stat. 1544), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), title III of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2087), title III of the Transportation Equity Act for the 21st Century (112 Stat. 338), and chapter 53 of title 49, United States Code, which would otherwise expire on or cease to apply after September 30, 2009, or the date specified in section 106(3) of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), are incorporated by reference and shall continue in effect through September 30, 2010.

(b) **AUTHORIZATIONS.**—For fiscal year 2010—

(1) their shall be available from the Mass Transit Account of the Highway Trust Fund \$8,343,171,000 for each Federal transit assistance program under section 5338(b) of title 49, United States Code, to be allocated among such programs in proportion to the amounts provided for each such program in fiscal year 2009; and

(2) there is authorized to be appropriated \$2,164,581,000 for each Federal transit program under subsections (c) and (d) of section 5338 of title 49, United States Code, and for administrative expenses under subsection (e) of such section.

(c) **EXCEPTIONS.**—

(1) **PROJECTS FOR BUS AND BUS-RELATED FACILITIES AND CLEAN FUELS GRANT PROGRAM.**—The project designations contained in section 3044 of SAFETEA-LU (119 Stat. 1652) shall not apply to funds made available under subsection (b)(1).

(2) **ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.**—A program, project, or activity identified in section 3046 of SAFETEA-LU (119 Stat. 1706) that the Secretary of Transportation determines was sufficiently funded before or during fiscal year 2009 to achieve the authorized purpose of the program, project, or activity shall not be eligible for funds authorized to be appropriated under subsection (b)(2).

(d) **CONTRACT AUTHORITY.**—A grant or contract approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund through September 30, 2010, to carry out sections 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339 and 5340 of title 49, United States Code, and section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 392) is a contractual obligation of the Government to pay the Federal share of the cost of the project.

(e) **RECONCILIATION OF FUNDS.**—The Secretary shall reduce the amount apportioned or allocated for a program, project, or activity continued under this section by any amount apportioned or allocated for such program, project, or activity pursuant to the Continuing Appropriation Resolution, 2010 (Public Law 111-68).

(f) **REFERENCES.**—Except as otherwise expressly provided, any reference in this section to an Act, or a provision contained in an Act, shall be considered to include the amendments made by that Act or provision.

#### BOATING SAFETY EXTENSION

SEC. 2006. Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a) by striking “2009, and the period from October 1, 2009, and the period from October 1, 2009, through the date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law, and inserting “2010,”; and

(2) in subsection (b)(1)(A) by striking “2009 and the period from October 1, 2009, through the date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law,” and inserting “2010,”.

#### LEVEL OF OBLIGATION LIMITATIONS

Sec. 2007. (a) **HIGHWAY CATEGORY.**—Section 8003(a) of SAFETEA-LU (119 Stat. 1917) is amended—

(1) by striking “and” at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting “; and”; and

(3) by adding at the end the following:

“(6) for fiscal year 2010, \$42,469,970,178.”.

(b) **MASS TRANSIT CATEGORY.**—Section 8003(b) of SAFETEA-LU (119 Stat. 1917) is amended—

(1) by striking “and” at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting “; and”; and

(3) by inserting after paragraph (5) the following:

“(6) for fiscal year 2010, \$10,338,065,000.”.

#### HAZARDOUS MATERIALS RESEARCH

SEC. 2008. Section 7131(e) of SAFETEA-LU (119 Stat. 1910) is amended by striking “2009” and inserting “2010”.

#### EXTENSION AND EXPANSION OF EXPENDITURE AUTHORITY FROM TRUST FUNDS

SEC. 2009. (a) **HIGHWAY TRUST FUND.**—

(1) **HIGHWAY ACCOUNT.**—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) by striking “September 30, 2009 (October 1, 2009)” and inserting “September 30, 2010 (October 1, 2010),” and

(B) by striking “under” and all that follows and inserting “under the Surface Transportation Extension Act of 2009 or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).”.

(2) **MASS TRANSIT ACCOUNT.**—Paragraph (3) of section 95303(e) of such Code is amended—

(A) by striking “October 1, 2009” and inserting “October 1, 2010,” and

(B) by striking “in accordance with” and all that follows and inserting “in accordance with the Surface Transportation Extension Act of 2009 or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).”.

(3) **EXCEPTION TO LIMITATION ON TRANSFERS.**—Subparagraph (B) of section 9503(b)(6) of such Code is amended by striking “September 30, 2009 (October 1, 2009)” and inserting “September 30, 2010 (October 1, 2010)”.

(b) **SPORT FISH RESTORATION AND BOATING TRUST FUND.**—

(1) **IN GENERAL.**—Paragraph (2) of section 9504(b) of such Code is amended—

(A) by striking “(as in effect)” in subparagraph (A) and all that follows in such subparagraph and inserting “(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2009),”.

(B) by striking “(as in effect)” in subparagraph (B) and all that follows in such subparagraph and inserting “(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2009), and”, and

(C) by striking “(as in effect)” in subparagraph (C) and all that follows in such subparagraph and inserting “(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2009).”.

(2) **EXCEPTION TO LIMITATION ON TRANSFERS.**—Paragraph (2) of section 9504(d) of such Code is amended by striking “October 1, 2009” and inserting “October 1, 2010”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on September 30, 2009.

#### DETERMINATION OF HIGHWAY TRUST FUND BALANCES

SEC. 2010. (a) **RESTORATION OF CERTAIN FOREGONE INTEREST TO HIGHWAY TRUST FUND.**—Subsection (f) of section 9503 of the Internal Revenue Code of 1986 (relating to determination of trust fund balances after September 30, 1998) is amended—

(1) by striking paragraph (2); and

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

“(2) **RESTORATION OF FOREGONE INTEREST.**—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated (without fiscal year limitation)—

“(A) \$14,700,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) of the Highway Trust Fund, and

“(B) \$4,800,000,000 to the Mass Transit Account of the Highway Trust Fund.”.

(b) **REPEAL OF PROVISION PROHIBITING CREDITING OF INTEREST TO HIGHWAY TRUST FUND.**—

(1) **IN GENERAL.**—Paragraph (1) of section 9503(f) of such Code is amended by striking subparagraph (B).

(2) **CONFORMING AMENDMENTS.**—Such paragraph, as amended by paragraph (1), is further amended—

(A) by striking “, and” at the end of subparagraph (A) and inserting a period, and

(B) by striking “1998” in the matter preceding subparagraph (A) and all that follows through “the opening balance” and inserting “1998, the opening balance”.

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

#### REPEAL OF TRANSFERS FROM HIGHWAY TRUST FUND FOR REPAYMENTS AND CREDITS

SEC. 2011. (a) **IN GENERAL.**—Subsection (c) of section 9503 of the Internal Revenue Code of 1986 is amended by striking paragraph (2) and by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5).

(b) **CONFORMING AMENDMENTS.**—

(1) Section 9502(a) of such Code is amended by striking “section 9503(c)(7)” and inserting “section 9503(c)(5)”.

(2) Section 9503(b)(4)(D) of such Code is amended by striking “paragraph (4)(D) or (5)(B)” and inserting “paragraph (3)(D) or (4)(B)”.

(3) Section 9503(c)(2) of such Code, as redesignated by subsection (a), is amended by adding at the end the following sentence: “The amounts payable from the Highway Trust Fund under the preceding sentence shall be determined by taking into account only the portion of the taxes which are deposited into the Highway Trust Fund.”.

(4) Section 9503(e)(5)(A) of such Code is amended by striking “paragraphs (2), (3), and (4)” and inserting “paragraphs (2) and (3)”.

(5) Section 9504(a) of such Code is amended by striking “section 9503(c)(4), section 9503(c)(5)”

and inserting “section 9503(c)(3), section 9503(c)(4)”.

(6) Section 9504(b)(2) of such Code is amended by striking “section 9503(c)(5)” and inserting “section 9503(c)(4)”.

(7) Section 9504(e) of such Code is amended by striking “section 9503(c)(4)” and inserting “section 9503(c)(3)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid, and credits allowed with respect to fuel used, in calendar quarters beginning after the date of the enactment of this Act.

#### FEDERAL SHARE

**SEC. 2012. (a) IN GENERAL.**—Notwithstanding any other provision of law, the Federal share of the cost of a covered project or activity (or portion of a covered project or activity) funded with amounts obligated during the period beginning on the date of enactment of this Act and ending on September 30, 2010, shall be, at the option of the recipient, up to 100 percent.

(b) **COVERED PROJECT OR ACTIVITY DEFINED.**—

(1) **IN GENERAL.**—In this section, the term “covered project or activity” means a project or activity eligible for assistance under titles I through VI of SAFETEA-LU (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I through VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), titles I through V of the Transportation Equity Act for the 21st Century (112 Stat. 107), title 23, United States Code, chapter 53 of title 49, United States Code, chapter 303 of title 49, United States Code, or part B of subtitle VI of title 49, United States Code.

(2) **EXCLUSIONS.**—Notwithstanding paragraph (1), the term does not include a project or activity funded pursuant to—

(A) section 1301 or 1302 of SAFETEA-LU (119 Stat. 1198, 1204); SAFETEA-LU (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I through VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), titles I through V of the Transportation Equity Act for the 21st Century (112 Stat. 107), title 23, United States Code, chapter 303 of title 49, United States Code, or part B of subtitle VI of title 49, United States Code.

(2) **EXCLUSIONS.**—Notwithstanding paragraph (1), the term does not include a project or activity funded pursuant to Chapter 53 of title 49, United States Code,

(A) section 1301 Or 1302 of SAFETEA-LU (119 Stat. 1198, 1204);

(B) section 5309(d) or 5309(e) of title 49, United States Code;

(C) the national infrastructure investments program in the Office of the Secretary of Transportation; or

(D) section 122 of the Department of Transportation Appropriations Act, 2010.

(c) **REFERENCES.**—Any reference in this section to an Act, or a provision contained in an Act, shall be considered include the amendments made by that Act or provision.

#### BUY AMERICA REQUIREMENTS FOR HIGHWAY AND PUBLIC TRANSPORTATION PROJECTS

**SEC. 2013. (a) HIGHWAYS.**—Section 313 of title 23, United States Code, is amended—

(1) by redesignating subsections (c) through (f) as subsections (e) through (h), respectively;

(2) by inserting after subsection (b) the following:

“(c) **REQUIREMENTS FOR ISSUANCE OF WAIVERS.**—

“(1) **PUBLIC INTEREST WAIVERS.**—The Secretary may issue a waiver under subsection (b)(1) only after the Secretary has considered the potential impacts of the waiver on domestic manufacturing employment.

“(2) **INSUFFICIENT DOMESTIC SOURCE WAIVERS.**—The Secretary may issue a waiver under subsection (b)(2) with respect to a material or product only if the Secretary publishes notice of

the waiver on the Internet for a period of at least 5 business days prior to issuance of the waiver and a sufficient domestic source of the material or product does not identify itself during the period.

“(d) **TRANSPARENCY OF WAIVERS.**—

“(1) **IN GENERAL.**—When the Secretary receives a written request for a waiver under this section, the Secretary shall—

“(A) publish the request on the Internet within 5 business days of the date of receipt of the request; and

“(B) if the Secretary decides to issue a waiver based on the request, publish on the Internet, within 30 days following the date of issuance of the waiver, a detailed written justification as to why the waiver is necessary, including an identification of the amount of Federal funds associated with the waiver.

“(2) **EMPLOYMENT IMPACT STATEMENT.**—In issuing a waiver based on a finding under subsection (b)(1), the Secretary shall include, as part of the Secretary’s written justification for the waiver decision, a statement detailing the short- and long-term impact of the decision on domestic manufacturing employment.”; and

(3) by adding at the end the following:

“(1) **APPLICATION TO BRIDGE PROJECTS.**—In the case of a bridge project, the requirements of this section apply to all construction contracts carried out within the scope of the applicable decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and carried out on the bridge from abutment to abutment (including the abutments) regardless of the funding source of the contracts if at least one contract for construction with respect to the bridge is funded with amounts made available under this title.”.

(b) **PUBLIC TRANSPORTATION.**—Section 5323(j) of title 49, United States Code, is amended—

(1) in paragraph (2)(C) in the matter preceding clause (i) by inserting “, but excluding a rolling stock prototype” after “equipment”;

(2) by redesignating paragraphs (3) through (9) as paragraphs (5) through (11), respectively; and

(3) by inserting after paragraph (2) the following:

“(3) **REQUIREMENTS FOR ISSUANCE OF WAIVER.**—

“(A) **PUBLIC INTEREST WAIVERS.**—The Secretary may issue a waiver under paragraph (2)(A) only after the Secretary has considered the potential impacts of the waiver on domestic manufacturing employment.

“(B) **INSUFFICIENT DOMESTIC SOURCE WAIVERS.**—The Secretary may issue a waiver under paragraph (2)(B) with respect to a material or product only if the Secretary publishes notice of the waiver on the Internet for a period of at least 5 business days prior to issuance of the waiver and a sufficient domestic source of the material or product does not identify itself during the period.

“(4) **TRANSPARENCY OF WAIVERS.**—

“(A) **IN GENERAL.**—When the Secretary receives a written request for a waiver under this subsection, the Secretary shall—

“(i) publish the request on the Internet within 5 business days of the date of receipt of the request; and

“(ii) if the Secretary decides to issue a waiver based on the request, publish on the Internet, within 30 days following the date of issuance of the waiver, a detailed written justification as to why the waiver is necessary, including an identification of the amount of Federal funds associated with the waiver.

“(B) **EMPLOYMENT IMPACT STATEMENT.**—In issuing a waiver based on a finding under paragraph (2)(A), the Secretary shall include, as part of the Secretary’s written justification of the waiver decision, a statement detailing the short- and long-term impact of the decision on domestic manufacturing employment.”.

(c) **IMPLEMENTATION.**—

(1) **FINAL GUIDANCE.**—Not later than 120 days after the date of enactment of this Act, the Sec-

retary shall issue final guidance to carry out the amendments made by this section.

(2) **EFFECTIVE DATE.**—The requirements of the amendments made by subsections (a) and (b) shall begin to apply only after issuance of final guidance by the Secretary under paragraph (1).

(d) **SEMIANNUAL REPORT.**—Not later than 6 months after the date of enactment of this Act, and semiannually thereafter through September 30, 2011, the Comptroller General shall submit to the Committee on Transportation and Infrastructure and the Committee on Education and Labor of the House of Representatives and the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the number of waivers issued by the Secretary of Transportation under section 313(b) of title 23, United States Code, and section 5323(j)(2) of title 49, United States Code, the reasons relied upon for issuing the waivers, and the amount of Federal funds associated with each waiver and in total for the period examined.

#### TITLE III—UNEMPLOYMENT AND OTHER EMERGENCY NEEDS

##### CHAPTER 1—AGRICULTURE AND RURAL DEVELOPMENT

##### DEPARTMENT OF AGRICULTURE

##### GENERAL PROVISION, THIS CHAPTER

##### RELIEF FOR DISCRIMINATION IN A CREDIT PROGRAM OF THE DEPARTMENT OF AGRICULTURE UNDER THE EQUAL CREDIT OPPORTUNITY ACT

**Sec. 3101. (a) IN GENERAL.**—To the extent permitted by the Constitution, and notwithstanding any other period of limitations, in the case of an eligible complaint alleging discrimination in violation of the Equal Credit Opportunity Act (15 U.S.C. 1691) involving a credit program of the Department of Agriculture, a complainant may, before the end of the filing period—

(1) file a civil action under subsection (c); or

(2) request administrative review under subsection (d).

(b) **ELIGIBLE COMPLAINT.**—For purposes of this section, the term “eligible complaint” means any written complaint—

(1) that is not employment related;

(2) that was filed with the Department of Agriculture after December 31, 1997, and before the earlier of—

(A) 2 years after the date of the alleged violation of the Equal Credit Opportunity Act; and

(B) the date of the enactment of this Act; and

(3) with respect to which the complainant—

(A) was not a party to the consent decree in the case entitled “Pigford v. Glickman”, approved by the United States District Court for the District of Columbia on April 14, 1999; and

(B) has not obtained relief from the Department of Agriculture or a court of competent jurisdiction.

(c) **CIVIL ACTION.**—A civil action may be filed under this subsection if, with respect to the eligible complaint, the complainant—

(1) has not requested administrative review; or

(2) has requested administrative review, and the Secretary, with respect to each request, has either—

(A) issued a determination; or

(B) failed to issue a determination by a date that is 180 days after the date such request was made.

(d) **ADMINISTRATIVE REVIEW.**—Administrative review may be requested under this subsection as follows:

(1) **DETERMINATION ON THE MERITS.**—A complainant may request a determination on the merits if the complainant, with respect to the eligible complaint, has not filed a civil action.

(2) **HEARING ON THE RECORD.**—A complainant may request a hearing on the record if the complainant, with respect to the eligible complaint—

(A) has not filed a civil action;

(B) has requested a determination on the merits, and the Secretary has not issued such determination by the issuance deadline in subsection (f)(2)(A); and

(C) requests such hearing no later than 180 days after the issuance deadline in subsection (f)(2)(A).

(e) **INFORMAL RESOLUTION.**—Notwithstanding any other provision of this section, the Secretary may informally resolve an eligible complaint with a complainant.

(f) **SPECIAL RULES FOR ADMINISTRATIVE REVIEW.**—For purposes of this section:

(1) **REQUESTS FOR ADMINISTRATIVE REVIEW.**—A request for administrative review shall be—

(A) in writing; and  
(B) filed in accordance with procedures established by the Secretary.

(2) **RESPONSIBILITY OF SECRETARY.**—If a complainant requests a determination, on the merits under subsection (d)(1), then, unless a complainant, with respect to the eligible complaint, files a civil action or requests a hearing on the record, the Secretary shall, with respect to the eligible complaint, take the following actions:

(A) **ISSUANCE OF DETERMINATION.**—The Secretary shall, not later than an issuance deadline that is 1 year after the date on which the complainant requests a determination on the merits—

(i) investigate the eligible complaint; and  
(ii) issue a written determination.  
(B) **NOTICE OF FAILURE TO ISSUE TIMELY DETERMINATION.**—If the Secretary does not issue a written determination by the issuance deadline in subparagraph (A), the Secretary shall promptly issue to the complainant, in writing and by registered mail, notice—

(i) that the Secretary has not issued a timely determination; and  
(ii) of the period of time during which the complainant may bring a civil action or request a hearing on the record.

(3) **FINALITY OF DETERMINATION WITH RESPECT TO HEARING ON THE RECORD.**—A determination with respect to a hearing on the record shall be final.

(4) **JUDICIAL REVIEW OF ADMINISTRATIVE DETERMINATION.**—A determination on the merits or a determination with respect to a hearing on the record shall be subject to de novo review.

(g) **FILING PERIOD.**—

(1) **IN GENERAL.**—For purposes of this section, the term “filing period” means the 2-year period beginning on the date of enactment of this Act.

(2) **TOLLING.**—The running of the filing period in paragraph (1), for the purpose of filing a civil action under subsection (c) or requesting a hearing on the record under subsection (d)(2), shall be tolled for the period that, with respect to the eligible complaint—

(A) begins on the date of a request for a determination on the merits; and

(B) ends on the date on which the Secretary issues a determination with respect to a determination on the merits or a hearing on the record.

(h) **RELIEF.**—

(1) **AMOUNT.**—Subject to paragraph (2), a complainant shall, under subsection (a), and may, under subsection (e), be awarded such relief as the complainant would be afforded under the Equal Credit Opportunity Act, including—

(A) actual damages;  
(B) the costs of the action, together with a reasonable attorney’s fee; and  
(C) debt relief; including—  
(i) write-downs or write-offs of the principal on a loan;  
(ii) write-downs or write-offs of the interest on a loan;  
(iii) reduction of the interest rate on a loan;  
(iv) waiver or reduction of penalties with respect to a loan; or  
(v) other modification of the terms of a loan.  
(2) **LIMITATIONS ON RELIEF.**—

(A) **IN GENERAL.**—The total amount awarded under this section for all claims shall not exceed \$100,000,000.

(B) **ACTUAL DAMAGES, COSTS, AND ATTORNEY’S FEES.**—The sum of the total amount awarded under paragraph (1)(A) for all claims, plus the

total amount awarded under paragraph (1)(B) for all claims, shall not exceed \$40,000,000.

(C) **DEBT RELIEF.**—The total amount awarded under paragraph (1)(C) for all claims shall not exceed \$60,000,000.

(3) **EXEMPTION FROM TAXATION.**—Any award under clauses (ii), (iii), or (iv) of subparagraph (C) of paragraph (1) shall not be included in gross income for purposes of chapter 1 of the Internal Revenue Code of 1986.

(i) **FUNDING.**—  
(1) There is hereby appropriated to the Secretary, for relief awarded under subsection (h)(1), \$100,000,000, to remain available until expended.

(2) Of the funds derived from interest on the cushion of credit payments including funds in the current fiscal year, as authorized by section 313 of the Rural Electrification Act of 1936, an additional \$100,000,000 shall not be obligated and an additional \$100,000,000 are rescinded.

(j) **SECRETARY.**—For purposes of this section, the term “Secretary” means the Secretary of Agriculture.

## CHAPTER 2—FINANCIAL SERVICES AND GENERAL GOVERNMENT

### SMALL BUSINESS ADMINISTRATION

#### BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for “Business Loans Program Account” for fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and for the cost of guaranteed loans under section 502 of such division, \$354,000,000: Provided, That such cost shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That authority to guarantee loans under section 502 of division A of the American Recovery and Reinvestment Act of 2009 shall remain in effect through September 30, 2010, notwithstanding subsection (f) of such section.

### GENERAL PROVISION, THIS CHAPTER

#### RESCISSIONS

SEC. 3201. The following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) “National Telecommunications and Information Administration—Digital-to-Analog Converter Box Program” in the Department of Commerce, \$111,000,000.

(2) “Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)” of the Department of Agriculture, \$243,000,000, to be derived from unobligated balances available from amounts placed in reserve in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115).

## CHAPTER 3—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

### GENERAL PROVISIONS, THIS CHAPTER

#### ASSISTANCE FOR UNEMPLOYED WORKERS AND STRUGGLING FAMILIES

SEC. 3301. (a)(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking “December 31, 2009” each place it appears and inserting “June 30, 2010”;  
(B) in the heading for subsection (b)(2), by striking “DECEMBER 31, 2009” and inserting “JUNE 30, 2010”; and

(C) in subsection (b)(3), by striking “May 31, 2010” and inserting “November 30, 2010”.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking “January 1, 2010” and inserting “July 1, 2010”;  
(B) in the heading for paragraph (2), by striking “JANUARY 1, 2010” and inserting “JULY 1, 2010”; and

(C) in paragraph (3), by striking “June 30, 2010” and inserting “December 31, 2010”.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “January 1, 2010” each place it appears and inserting “July 1, 2010”; and

(B) in subsection (c), by striking “June 1, 2010” and inserting “December 1, 2010”.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking “May 30, 2010” and inserting “November 30, 2010”.

(b) Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by striking “by reason of” and all that follows and inserting the following: “by reason of—

“(A) the amendments made by section 2001(a) of the Assistance for Unemployed Workers and Struggling Families Act;

“(B) the amendments made by sections 2 through 4 of the Worker, Homeownership, and Business Assistance Act of 2009; and

“(C) the amendments made by section 3301(a)(1) of the Jobs for Main Street Act, 2010; and”.

### EXTENSION AND IMPROVEMENT OF PREMIUM

#### ASSISTANCE FOR COBRA BENEFITS

SEC. 3302. (A) **EXTENSION OF ELIGIBILITY PERIOD.**—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking “December 31, 2009” and inserting “June 30, 2010”.

(b) **EXTENSION OF MAXIMUM DURATION OF ASSISTANCE.**—Subsection (a)(2)(A)(ii)(I) of such section is amended by striking “9 months” and inserting “15 months”.

(c) **RULES RELATED TO 2009 EXTENSION.**—Subsection (a) of such section is further amended by adding at the end the following:

“(16) **RULES RELATED TO 2009 extension.**—

“(A) **ELECTION TO PAY PREMIUMS RETROACTIVELY AND MAINTAIN COBRA COVERAGE.**—In the case of any premium for a period of coverage during an assistance eligible individual’s transition period, such individual shall be treated for purposes of any COBRA continuation provision as having timely paid the amount of such premium if—

“(i) such individual was covered under the COBRA continuation coverage to which such premium relates for the period of coverage immediately preceding such transition period, and

“(ii) such individual pays, not later than 60 days after the date of the enactment of this paragraph (or, if later, 30 days after the date of provision of the notification required under subparagraph (D)(ii)), the amount of such premium after the application of paragraph (1)(A).

“(B) **REFUNDS AND CREDITS FOR RETROACTIVE PREMIUM ASSISTANCE ELIGIBILITY.**—IN THE CASE OF AN ASSISTANCE ELIGIBLE INDIVIDUAL WHO PAYS, WITH RESPECT TO ANY PERIOD OF COBRA CONTINUATION COVERAGE DURING SUCH INDIVIDUAL’S TRANSITION PERIOD, THE PREMIUM AMOUNT FOR SUCH COVERAGE WITHOUT REGARD TO PARAGRAPH (1)(A), RULES SIMILAR TO THE RULES OF PARAGRAPH (12)(E) SHALL APPLY.

“(C) **TRANSITION PERIOD.**—

“(i) **IN GENERAL.**—For purposes of this paragraph, the term “transition period” means, with respect to any assistance eligible individual, any period of coverage if—

“(I) such period begins before the date of the enactment of this paragraph, and

“(II) paragraph (1)(A) applies to such period by reason of the amendment made by section 3302(b) of the Jobs for Main Street Act, 2010.

“(ii) **CONSTRUCTION.**—Any period during the period described in subclauses (I) and (II) of clause (i) for which the applicable premium has been paid pursuant to subparagraph (A) shall be treated as a period of coverage referred to in such paragraph, irrespective of any failure to timely pay the applicable premium (other than pursuant to subparagraph (A)) for such period.

“(D) NOTIFICATION.—

“(i) IN GENERAL.—In the case of an individual who was an assistance eligible individual at any time on or after October 31, 2009, or experiences a qualifying event (consisting of a reduction of hours or termination of employment) relating to COBRA continuation coverage on or after such date, the administrator of the group health plan (or other entity) involved shall provide an additional notification with information regarding the amendments made by the Jobs for Main Street Act, 2010 within 60 days after the date of the enactment of such Act or, in the case of a qualifying event occurring after such date of enactment, consistent with the timing of notifications under paragraph (7)(A).

“(ii) TO INDIVIDUALS WHO LOST ASSISTANCE.—In the case of an assistance eligible individual described in subparagraph (A)(i) who did not timely pay the premium for any period of coverage during such individual's transition period or paid the premium for such period without regard to paragraph (1)(A), the administrator of the group health plan (or other entity) involved shall provide to such individual, within the first 60 days of such individual's transition period, an additional notification with information regarding the amendments made by the Jobs for Main Street Act, 2010, including information on the ability under subparagraph (A) to make retroactive premium payments with respect to the transition period of the individual in order to maintain COBRA continuation coverage.

“(iii) APPLICATION OF RULES.—Rules similar to the rules of paragraph (7) shall apply with respect to notifications under this subparagraph.”.

(d) CLARIFICATIONS RELATING TO SECTION 3001 OF ARRA.—

(1) CLARIFICATION THAT ELIGIBILITY AND NOTICE IS BASED ON TIMING OF QUALIFYING EVENT.—Subsection (a) of such section is amended—

(A) in paragraph (3)(A)—

(i) by striking “at any time” and inserting “such qualified beneficiary is eligible for COBRA continuation coverage related to a qualifying event occurring”; and

(ii) by striking “, such qualified beneficiary is eligible for COBRA continuation coverage”; and

(B) in paragraph (7) (A), by striking “become entitled to elect COBRA continuation coverage and inserting “have a qualifying event relating to COBRA continuation coverage”.

(2) CLARIFICATION REGARDING RETIREE COVERAGE.—Subsection (a)(2)(A)(i) of such section is amended by inserting “coverage under a retiree health plan,” after “other than”.

(3) CLARIFICATION REGARDING COBRA CONTINUATION RESULTING FROM REDUCTIONS IN HOURS.—Subsection (a) of such section is further amended—

(A) in paragraph (3)(C), by inserting before the period at the end the following: “or consists of a reduction of hours followed by such an involuntary termination of employment during such period”; and

(B) by adding at the end the following:

“(17) SPECIAL RULES IN CASE OF INDIVIDUALS LOSING COVERAGE BECAUSE OF A REDUCTION OF HOURS.—

“(A) NEW ELECTION PERIOD.—

“(i) IN GENERAL.—For the purposes of the COBRA continuation provisions, in the case of an individual described in subparagraph (C) who did not make (or who made and discontinued) an election of COBRA continuation coverage on the basis of the reduction of hours of employment, the involuntary termination of employment of such individual after the (date of the enactment of the Jobs for Main Street Act, 2010, shall be treated as a qualifying event.

“(ii) COUNTING COBRA DURATION PERIOD FROM PREVIOUS QUALIFYING EVENT.—In any case of an individual referred to in clause (i), the period of such individual's continuation coverage shall be determined as though the qualifying event were the reduction of hours of employment.

“(iii) CONSTRUCTION.—Nothing in this paragraph shall be construed as requiring an individual referred to in clause (i) to make a payment for COBRA continuation coverage between the reduction of hours and the involuntary termination of employment.

“(iv) PREEXISTING CONDITIONS.—With respect to an individual referred to in clause (i) who elects COBRA continuation coverage pursuant to such clause, rules similar to the rules in paragraph (4)(C) shall apply.

“(B) NOTICES.—In the case of an individual described in subparagraph, (C), the administrator of the group health plan (or other entity) involved shall provide, during the 60-day period beginning on the date of such individual's termination of employment, an additional notification described in paragraph (7)(A), including information on the provisions of this paragraph. Rules similar to the rules of paragraph (7) shall apply with respect to such notification.

“(C) INDIVIDUALS DESCRIBED.—Individuals described in this subparagraph are individuals who are assistance eligible individuals on the basis of a qualifying event consisting of a reduction of hours occurring during the period described in paragraph (3)(A) followed by an involuntary termination of employment insofar as such termination of employment occurred after the date of the enactment of the Jobs for Main Street Act, 2010.”.

(4) CLARIFICATION OF PERIOD OF ASSISTANCE.—Subsection (a)(2)(A)(ii)(I) of such section is amended by striking “of the first month”.

(5) ENFORCEMENT.—Subsection (a)(5) of such section is amended by adding at the end the following: “In addition to civil actions that may be brought to enforce applicable provisions of such Act or other laws, the appropriate Secretary or an affected individual may bring a civil action to enforce such determinations and for appropriate relief. In addition, such Secretary may assess a penalty against a plan sponsor or health insurance issuer of not more than \$110 per day for each failure to comply with such, determination of such Secretary after 10 days after the date of the plan sponsor's or issuer's receipt of the determination.”.

(6) AMENDMENTS RELATING TO SECTION 3001 OF ARRA.—

(A) Subsection (g) of section 35 of the Internal Revenue Code of 1986 is amended by striking “section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009”.

(B) Section 139C of such Code is amended by striking “section 3002 of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001 of title III of division B of the American Recovery and Reinvestment Act of 2009”.

(C) Section 6432 of such Code is amended—

(i) in subsection (a), by striking “section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009”; and

(ii) in subsection (c)(3), by striking “section 3002(a)(1)(A) of such Act” in subsection (c)(3) and inserting “section 3001(a)(1)(A) of title III of division B of the American Recovery and Reinvestment Act of 2009”; and

(iii) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and inserting after subsection (d) the following new subsection:—

“(e) EMPLOYER DETERMINATION OF QUALIFYING EVENT AS INVOLUNTARY TERMINATION.—For purposes of this section, in any case in which—

“(1) based on a reasonable interpretation of section 3001(a)(3)(C) of division B of the American Recovery and Reinvestment Act of 2009 and administrative guidance thereunder, an employer determines that the qualifying event with respect to COBRA continuation coverage for an

individual was involuntary termination of a covered employee's employment, and

“(2) the employer maintains supporting documentation of the determination, including an attestation by the employer of involuntary termination with respect to the covered employee, the qualifying event for the individual shall be deemed to be involuntary termination of the covered employee's employment.”.

(D) Subsection (a) of section 6720C of such Code is amended by striking “section 3002 (a) (2)(C) of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001(a)(2)(C) of title III of division B of the American Recovery and Reinvestment Act of 2009”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 to which they relate, except that—

(1) the amendments made by subsections (d)(2) and (d)(3) shall apply to periods of coverage beginning after the date of the enactment of this Act; and

(2) the amendment made by subsection (d)(5) shall take effect on the date of the enactment of this Act.

EXTENSION OF RECOVERY ACT INCREASE IN FMAP

SEC. 3303. Section 5001 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(1) in subsection (a)(3), by striking “first calendar quarter” and inserting “first 3 calendar quarters”; and

(2) in subsection (b)(2), by inserting before the period at the end the following: “and such paragraph shall not apply to calendar quarters beginning on or after October 1, 2010”;

(3) in subsection (c)(4)(C)(ii), by striking “December 2009” and “January 2010” and inserting “June 2010” and “July 2010”, respectively;

(4) in subsection (d), by inserting “ending before October 1, 2010” after “entire fiscal years” and after “with respect to fiscal years”; and

(5) in subsection (g)(1), by striking “September 30, 2011” and inserting “March 31, 2012”; and

(6) in subsection (h)(3), by striking “December 31, 2010” and inserting “June 30, 2011”.

REPEAL OF EARNED INCOME THRESHOLD FOR DETERMINING REFUNDABLE PORTION OF CHILD TAX CREDIT

SEC. 3304. (a) IN GENERAL.—Clause (i) of section 24(d)(1)(B) of the Internal Revenue Code of 1986 is amended to read as follows:

“(i) 15 percent of the taxpayer's earned income (within the meaning of section 32) which is taken into account in computing taxable income, or”.

(b) CONFORMING AMENDMENTS.—Subsection (d) of section 24 of such Code is amended—

(1) by striking paragraph (3), and

(2) by striking paragraph (4).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(d) APPLICATION OF EGTRRA SUNSET.—The amendments made by subsection (a) and (b)(1) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

HHS POVERTY GUIDELINES

SEC. 3305. Notwithstanding section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)) or any other provision of law, the poverty line for 2010 issued by the Secretary of Health and Human Services under such section 673(2) shall be not lower than the poverty line so issued on January 23, 2009 (74 Fed. Reg. 14). This section shall have no effect on such Secretary's revision of the poverty line for 2011.

REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS

SEC. 3306. (a) IN GENERAL.—Subchapter A of chapter 65 of the Internal Revenue Code of 1986

is amended by adding at the end the following new section:

**“SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.**

“(a) *IN GENERAL.*—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for the month of receipt and the following 11 months, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

“(b) *TERMINATION.*—Subsection (a) shall not apply to any amount received after December 31, 2010.”.

(b) *CLERICAL AMENDMENT.*—The table of sections for such subchapter is amended by adding at the end the following new item:

“Sec. 6109. Refunds disregarded in the administration of Federal programs and Federally assisted programs.”.

(c) *EFFECTIVE DATE.*—The amendment made by this section shall apply to amounts received after December 31, 2009.

**PERMANENT EXTENSION OF FEE WITHHOLDING PROCEDURES TO TITLE XVI AND TO QUALIFIED NON-ATTORNEY REPRESENTATIVES**

**SEC. 3307. (a) PERMANENT EXTENSION OF ATTORNEY FEE WITHHOLDING PROCEDURES TO TITLE XVI.**—

(1) *IN GENERAL.*—Section 302 of the Social Security Protection Act of 2004 (Public Law 108–203; 118 Stat. 519) is amended—

(A) in the section heading, by striking “**TEMPORARY**”; and

(B) in subsection (c), by striking “*EFFECTIVE DATE.*—” and all that follows through “*The amendments*” and inserting “*EFFECTIVE DATE.*—*The amendments*”, and by striking paragraph (2).

(2) *CLERICAL AMENDMENT.*—The item relating to section 302 in the table of contents in section 1(b) of such Act is amended by striking “*Temporary extension*” and inserting “*Extension*”.

(b) *PERMANENT EXTENSION OF FEE WITHHOLDING PROCEDURES TO QUALIFIED NON-ATTORNEY REPRESENTATIVES.*—

(1) *IN GENERAL.*—Section 206 of the Social Security Act (42 U.S.C. 406) is amended by adding at the end the following new subsection:

“(e)(1) The Commissioner shall provide for the extension of the fee withholding procedures and assessment procedures that apply under the preceding provisions of this section to agents and other persons, other than attorneys, who represent claimants under this title before the Commissioner.

“(2) Fee-withholding procedures may be extended under paragraph (1) to any nonattorney representative only if such representative meets at least the following prerequisites:

“(A) The representative has been awarded a bachelor’s degree from an accredited institution of higher education, or has been determined by the Commissioner to have equivalent qualifications derived from training and work experience.

“(B) The representative has passed an examination, written and administered by the Commissioner, which tests knowledge of the relevant provisions of this Act and the most recent developments in agency and court decisions affecting this title and title XVI.

“(C) The representative has secured professional liability insurance, or equivalent insurance, which the Commissioner has determined to be adequate to protect claimants in the event of malpractice by the representative.

“(D) The representative has undergone a criminal background check to ensure the representative’s fitness to practice before the Commissioner.

“(E) The representative demonstrates ongoing completion of qualified courses of continuing

education, including education regarding ethics and professional conduct, which are designed to enhance professional knowledge in matters related to entitlement to, or eligibility for, benefits based on disability under this title and title XVI. Such continuing education, and the instructors providing such education, shall meet such standards as the Commissioner may prescribe.

“(3)(A) The Commissioner may assess representatives reasonable fees to cover the cost to the Social Security Administration of administering the prerequisites described in paragraph (2).

“(B) Fees collected under subparagraph (A) shall be credited to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or deposited as miscellaneous receipts in the general fund of the Treasury, based on such allocations as the Commissioner determines appropriate.

“(C) The fees authorized under this paragraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Amounts so appropriated are authorized to remain available until expended for administering the prerequisites described in paragraph (2).”.

**(2) CONFORMING AMENDMENTS.**—

(A) Section 1631(d)(2)(A) of such Act (42 U.S.C. 1383(d)(2)(A)) is amended—

(i) in clause (iv), by striking “and” at the end;

(ii) in clause (v), by striking the period at the end and inserting “; and”; and

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

“(vi) by substituting, in subsection (e)(1)—

“(I) ‘subparagraphs (B) and (C) of section 1631(d)(2)’ for ‘the preceding provisions of this section’; and

“(II) ‘title XVI’ for ‘this title’.”.

(B) Section 303(e)(2) of the Social Security Protection Act of 2004 (Public Law 108–203; 118 Stat. 523) is amended by striking “AND FINAL REPORT” in the heading and by striking the last sentence.

(3) *EFFECTIVE DATE.*—The Commissioner of Social Security shall provide for full implementation of the provisions of section 206(e) of the Social Security Act (as added by paragraph (1)) and the amendments made by paragraph (2) not later than March 1, 2010.

**CHAPTER 4—GENERAL PROVISIONS, THIS TITLE**

**EMERGENCY DESIGNATIONS**

**SEC. 3401. (a) *IN GENERAL.***—Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403 and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) *PAYGO.*—All applicable provisions in this title are designated as an emergency for purposes of pay-as-you-go principles.

**TITLE IV—GENERAL PROVISIONS, THIS ACT**

**PERIOD OF AVAILABILITY**

**SEC. 4001.** No part of any appropriation contained in this Act shall remain available for obligation beyond September 30, 2010, unless expressly so provided herein.

**BUY AMERICA**

**SEC. 4002.** All funds provided under this Act shall be subject to the requirements of section 1605 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

This Act may be cited as the “Jobs for Main Street Act, 2010”.

The SPEAKER pro tempore. The motion shall be debatable for 1 hour equally divided and controlled by the Chair and ranking minority member of the Committee on Appropriations.

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

The Chair recognizes the gentleman from Wisconsin.

**GENERAL LEAVE**

Mr. OBEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the pending legislation.

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

There was no objection.

Mr. OBEY. Madam Speaker, I think people understand what this legislation is—it is an effort to redirect some \$75 billion from TARP funds that in the past have been directed to help Wall Street. Instead, direct them to Main Street to try to help Americans who are struggling to hang onto their jobs, their houses, and their health care. I think the need for it is obvious, and I urge passage.

I reserve the balance of my time.

Mr. LEWIS of California. Madam Speaker, Chairman OBEY calls this legislation the Jobs for Main Street Act; I call it economic insanity. Truly, this is one of those rare occasions when I hardly know where to begin.

It is because of legislation like this and the manner in which it was produced that the public has lost faith in this Congress and why confidence in Washington is at an all-time low.

This legislation repeats the failures of the so-called “Recovery Act” by pouring another \$150 billion into programs included in the original stimulus package that have so far failed to produce real results or real jobs.

Secondly, this legislation adds an additional \$150 billion to a budget deficit that has already tripled in the last year. The Democrat majority claims that this spending is offset with funds from the TARP program, but under present law these dollars are already dedicated to reducing our debt. The public should not be fooled; every dollar will come out of the Treasury and taxpayers will be footing the bill.

Further, this legislation is a virtual mystery to almost every single Member of the House. I think we got the basic material like at 11 o’clock last night, I think. Its contents were released just shy of midnight last night for most, and there is no way for anyone to have read or understood it completely. How much thought or Member input really went into it? I dare say very, very little.

Ironically, it was Chairman OBEY who said on December 11, 2006, We will work to restore an accountable, above-board, transparent process for funding decisions and put an end to the abuses that have harmed the credibility of the Congress. This is a demonstration project of just how serious Mr. OBEY was about that.

Let me take just a moment to outline the transparent process by which



this legislation comes before us today. Chairman OBEY instructed his majority staff not to share any details or information with the minority staff about the bill. Chairman OBEY's staff sent the bill to the Rules Committee at 11 o'clock last night. It has had no hearings, no markup, and is prevented from being amended on the House floor today. Mr. Speaker, martial law in the House of Representatives is hardly change that we can believe in.

Yet another irony in today's debate is that the Democrat majority has suddenly found religion by championing so-called "PAYGO" rules. This is occurring at the very same time that they are proposing to spend another \$150 billion and even as they have voted to increase the debt limit. We pass the debt limit, spend another \$150 billion.

Not long ago, small business in America was the backbone and the lifeblood of our national economy. Today, higher taxes and excessive government regulations have small business in a stranglehold, and that's even before Congress puts its stamp of approval on government-run health care.

With all this reliance on Uncle Sam, why don't we just put everyone in the United States on the Federal Government payroll and call it a day? In essence, that's what this fatally flawed process attempts to do.

□ 1645

According to Transportation Weekly, "Even if you only count title I of the stimulus II bill as an appropriations bill, it would still be the third largest fiscal year 2010 discretionary appropriations bill—bigger than Agriculture, Commerce-Justice, Energy and Water, Financial Services, Homeland Security, Interior and Environment, legislative branch, State/foreign operations, and the THUD bill."

Imagine what Ranking Member DAVID OBEY's reaction would have been had a GOP majority moved a supplement of this size to the House floor on less than 24-hours' notice and with no committee markup? Can you imagine the screaming from the rooftops? We have seen that before.

On more than one occasion, my friend, the majority leader, has suggested that the House minority has become the so-called party of "no," but he forgot to finish the sentence. House Republicans are the party of no more spending beyond our means. We are the party of no more increases to the historic debt limit. Republicans in the House are the party of no more busting the spending cap and calling it "emergency spending."

Our country's economy will never recover as long as Congress continues making the same mistakes over and over again. Spending by this House majority is unconstrained and unsustainable. Billions and billions and billions spent on the continued expansion of government will only exacerbate our financial troubles and will bring little or no relief to those without jobs.

Through this legislation, Congress is demonstrating once again that it is both unwilling and incapable of restraining its appetite to spend. This is nothing short of a taxpayer-funded Christmas shopping spree, financed with money borrowed from the Chinese.

I appeal to my friends, the Blue Dogs, to take a stand on this legislation. If you are serious about making a statement, this is your chance. Are the Blue Dogs serious about deficit reduction? If so, then vote "no."

Madam Speaker, simply put, this is an awful bill produced through a dreadful process. I strongly urge a "no" vote.

I reserve the balance of my time.

Mr. OBEY. Madam Speaker, I thank the gentleman for his support.

I now yield 4 minutes to the distinguished gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the distinguished Chair of the Appropriations Committee, my good friend from across the waters in Wisconsin, Mr. OBEY, and I applaud him for his extraordinary persistence and leadership in bringing to us this Jobs for Main Street Act. He has been consistent, persistent, forceful, vocal, and very laser beam-oriented on creating jobs.

Madam Speaker, in this Jobs for Main Street, \$39 billion is allocated to additional transportation and infrastructure investment to create and sustain family-wage construction jobs and, at the same time, rebuilding the Nation's highways and bridges and wastewater treatment systems.

We extend in this provision the highway and highway safety and transit programs through September 30, 2010. There is \$27.5 billion for highways, \$8.4 billion for transit, as in the current Recovery Act. There is \$800 million for Amtrak, \$500 million for airports where an extraordinary success was achieved with nearly all of the airport projects being either completed or under contract on the job, improving our airport capacity. There is \$1 billion for the Clean Water State Revolving Loan Funds to improve wastewater treatment facilities and to build new ones where they don't exist today. There is \$715 million for the Corps of Engineers, and there is \$100 million for ship construction to help our maritime interests.

We have a highly successful record on that portion of the stimulus that comes from the Committee on Transportation and Infrastructure from which both Mr. OBEY and the distinguished Republican leader are graduates.

There are 220,000 direct jobs on over 8,000 projects. There are 630,000 direct jobs and jobs in the supply chain, supplying asphalt, cement, pipe, concrete, and culverts for this program. There is \$10 billion paid in payroll checks and \$179 million in unemployment insurance compensation checks avoided, and there is \$230 million in taxes paid to

the Federal Government by those on these jobs, and there is more to come.

The results: There are 28,000 miles of highway pavement—improved, widened, expanded—underway right now. That is what we have achieved to this day, and we have more to come. There are 1,200 bridges restored, repaired, replaced, and with this addition in the Jobs for Main Street Act, we will have 56,000 miles of pavement rebuilt in the coming year. That will be 10,000 miles more than the entire Interstate Highway System just in this one bill.

That is an investment in America.

I assure my colleagues that this Committee on Transportation and Infrastructure will continue its vigorous oversight and accountability and transparency. Every month, every Member has received this report from our committee, a report with 14 categories of progress for each State under these key programs. You can track how many funds are associated with projects completed, how many projects are underway, the total job hours created and sustained, and the total payroll for hours created or sustained in every month for every State.

We are making this clear that we are accountable and that we are investing in America and that we will continue to do this under the Jobs for Main Street program.

Madam Speaker, I rise in strong support of H.R. 2847, the "Jobs for Main Street Act, 2010".

This bill provides more than \$39 billion of additional transportation and infrastructure investment to help create and sustain family-wage construction jobs and rebuild our Nation's infrastructure. The bill also extends the highway, highway safety, and public transit programs for the current fiscal year, through September 30, 2010.

One-half of the \$75 billion provided by H.R. 2847 is dedicated to transportation infrastructure investment, including: \$27.5 billion for highways, \$8.4 billion for transit, \$800 million for Amtrak, \$500 million for airports, and \$100 million for ship construction.

In addition, H.R. 2847 provides \$11 billion for other infrastructure investment, including \$1 billion for Clean Water State Revolving Funds and \$715 million for Corps of Engineers infrastructure investments.

Each of these investments is paid for—we use the Wall Street bailout funds to rebuild Main Street.

These investments will build upon the investments already underway pursuant to the American Recovery and Reinvestment Act of 2009 (P.L. 111-5) (Recovery Act), and will create and sustain more than 1 million good, family-wage jobs.

The transportation and infrastructure investments of the Recovery Act have already played a key role in putting Americans back to work. Federal agencies, States, and their local partners have demonstrated they can deliver transportation and infrastructure projects and create urgently needed employment in the tight timeframes set forth in the Recovery Act. This Act has already resulted in almost 7,900 highway and transit projects breaking ground as well as hundreds of thousands of workers getting off the bench and back on the job all across the Nation.



However, we have only begun to stem the tide of unemployment caused by the worst recession since the Great Depression. More than 1.7 million construction workers are out of work and the unemployment rate in construction is 19.4 percent—the highest unemployment rate of any industrial sector. In addition, the private sector construction market has collapsed. At a recent hearing of the Committee on Transportation and Infrastructure, the president of an asphalt supply company testified that, although historically his company has received one-half of its work from the private sector and one-half of its work from the public sector, 98.5 percent of his current business is public sector work.

To make matters worse, State budget crises are severely limiting States' ability to move forward with their own infrastructure programs or find matching funds for Federal transportation programs.

Although the critical investments made by the Recovery Act have stemmed the tide of unemployment in the construction industry, they have not been sufficient to completely counteract the loss of private sector and State investments.

Congress must act now to pass the "Jobs for Main Street Act, 2010", and build upon the successes of the Recovery Act.

The Jobs Act "doubles down" on the highway and transit investments of the Recovery Act and will immediately create and sustain jobs. The Jobs Act provides almost \$36 billion for highway and transit investment and much of it can be, and will be, put to use within 90 days for ready-to-go projects.

According to a December 2009 American Association of State Highway and Transportation Officials, AASHTO, survey of State Departments of Transportation, there are 7,497 ready-to-go highway and bridge projects, totaling \$47.3 billion. Furthermore, according to a December 2009 American Public Transportation Association, APTA, survey, there are thousands of ready-to-go transit projects, totaling \$15 billion.

In addition, Congress must also act now to extend the core Federal highway, highway safety, and transit programs. The long-term authorization for these programs, SAFETEA-LU, expired on September 30, 2009. Since then, these programs have been extended on a short-term basis at a funding level that is about \$12 billion below the fiscal year 2009 authorized level. H.R. 3326, the fiscal year 2010 Defense appropriations bill, will provide an additional short-term extension of these programs, to February 28, 2010, but still at the reduced funding level.

H.R. 2847 includes the Surface Transportation Extension Act (STEA) of 2009, which extends the highway, highway safety, and transit programs through September 30, 2010, at the levels assumed in the FY 2010 budget resolution. This one-year extension will provide greater certainty for States in their transportation planning, and increase funding to nearly the FY 2009 authorized level.

STEA also includes provisions that will stabilize the Highway Trust Fund. Specifically, STEA restores to the Highway Trust Fund interest payments foregone on the Trust Fund's previous cash balances. Since 1998, the Trust Fund has been the only major Federal trust fund that does not accrue interest. The restoration of interest for this period, 1998–2009, results in transferring \$14.7 billion to the High-

way Account of the Highway Trust Fund, and \$4.8 billion to the Mass Transit Account of the Highway Trust Fund.

In addition, STEA allows the Highway Trust Fund to accrue interest on all balances going forward, which will increase Trust Fund receipts by an estimated \$500 million to \$1 billion annually, in the near-term.

Finally, under STEA, the General Fund, rather than the Highway Trust Fund, will support longstanding fuel tax exemptions, such as those provided to State and local governments. Full refund payments will continue to be made from the General Fund, but the Highway Trust Fund will no longer bear the cost of these refunds. The end user will see no change in their process for obtaining a refund. This provision will increase Trust Fund revenues by about \$1.7 billion annually, for a total of \$9.8 billion over six years.

I regret that the Other Body was unable to complete action on a multi-year surface transportation bill this year. I urge the Senate to focus on the needs of the millions of Americans who are without jobs or who are in danger of losing their jobs, Americans who are struggling to provide for their families, and desperately need the jobs that would be created not only by the bill before us today, but also by a long-term authorization of surface transportation programs.

I urge my colleagues to join me in supporting H.R. 2847, the "Jobs for Main Street Act, 2010".

Mr. LEWIS of California. Madam Speaker, I yield 2 minutes to the gentleman from Georgia, JACK KINGSTON.

Mr. KINGSTON. I thank the gentleman for yielding.

Madam Speaker, I want to say, in January, the President rushed through a massive stimulus bill of \$787 billion, which was supposed to be targeted and timely for shovel-ready projects. We had to do this to keep unemployment from going to 8 percent. Well, now it's at 10 percent. Rather than going back into the stimulus program and doing major surgery, we are adding yet another spending bill from a different account.

To begin with, the stimulus bill only had about 27 percent in public works-type projects. Most of it went to plus-up pet political projects of Congress and to create 31 brand new Federal Government programs. Even then, 12 percent of the money is all that has left town. Most of it is still in Washington, D.C.

To give you some examples, there is a Smart Grid program of \$4.5 billion. None of the funds have been spent. There is a \$2.2 billion alternative fuel program. None of those funds have been spent. There is a \$4 billion energy innovative technology loan program. Only \$2 million has been spent. There is an \$8 billion high-speed rail project of which zero funds have been spent. There is \$1 billion for the COPS grants program, and no funds from it have left Washington, D.C.

Before we go spending additional money, wouldn't it make sense to try to figure out what the logjam is?

You can go to the Web site of the stimulus program, and you can see the

jobs that were created in the 99th District of the Virgin Islands or in the 42nd District of Connecticut. The only problem is there are no such districts. They are fictitious numbers. You could go to Augusta, Georgia, and look at the housing projects where 317 jobs were created. Only it really wasn't for creating jobs. It was a bonus for existing employees. Again, from the administration's Web site, \$937 million was spent on 10,000 projects from which no jobs were created. The stimulus program is not working. We need to revamp it.

Another reason we don't have jobs under this administration is because of the cap-and-trade policy.

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

Mr. LEWIS of California. I yield an additional 30 seconds to the gentleman from Georgia.

Mr. KINGSTON. The cap-and-trade proposal is a scheme based on some phony numbers, not all of the numbers. Incidentally, I don't recommend Al Gore's book to anybody, but if you have time for reading today, keep that one in mind. It's going to run jobs overseas. We need to take a look at it. Particularly, it needs to be based on real numbers, not on phony numbers.

The health care policy is an 8 percent tax on small businesses with a myriad of new rules and regulations with the possibility of lawsuits. There is the banking bill, which is just going to crunch credit all over America. This is not the right thing to do at the last minute.

Mr. OBEY. Madam Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER), chairman of the Education and Labor Committee.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding, and I thank him for all of his work on this legislation.

Madam Speaker, today, Congress has the opportunity to continue the effort to rebuild the American economy. We have made significant progress since January when more than 600,000 people were losing their jobs. Last month, it was 11,000—a dramatic improvement. In fact, in November, a year ago, it was over 700,000 people who were losing their jobs. I don't know what the figure has to be before the Republicans decide they ought to help Americans keep their jobs, to find new jobs, and to get jobs so they can support their families.

The fact is, every day, as to the Recovery Act, which they want to continue to lampoon and the rest of it, more and more economists and more and more fiscal analysts of the markets in this country are telling us that the Recovery Act is the reason that we have moved from a negative GDP to a positive GDP. It is the reason we have saved or created more than 1.6 million jobs. Those aren't our words. Those are the words of the people who are in the private sector who are talking about this market.

What are they warning us about now?

It's not just the traditional jobs. It's a question of—and this comes again from private analysts—whether or not local governments which are somewhere between \$200 billion and \$300 billion underwater because of the economy, because of the recession and because of their loss of receipts and revenues can create a wave of unemployment that will swamp the good news that is taking place and the news that we hope will get better and that we think will get better. It can overwhelm the positive job numbers that we are starting to see, and it can create that kind of problem.

It also means that, once again, we can see—and what this legislation prevents—is that wave of layoffs in teachers, in firefighters, in police, and in first responders because we know that that's about keeping our communities healthy and safe. It's about making sure that our kids do not become the victims of this economy because of the layoffs, the shorter school days, the larger classes that are taking place, and the shorter school years. The States are going to struggle with this.

We know from the private sector, if you look around at what has taken place in this recession, that the leaders in the private sector decided, in this kind of economy, this is when you want to invest in your future. That is what we are doing. We are investing in the future of our children and of our young people going to college. We are creating additional slots so they can get into community colleges, so that they can get job training, and so that they can have teachers and decent class sizes. That is what this legislation is about.

It's about trying to create job opportunities, and it's about holding onto job opportunities for American families. It's also to make sure that their children do not lose a year of educational opportunity and so that they do not slide back from the progress that we're seeing. All across this country, as the test scores are getting better and as proficiency is getting better among fourth graders and eighth graders, that is the progress that we have made. This recession could wreck it all, and we've seen it all across the country.

Rio Vista, Texas, laid off 15 percent of its teachers. Dearborn, Michigan, just approved 200 teacher layoffs. The LA Unified School District laid off 2,000 teachers and maybe another 1,500 teachers next year.

You can stop that from happening. You can stop that from happening by voting for this legislation.

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

Mr. OBEY. I yield the gentleman an additional 1 minute.

Mr. GEORGE MILLER of California. This is about our future. This is about a jobs program that is paid for. This is about taking the money that was dedicated to working on Wall Street and

making sure that it works for Main Street. This is your opportunity so that you can go home and say that you did everything you could to try to maintain the positive direction that the economy is starting to indicate, but we are not there yet.

Again, if you listen to the analysts, it can be overwhelmed by the loss of jobs and by the wave of unemployment that could take place at State and local governments, and our children's educational opportunities can be overwhelmed.

Mr. OBERSTAR laid out the infrastructure piece that is so important in terms of the investment, not only in jobs, but in terms of the investment in the future of this country in highways and transit. This is about human capital. This is about whether or not we can retain first responders, teachers and whether or not we can retain the growth, economic proficiency, and achievement that our children are getting in school today.

Let's not lose that because, through no fault of their own, the recession whacked their teachers, whacked their classrooms, whacked their school districts, and then all of a sudden, those opportunities were gone. We should not let that happen. We can vote against its happening today. We can vote for a jobs bill that works on Main Street.

□ 1700

Mr. LEWIS of California. Madam Speaker, I am very pleased to recognize the gentleman from New Jersey (Mr. FRELINGHUYSEN) for 2 minutes.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Madam Speaker, there is no question that the American people are hurting. Since the start of this recession in 2007, 6.9 million people have lost their jobs. A third of those without jobs have been unemployed for more than 6 months. That's a post-World War II high.

Clearly Congress needs to find a way to spur private sector job creation, a bipartisan way, not one rammed through without public hearings. Madam Speaker, a famous son of New Jersey once said, and that's Yogi Berra, "It's déjà vu all over again."

Congress and the President enacted in February a trillion-dollar stimulus package with the promise that its shovel-ready spending would keep unemployment from exceeding 8 percent. While the Nation's official unemployment is 10 percent, the real unemployment and underemployment now exceed 17 percent.

Yet the majority is suggesting that we double down on spending borrowed dollars in many of the same areas touched by the first stimulus. For example, only 7 percent of the \$2 billion in the stimulus bill for the Army Corps of Engineers civil construction has been spent. Yet this bill adds another \$750 million.

Only 8 percent of the \$1 billion in the stimulus for Bureau of Reclamation water projects has been spent. This legislation includes another \$100 million.

The stimulus contained \$4 billion for Energy Innovation Loans. Just 10 percent has been spent since February. So let's make sure to approve another \$1 billion.

Of the \$36 billion the Department of Energy has been given, about \$955 million has been spent and only \$17.5 billion has been obligated.

If this isn't bad enough, where is the funding coming from? It's coming from the TARP program, Troubled Asset Relief Program. That money, when it is paid back, is supposed to go to reduce the deficit. Here we are spending.

I rise to oppose this bill. This bill needs to be opposed.

Mr. OBEY. I yield 1 minute to the distinguished gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Thank you very much, Mr. Chairman. I appreciate you giving me a minute to speak on this.

This is the single most important issue facing the American people, jobs. You talk about troubled assets, what greater troubled assets do we have than jobs and homes? These are the troubled assets that the American people want us to respond to.

Throughout the length and breadth of this country, small towns, country towns, from Michigan, Ohio, throughout wherever it is, people are concerned about jobs. The misery index is high, the depression index is high. Do you know what a job means?

Here we have got \$75 billion. What better place to put it than in small businesses, into the heart and the soul of the American economy, at the middle and at the bottom where people will spend it.

Ladies and gentlemen of this Congress, this is Christmastime. Next week is Christmas. What better Christmas gift can we give the American people than this jobs bill that will put our people back to work, that will build our homes, that will help our families, that will give them hope where they need it. They deserve this Christmas present this day.

Mr. LEWIS of California. Madam Speaker, it is my honor to recognize the ranking member of the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, the gentleman from Kansas, for 3 minutes, Mr. TIAHRT.

Mr. TIAHRT. I thank the gentleman from California.

Madam Speaker, 10 months ago we stood here and told you the stimulus bill would not help the economy recover. We told you it would not work because the \$787 billion plus interest would only grow the size of government. You can't grow the economy from the government down. You have to grow it from the ground up.

By any standard, we were right. Now we have news accounts of how the money was spent, mostly on government workers writing more government regulations. Then there was the news about the pay raises for Head

Start teachers and the buyouts for university professors and unemployment is double digits. It's 10 percent.

Today on the floor we have the "son of the stimulus" bill. It's another \$154 billion of failed economic policies that will only prolong the economic pain.

This bill includes another \$750 million for green jobs on top of the previous bill's \$750 million. So far, no green jobs have been created.

The "son of the stimulus" adds \$23 billion to State and local governments on top of the \$53 billion in the stimulus bill.

You can't isolate State and local governments from the recession. If you do, they will do nothing to help with the recovery. History tells us what works. When we have the opportunity in America, new ideas come into the marketplace and the economy will grow. When the economy grows, the Federal revenue grows without raising taxes.

Here is how you create opportunity: stop spending, stop borrowing. You can't grow the economy from the government down. Freeze regulations, audit every one of them and only keep the ones where the benefit exceeds the cost.

Keep taxes low. When you do, people save. They invest; they spend. All of that's good for the economy. Lower health care costs, not by taking over with the government, but by addressing defensive medicine, by addressing tort reform and by incorporating free market principles and then become energy independent. That alone would solve your unemployment problem.

Now, it's true that providing the opportunity for the economy to grow does not pay back the government unions for all they have done for you in the last election. Government unions should be pleased with this bill, but the American taxpayers should not. They should be angry.

For those that are unemployed workers, well, we are sorry, because this bill will not do anything for the unemployment rate. It's a failed economic policy that only pays back those who invested in the last election for the majority party.

Madam Speaker, I would ask my colleagues to vote "no" on this legislation and, instead, do something that will help the economy recover by providing opportunity for the unemployed workers.

Mr. OBEY. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, when President Bush left office, we were losing over 700,000 jobs a month. We passed the economic recovery package, and we have gotten that down to about 11,000 jobs a month. That's not enough, but it's terrific progress.

I am somewhat bemused, however, by all of the comments by our friends on the minority side of the aisle denouncing the recovery package and saying that it didn't work. Not a single one of them voted for it on this House floor.

But if you check newspaper accounts around the country, you will see, for

instance, that the minority leader, in a June 15 press statement, said that he was pleased that Federal officials stepped in and ordered Ohio to use all of its construction dollars for shovel-ready projects that will create much-needed jobs.

The minority whip vowed to shed partisan politics to help the economy. He met with transportation officials about how his home State of Virginia could apply for stimulus grants to build a rail line.

The minority chief deputy whip, in his own press release, outright praised the courthouse in his district receiving funds from the recovery package to build a new courthouse. He said, "I applaud this funding for the Bakersfield Federal courthouse."

My Republican colleague from New Jersey (Mr. LANCE) announced by a press release that his district received \$13 million from the Recovery Act for local flood control projects. "This is outstanding news," he said. He even sent a letter to President Obama asking for speedy release of those recovery funds.

Another of our colleagues from Michigan on that side of the aisle issued a press release saying he was pleased to announce that his international airport would receive \$12.7 million from funds received by the Recovery Act.

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

Mr. OBEY. I yield myself 1 additional minute.

Another of our colleagues on the minority side from Illinois said, "There is no question these grants will be of assistance in creating jobs."

I can go on and on and on citing Member after Member who denounced the bill on the House floor and then went home to their districts and issued grandiose press releases expressing their support for the results of the recovery package.

I have a little difficulty following that ping pong ball when it's bouncing on both sides of the table. I have a little difficulty following the folks on that side of the aisle when they decide to fall off both sides of the same horse. I wish you would make up your mind: which do we believe, your statements that you make at home or the statements and the votes you cast on this House floor?

Mr. LEWIS of California. I yield 2 minutes to the gentlewoman from Missouri, who is the ranking member on the Financial Services and General Government Subcommittee, Mrs. EMERSON.

Mrs. EMERSON. Madam Speaker, I want to say a couple of things first. Number one, I don't know if the American people realize that since 2007 this Congress has increased spending on nondefense, nonveterans discretionary spending and, including the stimulus in that, by 85 percent, 85 percent. In so doing, we still have 30 percent unemployment in the construction trades in

the State of Missouri, and there is no excuse for that. This bill does very little to help that, very, very little.

As a matter of fact, some of the stimulus money that went to create new jobs in my congressional district—actually, our job training people were told that anybody who is in job training counted as a new job. Now that's disingenuous at best, and it's not fair to a person who is being counted as having a job and one is not there waiting for them when they graduate.

I really want to talk today about my concerns about the use of TARP funds to offset additional government spending. You know, when we debated this legislation, we were told the funds were going to be repaid and that in the long term the Federal Government could make money on the TARP program.

However, today we are debating whether to use TARP funds, which the administration really had no plans to spend, as an offset for yet more government spending. This is a gimmick extraordinaire.

We just debated a bill to increase the debt limit to \$12.4 trillion. Using this budget gimmick as an offset for \$75 billion in new spending is not going to reduce the debt one bit. Every economist in America says if we don't reduce the debt in this country, then our economy will go away.

It is going to ensure, this bill does, that our government debt is going to continue to grow, increasing our dependence on China, on other foreign investors and increasing the financial burden on our children and grandchildren.

Mr. OBEY. Could I inquire how much time is left on both sides.

The SPEAKER pro tempore. The gentleman from Wisconsin has 17½ minutes remaining, and the gentleman from California has 14 minutes remaining.

Mr. OBEY. I yield 3 minutes to the distinguished chairman of the Ways and Means Committee (Mr. RANGEL).

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

Mr. RANGEL. Chairman OBEY, let me thank you for not just saying what are we going to do about the jobs, but bringing this all together and doing something about it. One of our great Presidents, Jack Kennedy, once said that sometimes your party just asks too much of you.

I know that's what my Republican friends must feel today, because there is no question in my mind that they have just as much compassion in their heart for those jobless people as we do. They know, as we do, that those who have lost their homes, lost their dignity, lost their job, didn't do it by being Democrats or being Republicans.

I recognize that when you go in a room and make a decision to say "no," you are kind of stuck with it, so we are not naive enough to believe that I can change your mind about what you already decided, but I do hope that when

you go back to your home districts, and you recognize what is happening to people who are jobless, many of whom are hopeless, many have lost their skills and many who hope soon it will not continue, have lost what it's like to believe that in this great country there is no limit to how far that you could go.

□ 1715

So maybe next year would be different. Maybe the guys in the street will be following you around, as we find people grabbing Members of the Congress, saying, Hey, my dad needs a job, Congressman, Congresswoman, can you help?

We're trying to help. It was a big crisis and a lot of blame to go around. But collectively someone thought that TARP would work. Well, it had some successes. One thing is certain: We're not going back there. This time it's not the banks. It's not Wall Street in my area. It's now going to be Main Street, so that once again you have an opportunity to explain what are you doing in the Congress.

Well, I know it didn't go over big to say that you were bailing out banks. It certainly didn't go over in my district. How about we're trying to bail out our people. We're trying to restore the hope and confidence they had. We're trying to keep kids in school. We're trying to put food on their table. Sure, we talk about food stamps and food pantry, but we're trying to restore that dignity that make Americans so much different from other people.

In the Ways and Means Committee, where we have jurisdiction over COBRA, this is another step to have dignity. You lose your job, you lose your health care. What a terrible thing to be looking for work and you're sick and you can't even go to the doctor. Worse still, if there are sick people in your family and you don't have the insurance. Well, the Federal Government comes in not with handouts but saying can we give you a hand with your responsibility to provide health care? And that's what we've done on our committee.

We've taken unemployment benefits. You know, you can get enough checks for the length of time—

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

Mr. OBEY. I yield the gentleman an additional 1 minute.

Mr. RANGEL. Thank you, Mr. Chairman.

In any event, we got aid out there for school construction. It's not just to make certain that we have a place for our kids to learn to become the leaders of tomorrow but also that people can get bricks and mortar and rebuild those schools and renovate those schools, and that's what we're doing.

We've been able to make certain that at least the Ways and Means Committee can join in with the other committees, under the leadership of our great Speaker and DAVE OBEY, to be

able to say this is not all that we want to do; this is all that we can do.

Maybe over the holidays you might be able to get back to your leadership and say, We've been faithful. But we've found out that many in our districts have lost jobs, lost their home, lost their health insurance, and really lost hope. Just saying "no" is not going to work.

Mr. LEWIS of California. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP), ranking member of the Ways and Means Committee.

Mr. CAMP. I thank the gentleman for yielding.

Albert Einstein once said, "The definition of insanity is doing the same thing over and over again and expecting different results."

Yet even though their stimulus bill hasn't created a single job and has resulted in 10 percent unemployment, House Democrats have brought to the floor today a stimulus II bill that explicitly amends, continues, or expands numerous provisions of their failed stimulus I bill.

And here's a graphic depiction of this insanity.

How does spending more on the Bureau of Reclamation create jobs now when it didn't before? How does transit capital assistance create jobs now when it didn't before? And how do more loan guarantees create jobs now when they didn't before?

This is a "son of stimulus" bill. Let's stop the insanity. Vote "no."

Mr. OBEY. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), the chairman of the banking committee.

Mr. FRANK of Massachusetts. Madam Speaker, the assertion that the economic recovery bill, the stimulus bill, has created no jobs is, I must say, one of the least intellectually supportable statements I have heard on this House floor, and I've been here a long time. There's an argument about how much and how little, but no competent economist denies that it helped create jobs.

Here's where we are: The fact is that the Obama recovery from the Bush recession has been going more slowly than many of us would like, but it is undeniable by every statistic it is going forward.

Now, if you listen to my Republican colleagues, you learn that the third worst day in American history was January 21, 2009. The worst day, of course, was Pearl Harbor, and then we had the terrible mass murders of 2001. But to pick a day when there were no mass deaths, what was the worst day? January 21, 2009, because according to this debate, guess what happened on January 21, 2009? The Federal budget, which was apparently in surplus, all of a sudden punched into deficit. Unemployment suddenly appeared. The war in Afghanistan, by the way, was going wonderfully until January 21, 2009. There were no bailouts until January

21, 2009. Some of you may have thought they happened in September of last year, but, no, apparently it all started on January 21, 2009.

And not only that—and I have to say I'm quoting my partner, Jim, here—it was one of the worst outbreaks of disease in American history. Mass amnesia seized the Republican Party on January 21, 2009. They forgot that the Bush recession started under President Bush in 2007, after they had controlled both the House and the Senate and the Presidency for the longest time. They forgot that the deficit had mushroomed under them. They forgot that trying to pay for two wars with five tax cuts was kind of a bad idea, and at least you shouldn't be surprised it resulted in a deficit.

So what we are now doing is trying to undo that. And adults understand that you cannot go from a terrible decline to rapid increase without passing through a transitional period. We are passing through it by every economic statistic.

Now, I agree the situation was worse than we thought, and it is getting better more slowly than we had hoped, but it is clearly getting better. And, again, if you listen to my Republican colleagues, the world began on January 21, 2009. I know some of them thought it started 4,000 years ago, and they didn't believe in evolution. I didn't think they thought it all started when Barack Obama became President.

We do try here to help. I was astounded to hear the gentleman from Michigan say it hasn't created one job. Madam Speaker, tell that to the cops and firefighters in my district who were rehired because of this. Tell that to the people now working to clean up a Superfund site in my district which was funded by this bill. This denial of reality to evade responsibility for the dilemma we are in is breathtaking.

So I want to congratulate the gentleman from Wisconsin, who has been the most consistent advocate of social fairness and economic effectiveness that we've had, for a wonderful bill.

Mr. LEWIS of California. Madam Speaker, it's my privilege to yield 2 minutes to the gentleman from Texas (Mr. HENSARLING), Chairman FRANK's great friend from the committee.

Mr. HENSARLING. I thank the gentleman for yielding.

You know, repeating failure over and over might be amusing if it wasn't for the fact that so many of our countrymen are suffering.

I heard the distinguished chairman of the Financial Services Committee share with us his history lesson, but also I might add if we look at press reports, clearly Democrats have had trouble counting jobs in America.

What we do know is that the Department of Labor says that we still have double-digit unemployment under this President and this Democratic Congress. What we know is that the Department of Labor says that since the first stimulus bill was passed, to add an

extra trillion dollars of spending and debt for future generations to pick up, that 3.6 million of our fellow countrymen have lost their jobs.

The history lesson that I hope my friends on the other side of the aisle would learn is that you cannot spend your way into more jobs. You cannot borrow your way into more jobs. And you cannot bail out your way into more jobs. And, Madam Speaker, the legislation they bring before us does exactly that. It's more of the same. It is "son of stimulus."

Spend another \$150 billion of taxpayer money. How many more jobs have to be lost? It wasn't an hour ago that this body just voted for \$290 billion more of debt ceiling, borrowing the money from the Chinese, sending the bill to our children and grandchildren. How many more jobs have to be lost? Bailout funds, bailout funds for the States, bailout funds for the municipalities. How many more bailouts, how many more jobs have to be lost?

In this economy, small business, they want to create the jobs, but take away your trillion-dollar takeover of health care, take away your \$600 billion national energy tax, take away your perpetual Wall Street bailout bill, and jobs will come back to America.

Those are the policies that we need, Madam Speaker.

Mr. OBEY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut (Ms. DeLAURO).

Ms. DeLAURO. Madam Speaker, I rise in support of this jobs bill.

We have seen 23 straight months of job losses. What does this mean? It means that families are under a huge stress. It means there are hungry children in the United States of America. It means a lost generation of American workers.

We owe a response to those families contending with joblessness and the financial havoc it wreaks on their lives. It is not only the moral thing to do; it is our obligation as legislators and as citizens.

I urge my colleagues to support this bill. It redirects \$75 billion of TARP funds, money that was spent on Wall Street, and it moves it toward key infrastructure investments, which will provide jobs now. It provides a foundation for long-term prosperity. It helps to stabilize our public sector workforce. It supports teachers, police officers, firefighters, and other public servants. And as important, it cuts taxes for 16 million struggling families by making the child tax credit available to working families with children.

They lost their jobs. They lost their health benefits. Their work hours were cut short. And, yes, their child tax credit was decreased. Refundable tax credits are the most fiscally stimulative policies that we can put into place. Don't listen to me. Listen to economists. And it puts money into the hands of families who are living today paycheck to paycheck, and their spend-

ing in turn leads to a strong boost in job creation. Let's put that TARP money to work where it always belonged, in the hands of the American people.

I urge my colleagues to support this bill. We need to get America back to work.

Mr. LEWIS of California. Madam Speaker, it's my privilege to yield 2 minutes to the gentleman from Virginia (Mr. CANTOR), the Republican whip.

Mr. CANTOR. I thank the gentleman from California.

Madam Speaker, Winston Churchill once said that, "All men make mistakes, but only wise men learn from their mistakes."

Today it is apparent that Congress has not learned anything. The bill on the floor today is just another round of spending that doubles down the failure of last February's so-called stimulus plan while ballooning the deficit.

The first stimulus plan and bill failed to hold down unemployment, but it successfully increased our reliance on borrowed money. Worse, a lot of the money designated for infrastructure, those shovel-ready projects we all heard about, hasn't even gotten out of Washington yet. Why is it still here if it was designed to create jobs?

Sadly, pouring billions into the very same programs will meet a similar dismal fate. Just as bad, this legislation continues to fall hopelessly short of providing real relief to small businesses so they can resume hiring, investing, and expanding.

Now is not the time to spend an additional \$150 billion we don't have. It's time to come together to ease the burden on small businesses and to start giving them a sense of certainty so they can go about the business of creating jobs and prosperity.

Madam Speaker, I urge a "no" vote on this so-called "jobs" bill.

□ 1730

Mr. OBEY. I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Only the lack of clarity and poor eyesight can call this the so-called jobs bill, because if we've looked over the last year, the American Recovery and Reinvestment Act helped save 3.5 million jobs. They named Chairman Bernanke as the person of the year, but his twin was the work that was done on this floor by the Democratic leadership to invest in America. My district has a 9 percent unemployment. In Saturday's Washington Post, three parents were seen with lights out and children who are hungry. Oh, yes, this sounds like spend, spend, spend, but I tell you, if we can invest a billion dollars in infrastructure, we create 27,800 jobs, and I'm proud to invest 35 billion of those dollars in fixing the highways and the roads of America.

I am glad 150,000 Americans will now be able to get training in high professional jobs, and I am glad that we are working on a metro system that will create jobs in our district.

Vote for this bill. It's jobs, jobs, jobs. Get good glasses and you'll see that.

Mr. LEWIS of California. Madam Speaker, by way of inquiry of my chairman, aside, Mr. Chairman, from the unprecedented and secretive process by which this bill was put together and is being brought to the floor, the rule before us contained a most unusual provision to allow the chairman to submit a report explaining the legislation. It would be very helpful to all Members before we vote on over \$154 billion in spending to actually have the benefit of the chairman's explanation.

I, for one, have not only not seen this report, I didn't even know he was writing one. Therefore, I would ask the chairman, is there a copy of this report, and will you make it available now so that Members will have a chance to see it before we vote on this bill?

Mr. OBEY. Well, I find it very interesting that the gentleman has not raised this point with respect to the Defense appropriations bill. But let me simply say that the explanatory statement for this bill is very short. It is on our Web site. It was posted there this morning.

Mr. LEWIS of California. The chairman certainly might have given us the courtesy of communicating that that was his intention ahead of time. And it's very clearly stated within the report that the Members would have it available to them. Obviously, the chairman has chosen to ignore that side of the responsibility.

With that, I reserve the balance of my time.

Mr. OBEY. Might I inquire how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Wisconsin controls 7½ minutes, and the gentleman from California controls 8 minutes.

Mr. OBEY. I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Madam Speaker, I rise in support of this legislation. The Republican minority has been fairly consistent. When we focused on health care, they said, well, 85 percent of the people in the country have health care, so let's not turn things upside down, let's not sacrifice too much to try to deal with the tens of millions who don't have it; 85 percent have it.

On the jobs front, 90 percent of the people in the country have jobs. So I can see their lack of empathy for the 10 percent who don't, and they don't see a need for us to act. But as we come to this holiday season, as we look and see many of our citizens who not only have not a job at this moment, mainly because of policies enacted, this unwarranted war in Iraq and fiscal policies that have had us a double-digit national debt in the trillions before

Barack Obama was sworn into office, but they don't really see a need for us to do a great deal of effort here to try to put Americans back to work.

I want to thank the chairman for authoring this legislation which is bifurcated, both focused on jobs and also in helping people in a difficult moment. That's what I think America ought to be about. I rise in support of this legislation.

Mr. OBEY. Could I inquire of the gentleman how many speakers he has remaining.

Mr. LEWIS of California. We have no speakers remaining. I might make a few remarks after I hear what the chairman has to say.

Mr. OBEY. Well, I am the last speaker, and since I have the right to close, I would suggest you use your time and then we'll use ours.

Mr. LEWIS of California. Can you give me an idea how much of your time you intend to take?

Mr. OBEY. The remainder of the time.

Mr. LEWIS of California. Ten minutes?

Mr. OBEY. No, we don't have 10 minutes.

The SPEAKER pro tempore. The gentleman from Wisconsin controls 6½ remaining minutes, and the gentleman from California 8 minutes.

Mr. LEWIS of California. I think it would be very important for the Members to know, Madam Speaker, that up to this point, only about 15 percent of the first piece of this package has been spent, so Stimulus I is a long ways away from being spent. And I think we all know that the agencies are awash in money coming through the pipeline, and they wonder where it's going to go from here. It's significant to know that as we spend the people's money in this process, with very, very little information available to our Members, the majority is choosing to push another \$150 billion down that pipeline, regardless of what has been spent already.

It seems to me that one of the lessons to be learned here is that the American people are much smarter than we give them credit for. They know that just throwing money at every perceived problem out there is no way to solve such a problem. In the meantime, I will listen with interest to my chairman's closing remarks.

I yield back the balance of my time.

Mr. OBEY. Madam Speaker, we have heard three times at least now our friends on the minority side indicate that only 12 percent of the original stimulus funding has, quote, left the Treasury. That's a very slippery way to put it, because the fact is that what "left the Treasury" means is that after funds are obligated to those who will actually spend it, and after the bills have been paid by those recipients, then the money has, indeed, left the Treasury. The real term to focus on is what has been obligated. And the fact is that for the programs in this bill, 70 percent of the funds previously appro-

priated to those programs have already been obligated. So much for that argument.

Example: The minority press release states, "No funds out of the \$1 billion provided for COPS has left the Treasury." The fact is, all of that funding has been awarded.

The minority press release states, "Only \$235 million out of the \$6.4 billion for EPA wastewater grants has left the Treasury." The fact is, 99 percent of that funding has already been provided to the States. So much for that straw man.

Let me, Madam Speaker, simply make this observation: we have before us a bill that determines to redirect \$75 billion, which had initially been directed to help Wall Street, and we want to, instead, redirect that money to help Main Street. So we provide \$27 billion, for instance, for highway infrastructure projects to put people back in construction. You're either for it or you're against it.

We have provided enough funding in this legislation to assist more than 670 communities address their growing backlog of water and sewer repairs and put people to work in the process. You're either for it or against it.

We've provided \$27 billion from Wall Street to Main Street to try to stabilize public service jobs. We're trying to preserve 250,000 teaching jobs over the next 2 years, for instance. You're either for doing that or you're against it.

We're trying to use \$500 million to preserve the jobs of thousands of firefighters all across the country. You are either going to help or you're not.

We are trying to provide 250,000 disadvantaged youth with summer employment opportunities. You're either going to help them or you're not.

We're trying to provide 250,000 students with additional college work study funds so they can stay in school. You're either going to help those students or you're not.

We're trying to provide funding for approximately 150,000 individuals in high-growth and emerging industry sectors where we know there are job growth possibilities. You're either going to help support that or not.

We are trying to provide unemployment insurance for 6 months rather than the 2-month extension that was in the previous bill today. You're either going to help those people or not.

We are trying to provide \$23 billion to extend the higher Federal match for payments to doctors, or we're not.

So, basically, it's about time to decide where you're coming from. An article in the New York Times today described what happens when you lose your job. It pointed out that more than half of the Nation's unemployed workers have had to borrow money from friends or relatives since losing their jobs. They've had to cut back on doctor visits. That same article indicates that a quarter of those polled had said they'd lost their home or been threat-

ened with foreclosure. They also noted that half of the adults surveyed admitted to feeling embarrassed or ashamed as a result of being out of work. And nearly half of the respondents said they no longer had health insurance. The question is, are you going to help those people or not?

We can argue what our economic philosophy is until the cows come home, as they say in my area, but it seems to me that the question simply is, We've got a problem; what are you going to do about it?

#### JOBS FOR MAIN STREET ACT, 2010

##### EXPLANATORY STATEMENT

##### THE JOBS CRISIS

A jobs bill is urgently needed because of the worst job situation since the Great Depression of the 1930s. The vast majority of fair-minded economists have concluded that the Recovery Act has had a positive effect on the job situation and they also agree that sizeable and targeted deficit spending makes sense at this time of unusually high unemployment, low inflation, and low interest rates, but not after the economy recovers.

The current recession has been especially severe in the labor market:

The unemployment rate has reached 10 percent. Almost every age and education group is experiencing higher unemployment than at any time since the 1930s.

This dismal unemployment situation is not expected to improve any time soon. The Blue Chip consensus of economic forecasters expects the unemployment rate to get worse early next year and still be 9.9 percent at the end of 2010.

The number of people unemployed has more than doubled in the last two years, from 7.2 million to 15.4 million, an increase of 8.2 million. 10.6 million more people would have a job today if employment growth had simply kept up with population growth over the last two years.

The crisis in the job-market goes beyond the increase in unemployment. The number of people working part time but seeking full-time work has doubled in two years, from 4.5 million to 9.2 million. The number of people who want a job but are too discouraged to look for work has risen by 1.4 million or 30 percent in two years.

The total number of people who are either unemployed or working part-time for economic reasons or have dropped out of the labor force but want a job has risen by 14.2 million in just two years.

Other indicators make the case for a jobs bill:

For the first time since the 1930s, manufacturing is using less than two-thirds of its capacity. So much unused capacity means that production can be very responsive to new demand without increases in prices.

With its Federal funds rate at virtually zero, the Federal Reserve's capacity to stimulate the economy is limited.

The rates on Federal government borrowing remain unusually low.

The evidence is overwhelming that the Recovery Act has made the job situation substantially better than it would have been without the Recovery Act.

The Congressional Budget Office recently estimated that, as of September, the Recovery Act had already raised employment by 600,000 to 1.6 million. All major private forecasters have made similar estimates.

The rate of job loss has declined from 700,000 a month for the three months before the Recovery Act to just 11,000 job losses last month.

A recent Wall Street Journal survey of economic forecasters found that a clear majority supported additional jobs measures, a



position that they would not have taken unless they believed the first round had worked.

Continued high unemployment takes a toll on those unemployed and their families who experience the frustration of not finding work. Local communities also suffer a loss of tax base which forces cutbacks on education and other services vital to everyone in the community.

It makes sense for the Federal government to invest more in expanding training opportunities at times of high unemployment. State and local governments face pressures to cut back on all spending, including education. On the other hand, the lack of work opportunities gives many people more time to devote to education and upgrading job skills.

Faster reduction of unemployment is in the long-term interest of the Nation's economy. When people have jobs, they have money to spend that has a multiplier effect on the economy generally. In addition, prolonged unemployment causes workers' skills to erode which reduces the Nation's productive capacity.

#### TITLE I—INFRASTRUCTURE AND JOBS INVESTMENT

##### CHAPTER 1—DEPARTMENT OF JUSTICE COMMUNITY ORIENTED POLICING SERVICES

(INCLUDING TRANSFERS OF FUNDS)

The bill provides \$1,179,000,000 for Community Oriented Policing Services grants for the hiring and rehiring of an estimated 5,500 law enforcement officers.

##### CHAPTER 2—ENERGY AND WATER DEVELOPMENT

##### CORPS OF ENGINEERS—CIVIL WORKS

##### DEPARTMENT OF THE ARMY

##### CORPS OF ENGINEERS—CIVIL

##### CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

The bill provides an additional \$715,000,000 for Construction to support an estimated 7,800 jobs. This funding will support the construction of water resource projects in areas where they can quickly create jobs. Unemployment in the construction industry in November was 19.4 percent, up from just 6.2 percent two years ago. The projects will also provide long-term economic benefits through lasting infrastructure improvements. The Corps is directed to consider the following criteria when allocating funds: programs, projects or activities that can be commenced quickly; programs, projects or activities that will create high and immediate employment; programs, projects or activities that will be executed by contract or direct hire of temporary labor; and programs, projects or activities that are located in a state with high unemployment.

##### DEPARTMENT OF THE INTERIOR

##### BUREAU OF RECLAMATION

##### WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

The bill provides an additional \$100,000,000 to support an estimated 1,000 jobs for the programs of the Bureau of Reclamation. This funding will support the construction of water supply projects in areas where they can quickly create jobs in the construction industry. Unemployment in that sector was 19.4 percent in November, up from just 6.2 percent two years ago. The Bureau is directed to consider the following criteria when allocating funds: programs, projects or activities that can be commenced quickly; programs, projects or activities that will create high and immediate employment; programs, projects or activities that will be executed by contract or direct hire of temporary

labor; and programs, projects or activities that are located in a state with high unemployment. Additionally, funds are provided to respond to drought in western and southwestern United States by expediting projects and activities that supplement existing water supplies such as through the title XVI program, meeting fish and wildlife needs, adding flexibility to water delivery systems, or addressing other factors to reduce conflict over limited water supplies.

##### DEPARTMENT OF ENERGY

##### ENERGY PROGRAMS

##### TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

The bill provides an additional \$2,000,000,000 for the cost of guaranteed loans authorized by section 1705 of the Energy Policy Act of 2005. This funding should support an estimated 22,000 jobs in the renewable energy sector, providing a boost to the construction industry as well as contribute to the Nation's goals for energy independence. Most renewable energy funds are spent on materials and workmanship to build and maintain the facilities, rather than on costly energy imports. Further, as we build manufacturing capability in the United States, renewable energy technologies developed and built here can be sold overseas, providing a boost to the U.S. trade deficit.

##### INCENTIVES FOR INNOVATIVE TECHNOLOGIES LOAN GUARANTEE PROGRAMS

Section 1201 includes a provision modifying the Energy Policy Act of 2005 authorization for the Department of Energy's Innovative Loan Guarantee Program.

##### CHAPTER 3—HOMELAND SECURITY

##### FEDERAL EMERGENCY MANAGEMENT AGENCY

##### FIREFIGHTER ASSISTANCE GRANTS

This bill provides \$500,000,000 to retain, rehire, and hire an estimated 2,500 firefighters across the United States and directs the Department of Homeland Security to make these awards within 120 days. The Secretary may transfer any unused funds to firefighter assistance equipment grants subject to notification.

##### CHAPTER 4—INTERIOR AND THE ENVIRONMENT

##### DEPARTMENT OF THE INTERIOR

##### BUREAU OF LAND MANAGEMENT

##### MANAGEMENT OF LANDS AND RESOURCES

The bill provides \$20,000,000 as an additional amount for "Management of Lands and Resources" to support an estimated 1,000 term jobs. These funds should be used to increase term employment for activities on all Bureau of Land Management lands including maintenance, resource management, invasive species management, and inventory and monitoring.

##### UNITED STATES FISH AND WILDLIFE SERVICE

##### RESOURCE MANAGEMENT

The bill provides \$30,000,000 as an additional amount for "Resource Management" to support an estimated 1,500 term jobs. These funds should be used to increase term employment for activities funded under this heading, including activities on all national wildlife refuges and national fish hatcheries such as maintenance, invasive species management, inventory and monitoring, and for high priority habitat restoration projects.

##### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

The bill provides \$50,000,000 as an additional amount for "Operation of the National Park System" to support an esti-

mated 2,700 term jobs. These funds should be used to increase term employment for activities on all national park units such as maintenance, interpretive, and resource management activities including invasive species management, inventory and monitoring, restoration of historical resources, and work with the National Register of Historic Places.

##### DEPARTMENT-WIDE PROGRAMS

##### WILDLAND FIRE MANAGEMENT

The bill provides \$20,000,000 as an additional amount for "Wildland Fire Management" to support an estimated 1,000 term jobs. These funds should be used to increase term employment for activities on all Interior Department lands, particularly for hazardous fuels reduction and related activities including necessary inventory and monitoring.

##### ENVIRONMENTAL PROTECTION AGENCY

##### STATE AND TRIBAL ASSISTANCE GRANTS

(INCLUDING TRANSFERS OF FUNDS)

The bill provides \$2,000,000,000 for water and wastewater infrastructure improvements, of which \$1,000,000,000 is for the Clean Water State Revolving Fund and \$1,000,000,000 is for the Safe Drinking Water State Revolving Fund. This funding will support approximately 44,000 jobs and will assist more than 670 communities and cities construct vitally needed projects to address the ever growing backlog of sewer and water repairs and rehabilitation. The bill provides that half of the funds include additional subsidies such as principal forgiveness and grants, making it easier for more communities to have access to this program.

##### DEPARTMENT OF AGRICULTURE

##### FOREST SERVICE

##### STATE AND PRIVATE FORESTRY

The bill provides \$75,000,000 as an additional amount for "State and Private Forestry" to support an estimated 3,800 term jobs. These funds are for financial assistance to States and other authorized cooperators, to increase term employment for activities, including reducing wildfire hazards, forest health management, restoring and rehabilitating forests damaged by pests or invasive species, enhancing urban and community ecosystems, and providing cooperation and technical assistance. The Forest Service should not require cost share for the use of these urgently needed funds.

##### NATIONAL FOREST SYSTEM

The bill provides \$40,000,000 as an additional amount for "National Forest System" to support an estimated 2,000 term jobs. These funds should be used to increase term employment, including management, protection, improvement and utilization activities on the National Forest System, and including maintenance, resource management, visitor services enhancement, forest health, habitat and watershed enhancement, invasive species management, and necessary inventory and monitoring.

##### WILDLAND FIRE MANAGEMENT

The bill provides \$35,000,000 as an additional amount for "Wildland Fire Management" to support an estimated 1,800 term jobs. These funds should be used to increase term employment for Forest Service authorized activities, including hazardous fuels reduction and related activities, such as necessary inventory and monitoring.

##### GENERAL PROVISIONS—THIS CHAPTER

Section 1401 allows funds for management and oversight provided to the Environmental Protection Agency in this Act to be available until September 30, 2012, and the funds may be transferred to the "Environmental

Programs and Management” account as needed.

Section 1402 requires the Secretaries of the Interior and Agriculture to utilize, to the maximum extent practicable, the Public Lands Corps, Youth Conservation Corps, Student Conservation Association, Job Corps, Corps Network members and other related partnerships with Federal, State, local, tribal or non-profit groups that serve young adults, underserved and minority populations, veterans and special needs individuals.

#### CHAPTER 5—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

##### DEPARTMENT OF LABOR

##### EMPLOYMENT AND TRAINING ADMINISTRATION TRAINING AND EMPLOYMENT SERVICES

The bill includes \$500,000,000 for a summer employment program for youths. According to the Bureau of Labor Statistics (BLS), the unemployment rate for teenagers (age 16-19) reached 26.7 percent in November 2009—the highest level recorded since BLS began collecting data. These funds will support summer youth employment for approximately 250,000 disadvantaged youths.

##### HIGH GROWTH JOBS

The bill includes \$750,000,000 for competitive grants to support job training for approximately 150,000 individuals in high growth and emerging industry sectors, particularly in the health care and green industries that are adding jobs despite difficult economic conditions. Grants for job training in green industries will focus on programs that train workers living in areas of high poverty.

##### DEPARTMENT OF EDUCATION

##### EDUCATION JOBS FUND

The bill includes \$23,000,000,000 for an Education Jobs Fund to help States cope with the most dramatic decline in State tax receipts on record—due to the worst recession in 30 years. These funds will help States to save or create an estimated 250,000 jobs over the next two years. Of the total appropriation, 95 percent of the funds will be allocated by States to school districts and public institutions of higher education to retain or create jobs providing early childhood education, elementary, secondary, or postsecondary education services or for modernization, renovation, and repair of facilities. The remaining 5 percent of funds is reserved for State education-related jobs and administration of the Education Jobs Fund.

##### STUDENT FINANCIAL ASSISTANCE

The bill includes \$300,000,000 to support the College Work Study program, which supports low- and moderate-income undergraduate and graduate students who work while attending college. Together with institutional matching funds, this appropriation will support work-study jobs for approximately 250,000 financially needy students.

##### RELATED AGENCIES

##### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

##### OPERATING EXPENSES

##### (INCLUDING TRANSFERS OF FUNDS)

The bill provides \$200,000,000 for AmeriCorps programs and the National Service Trust, which will support an additional 25,000 AmeriCorps Members. This funding will enable these individuals to serve their communities while earning an education award to further their education or pay off student loans. AmeriCorps members conduct vital services for nonprofits and communities including financial counseling, disaster response, housing support, and after

school programs. The Corporation has seen an unprecedented level of interest from States, localities, and nonprofit organizations in its programs. Between November 2008 and April 2009, AmeriCorps received 76,404 online applications, up 230 percent compared to the same period in the year before.

##### GENERAL PROVISIONS—THIS CHAPTER

##### ISSUER ALLOWED REFUNDABLE CREDIT FOR QUALIFIED ZONE ACADEMY BONDS (QZABS) AND QUALIFIED SCHOOL CONSTRUCTION BONDS (QSCBs)

Section 1501 includes several provisions pertaining to QSCBs and QZABs, which finance public school construction, rehabilitation, and repair. Because the market for tax credits on QSCBs and QZABs currently is small given economic conditions, the bill would allow a State, local government, or tribal government issuing QSCBs or QZABs to elect to receive a direct payment from the Federal government equal to the amount of the tax credit that would have otherwise been payable on these bonds. The bill also includes a technical correction that clarifies that large local school districts are allowed to carry their 2009 and 2010 allocations of QSCBs into future years if they are not issued.

##### CHAPTER 6—TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT DEPARTMENT OF TRANSPORTATION

##### FEDERAL AVIATION ADMINISTRATION

##### GRANTS-IN-AID FOR AIRPORTS

The bill provides \$500,000,000 for the Federal Aviation Administration to provide discretionary airport grants to repair and improve critical infrastructure at our Nation's airports. Projects funded under this Act, as well as under the American Recovery and Reinvestment Act, use the criteria established for grants under the AIP program and provide long-term economic, safety and capacity benefits to the Nation's airport system. This funding will support an estimated 5,000 jobs.

##### FEDERAL HIGHWAY ADMINISTRATION

##### HIGHWAY INFRASTRUCTURE INVESTMENT

The bill provides \$27,500,000,000 for additional highway infrastructure investment to support an estimated 299,000 jobs. Funds are distributed by formula, with a portion of the funds within each State being suballocated by population areas. Set asides are also provided for: management and oversight; Indian reservation roads; park roads and parkways; forest highways; refuge roads; ferry boats; on-the-job training programs focused on minorities, women, and the socially and economically disadvantaged; a bonding assistance program for minority and disadvantaged businesses; Puerto Rico and the territories; and environmentally friendly transportation enhancements.

##### FEDERAL RAILROAD ADMINISTRATION

##### CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The bill provides \$800,000,000 for capital grants to the National Railroad Passenger Corporation (Amtrak) for fleet modernization, including the rehabilitation of existing and acquisition of new passenger equipment, including fuel efficient locomotives. The Secretary of Transportation is directed to give priority to domestically manufactured equipment, including components and sub-components used for rehabilitation. In addition, new acquisitions should be part of a larger strategy to work with domestic manufacturers to create a standardized next generation corridor equipment fleet. This funding supports an estimated 9,000 jobs.

##### FEDERAL TRANSIT ADMINISTRATION

##### TRANSIT CAPITAL ASSISTANCE

The bill provides \$6,150,000,000 for urban and rural formula grants to support an estimated 67,000 jobs. Within the total amount, 80 percent of the funds shall be provided through the Federal Transit Administration's (FTA) urbanized formula; 10 percent shall be provided through FTA's rural formula; and 10 percent shall be provided through FTA's growing states and high density formula. In addition, the bill provides 2.5 percent of the rural funds for tribal transit needs and includes \$100,000,000 for discretionary grants to public transit agencies for capital investments that will assist in reducing the energy consumption or greenhouse gas emissions of their public transit agencies.

##### FIXED GUIDEWAY INFRASTRUCTURE INVESTMENT

The bill provides \$1,750,000,000, to support an estimated 19,000 jobs, to be distributed through an existing authorized formula for capital projects to modernize or improve existing fixed guideway systems, including purchase and rehabilitation of rolling stock, track, equipment and facilities.

##### CAPITAL INVESTMENT GRANTS

The bill provides \$500,000,000, to support an estimated 5,000 jobs, to be distributed on a discretionary basis for New Starts and Small Starts projects that are already in construction or are nearly ready to begin construction.

##### MARITIME ADMINISTRATION

##### MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

The bill provides \$100,000,000 for the Maritime Guaranteed Loan (Title XI) program to allow vessels and shipyards to obtain long-term financing for growth and modernization projects.

##### GENERAL PROVISION—DEPARTMENT OF TRANSPORTATION

##### MAINTENANCE OF EFFORT

Section 1601 ensures continued State investment in certain identified programs for which the State receives funding in this Act and requires grant recipients to report regularly on the use of those funds.

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### PUBLIC AND INDIAN HOUSING

##### PUBLIC HOUSING CAPITAL FUND

The bill provides \$1,000,000,000 for the Public Housing Capital Fund for additional repairs and rehabilitation of public housing, including increasing the energy efficiency of units and making critical safety repairs. The Secretary is directed to award these funds competitively to public housing agencies that submitted applications in the competition for funds conducted in fiscal year 2009. In that competition, HUD received applications totaling approximately \$3,700,000,000 for Capital Fund projects, but was only able to fund \$1,000,000,000 in awards. This funding will spur construction quickly, especially since HUD has ready-to-go applications for projects on hand. This funding will support an estimated 10,900 construction jobs.

##### COMMUNITY PLANNING AND DEVELOPMENT

##### HOUSING TRUST FUND

The bill provides \$1,000,000,000 for the National Housing Trust Fund to provide communities with funds to build, preserve, and rehabilitate rental homes that are affordable for extremely and very low income households; and \$65,000,000 for project-based vouchers to support units built by the Trust Fund. Nationwide, for every 100 extremely low income renter households, there are only 37

homes they can afford, further, capital expenditures for housing will create jobs in the construction industry. This funding will support an estimated 19,000 construction jobs.

#### CHAPTER 7—GENERAL PROVISION TARP REDUCTION

Section 1701 reduces the ceiling on loans, investments and other assistance under the Troubled Asset Relief Program (TARP) by \$150,000,000.

Section 1702 provides that all funds under this title shall be subject to section 1604 of division A of the American Recovery and Reinvestment Act of 2009.

Section 1703 makes appropriations in this title subject to American Recovery and Reinvestment Act reporting and transparency requirements and Inspector General oversight.

#### TITLE II—SURFACE TRANSPORTATION EXTENSION

This title extends the authorization for the highway, transit, highway safety and motor carrier safety programs of the Department of Transportation until September 30, 2010. In addition, the bill includes language that provides 100 percent federal share for the transportation programs authorized in the title, repeals the provision that prohibits Highway Trust Fund balances from earning interest, and restores \$20,000,000,000 to the Highway Trust Fund.

This title also strengthens the Buy America requirements for highway and transit projects, and provides greater transparency for Buy America waivers.

#### TITLE III—UNEMPLOYMENT AND OTHER EMERGENCY NEEDS

##### CHAPTER 1—AGRICULTURE AND RURAL DEVELOPMENT

###### DEPARTMENT OF AGRICULTURE GENERAL PROVISION—THIS CHAPTER (RESCISSION)

##### RELIEF FOR DISCRIMINATION IN A CREDIT PROGRAM OF THE DEPARTMENT OF AGRICULTURE UNDER THE EQUAL CREDIT OPPORTUNITY ACT

Section 3101 extends the statute of limitations for claims of discrimination in USDA's credit programs that have been pending at USDA.

##### CHAPTER 2—FINANCIAL SERVICES AND GENERAL GOVERNMENT INDEPENDENT AGENCIES

###### SMALL BUSINESS ADMINISTRATION BUSINESS LOANS PROGRAM ACCOUNT

The bill provides \$354,000,000 to the Small Business Administration (SBA), to continue two temporary enhancements to SBA loan guarantee programs made by the American Recovery and Reinvestment Act of 2009 and which are nearly out of funding. One of the enhancements being extended allows the SBA to guarantee 90 percent of certain small business loans, instead of the 75 percent allowed under permanent law (or 85 percent for small loans), thereby encouraging banks to make these loans by reducing the amount they have at risk and the reserves they must hold. The other reduces fees paid by lenders and borrowers. The funding provided in the bill is estimated to be sufficient to continue both items through the end of fiscal year 2010. The bill also extends the expiration date of the authorization for the 90 percent loan guarantees to September 30, 2010.

###### GENERAL PROVISION—THIS CHAPTER (RESCISSION)

Section 3201 rescinds funds that will lapse at the end of fiscal year 2010.

##### CHAPTER 3—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION GENERAL PROVISIONS—THIS CHAPTER ASSISTANCE FOR UNEMPLOYED WORKERS AND STRUGGLING FAMILIES

Section 3301 provides a six-month extension of expiring UI benefit provisions that were established or continued in the American Recovery and Reinvestment Act, including the Emergency Unemployment Compensation program, 100 percent Federal funding for the Extended Benefits program, and the extra \$25 weekly UI benefit.

###### EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS

Section 3302 extends the 65 percent COBRA health insurance subsidy from nine to 15 months for individuals who have lost their jobs. The job lost eligibility date is extended in the provision through June 30, 2010.

###### EXTENSION OF RECOVERY ACT INCREASE IN THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP)

Section 3303 extends for six months, through June 2010, the FMAP provision in the Recovery Act, which increases the Federal match for Medicaid for all State programs.

###### REPEAL OF EARNED INCOME THRESHOLD FOR DETERMINING REFUNDABLE PORTION OF CHILD TAX CREDIT

Section 3304 increases the eligibility for the refundable portion of the child tax credit. The bill would increase the eligibility for the refundable child tax credit in 2010. For 2009, the child tax credit is refundable to the extent of 15 percent of the taxpayer's earned income in excess of \$3,000. The bill would eliminate this floor for 2010.

###### DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) POVERTY GUIDELINES

Section 3305 includes a provision to freeze the HHS poverty guidelines at 2009 levels in order to prevent a reduction in eligibility for certain means-tested programs, including Medicaid, Supplemental Nutrition Assistance Program (SNAP), and child nutrition, in 2010.

###### REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS

Section 3306 provides, for one year, the exclusion of tax refunds as income for the purpose of assessing eligibility for means-tested programs supported by Federal funds.

Section 3307 permanently authorizes a provision to help Social Security and Supplemental Security Income disability claimants retain professional representation.

##### CHAPTER 4—GENERAL PROVISION—THIS TITLE

Section 3401 provides an emergency designation and PAYGO emergency designation.

###### TITLE IV—GENERAL PROVISIONS—THIS ACT

Section 4001 establishes a period of availability for funds.

Section 4002 requires Buy America requirements.

###### DISCLOSURE OF EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, neither the amended bill nor the explanatory statement contains any congressional earmarks, limited tax benefits, or limited tariff benefits.

With that, I would yield to the Speaker to conclude my remarks.

The SPEAKER pro tempore. The gentlewoman from California is recognized.

Mr. LEWIS of California. Madam Speaker, I certainly would not object, but I had asked the chairman about additional speakers, and clearly I would never, ever detract from our Speaker, but in the meantime, a little straightforward discussion would be helpful.

Mr. OBEY. If the gentleman would yield. Well, he doesn't have the time. I will simply take the time to say that if I had known that the Speaker had been able to come to the floor, I certainly would have told the gentleman. I simply didn't know, and I trust that he believes me.

Mr. LEWIS of California. I certainly do.

Mr. OBEY. I thank the gentleman for that clarification.

Ms. PELOSI. Madam Speaker, I thank the distinguished chairman for yielding, for his unyielding work on behalf of America's working families, and in this case today for the creation of jobs, to grow our economy and to help those who have lost their jobs through no fault of their own.

I am grateful to the distinguished ranking member, Mr. LEWIS, for his courtesy. Yes, my apology. I didn't realize the debate would go to this point. But I did want to take the opportunity to talk about jobs to our colleagues and to this Congress in general.

Just to put it in perspective, 1 year ago, in January, the job loss was 740,000 jobs for that 1 month alone. Fast forward to now, and the job loss for November is 11,000 jobs. Seven hundred forty thousand 10 months ago; 11,000 jobs this month. We don't want to lose any jobs. But we are on the road to recovery, and we are there because this Congress made some very important and difficult decisions to take us there. We are on the road to recovery because of the leadership of President Barack Obama, who stood on the steps of the Capitol on his inauguration and asked for swift, bold action now so that we could take the country in a new direction and create jobs and grow our economy.

□ 1745

One week and 1 day from the President's inaugural address, this House of Representatives passed the Recovery Act. We were able to do so because we were ready. We had been ready with job creation packages, but we could not get the resources until we had a new President to make the investments, which took us from 740,000 jobs lost in January, in the first month of this year—the President, I am reminded, was inaugurated on January 20, toward the end of that month—and then 11,000 jobs.

I also want to call to our colleagues' attention back to the first quarter of 2009, and the GDP rate of growth was a negative. It was a minus 6.4 percent, a result of the failed economic policies of the previous administration. As of November 24, 2009, the GDP has a positive 2.8 and is growing; a swing of 9.2 percent in the GDP from negative, minus 6.4 to positive 2.8.

At the same time, I call to the attention of my colleagues that because of this new direction to grow our economy, the stock market was at a nadir. The first of 2009, we're at 7,000. We are now over 10,000, an increase of over 3,000 points in the stock market. Economists tell us that some of this change is directly related to the recovery package that we passed in January, the fiscally sound budget that we passed 100 days after the President's inauguration, which was a blueprint for the future, a statement of our national values that talked about how we could create jobs, lower taxes for the middle class—over 95 percent of the American people got a tax cut—and how we could reduce the deficit. It's all about job creation and reducing the deficit.

Three pillars of changing the economy in that budget were investments in health care, in education, and in energy to prevent climate change, to create new green jobs for the future, and to do so through science and innovation. Innovation begins in the classroom and is central to our competitiveness—innovation to reduce the cost of health care to families, to businesses, to our budget, and to our economy to make us competitive and keep us number one in the world's economy. All of this was passed by the House of Representatives: energy, climate change, education, and health care.

Then finally, this past week, we passed the regulatory reform legislation. Mr. FRANK is here, our chairman. It is the work of many people in this Congress. We passed regulatory reform to hold Wall Street accountable, to say that the party is over, to say that we are creating jobs for Main Street, not just wealth for Wall Street. We respect the creation of wealth and what it means to an economy and how it relates to the creation of jobs, but we cannot have a creation of wealth at the exploitation of the American worker. We did pass this regulatory reform without one Republican vote to hold Wall Street accountable, without one Republican vote.

So here we are today, after this plan that started on the steps of the Capitol—the inauguration of our new President—that had deep seeds in what we had tried to do before we had a Democratic administration but what we had been working for, so we were ready. And now today we want to pass this legislation which does two things: It creates jobs and saves jobs by investments in building the infrastructure of America. It doesn't do everything we would want, but what we do in there is paid for, building the infrastructure of America.

What it also invests in is to help States, cities, and localities keep their fiscal soundness so that they don't have to lay off teachers, firefighters, police officers, and people who work to meet the health needs of people in our community. This is important not only for public safety. That is self-evident. It is not only important because we

don't want to lose our teachers. It is about the education of our children and how seriously that can be undermined with the layoffs and the uncertainty in the local and State budgets.

But on top of all of that, while we're concerned about what this does to working families and how important it is for people to have their jobs—they are also consumers—to the extent that they lose their jobs, our economy loses consumers. And when our economy loses consumers, we're in big trouble, economic trouble. We cannot let that happen.

So today, we have before us that package for job creation and job retention which is fiscally sound and which is paid for by using TARP funds, the unused TARP funds which were the subject of great debate but which, I do believe, saved us, pulled us from the brink of the financial crisis we were in as our recovery package later pulled us from the brink of economic disaster.

In addition to that, we have some safety net provisions about the extension of unemployment insurance, of COBRA to meet the health needs of those who are unemployed, which all expire the end of December, and other issues that relate to the well-being of America's working families, to address the concerns of the unemployed but, in addition to that, to create jobs in a fiscally sound way.

Fiscal responsibility is very important to us. It is our responsibility to our children not to increase the deficit, and that is why our health bill does not add one dime to the deficit; in fact, it decreases the deficit. I see Chairman RANGEL shaking his head. It is an important part of paying for that legislation. And Mr. MILLER and Mr. WAXMAN were so much an important part of that health care bill.

So here we are today with an opportunity to modestly and in a paid-for way address the issue of jobs. It's a four-letter word. Let's use that four-letter word everywhere we go—jobs, jobs, jobs.

I urge my colleagues, while some of your districts and some of your States may be doing better than other parts of the country, this is the time for us to recognize that we are a national economy and that what happens in one State has an impact on our national recovery.

I thank Chairman OBEY for his great leadership in putting this package together. I urge our colleagues to act on behalf of America's working families through the creation of jobs in a fiscally sound way, to honor our responsibility of public safety by protecting our first responders and our responsibility to our children to make sure that their education does not have a gap, because we have a budgetary gap, and understanding the role that consumers play in our economy. I hope that we will have a strong "yes" vote on this legislation.

With that, Mr. Chairman, I commend you again.

Mr. LANGEVIN. Madam Speaker, I rise in strong support of H.R. 2847, the Jobs for Main Street Act, which redirects Trouble Asset Relief Program (TARP) funds from Wall Street to Main Street, where our towns, small businesses and families need it most.

While we have seen some significant improvements since this time last year, we are still feeling the repercussions of the worst economic downturn since the Great Depression. Many older Americans are entering retirement with deflated savings, forced to dramatically adjust plans and expectations for their golden years. Millions of our constituents remain unemployed, desperately searching for jobs that simply aren't there. Rhode Island families are struggling to pay bills and mortgage payments, and in too many cases, those who used to have two salaries to rely on must now make do with only one. While we have brought the economy back from the brink, we must do more to limit job loss and create new employment opportunities.

H.R. 2847 addresses these issues by redirecting \$48 billion in unused TARP funds to highway infrastructure, school renovation grants, public transportation investments and airport improvement grants. To address our housing needs, this measure contains \$1 billion for the National Housing Trust Fund that provides communities with funds to build, preserve and rehabilitate affordable rental homes and \$1 billion for the Public Housing Capital Fund for repairs and rehabilitation of public housing.

The Jobs for Main Street Act also uses \$27 billion in TARP funds to stabilize public service jobs, including teachers, firefighters and police officers. It funds an Education Jobs Fund to help states retain or create jobs in school districts and public higher education institutions. And it includes funding for AmeriCorps, the College Work Study program, and job training for high growth and emerging industry sectors, including those in health care and green industries.

Small businesses have borne the brunt of this economic crisis, and their inability to access credit to keep their businesses operating has clearly added to the high unemployment rate across the nation, and especially in Rhode Island. It is imperative that our small businesses have access to the tools they need to weather this economic downturn, as well as to keep and create jobs. H.R. 2847 will help by extending Recovery Act provisions that eliminated fees on SBA loans and guaranteeing these loans at 90 percent. This gives local banks and credit unions the confidence to lend to small businesses.

This measure also extends crucial American Recovery and Reinvestment Act safety net programs that provide invaluable health and social services to our nation's low-income and disabled citizens with the inclusion of \$23.5 billion in enhanced funding for state Medicaid programs. It further extends a provision to assist recently unemployed individuals and their families by helping them maintain their health coverage through a 65 percent subsidy for health insurance premiums under COBRA from nine months to 15 months and also extends unemployment benefits by six months.

This job creation package will help move our country further down the road to recovery and help our families in need during this holiday season. I urge my colleagues to support this bill.

Mr. DINGELL. Madam Speaker, I rise today to offer my unequivocal support for H.R. 2847, the Jobs for Main Street Act. As a federal representative from the state of Michigan, I can attest to the hardship facing my constituents, and others across the state, as a direct result of unemployment. This legislation will build off the progress made by the American Recovery and Reinvestment Act and create jobs quickly through projects needed by the community such as new roads, water facilities, and by protecting the jobs we have in the fields of education and law enforcement.

H.R. 2847 is legislation that will greatly help the 15th District in Michigan. There is no question that Michigan has been hit the hardest and the earliest by this economic recession, leading unemployment across the country for months, which is now almost 15 percent. Yet this does not tell the full story. Since 2000, Michigan has lost over 800,000 jobs, roughly one in every six, and in Detroit alone 45 percent of working-age adults are unemployed. Combine this with the fact that for every job opening about six people are applying, and you can see why the workers in Michigan are facing a perfect storm.

This legislation will help to calm this storm by investing in public works projects that will create new jobs, setting aside \$48 billion for rebuilding our roads and bridges, modernizing public buildings, constructing new water facilities, and building and preserving affordable rental houses. We will also help to save or create jobs in our public schools, our police and fire departments, while training workers in growing fields such as health care and alternative energy or "green" fields.

Further, this legislation will extend emergency unemployment benefits through June 2010, and extend and expand the COBRA subsidy through June and expand the months of help from 9 months to 15 months. These changes will help the nearly one million workers exhausting their unemployment benefits by January and the hundreds of thousands of workers who have already begun rolling off the COBRA subsidy program.

It is imperative that both the House and the Senate pass H.R. 2847 quickly. This legislation is not a hand-out; rather it is an immediate injection into local economies across the country. It is funding America families will use to keep their heat on this Christmas, to pay their mortgage for the next few months, and keep their health insurance through the summer. Quite frankly this funding is a crutch until these workers can find their next job, or complete the training they need for a second career.

Madam Speaker, after spending this summer bailing out Wall Street, it is time that we help Main Street. I urge my colleagues to reiterate their support to the American families in need and vote in favor of H.R. 2847.

Mr. LINDER. Madam Speaker, I rise in opposition to this legislation, and in particular the provisions adding \$40 billion to the deficit, leading to even more tax hikes on jobs, and ultimately increasing unemployment across the Nation. Those provisions are just the latest in a series of massive expansions of Federal unemployment benefits dating back to 2008. And here we are again with yet another extension of Federal unemployment benefits, at enormous expense to taxpayers. But no matter how much Congress spends and no matter how many benefit extensions this body

passes, my colleagues on the other side of the aisle can't seem to understand that Americans want paychecks, not unemployment checks. Until they drop their job-killing government health care takeover and energy and other massive tax hikes, jobs and paychecks will continue to be in far too short supply.

PROMISING MILLIONS OF NEW JOBS, DELIVERING  
MILLIONS MORE UNEMPLOYED

Jobs and paychecks are definitely not what Democrats have delivered to date. They insisted their so-called 2009 stimulus bill would create 3.5 million jobs and keep unemployment from rising above 8 percent. Instead we have lost almost 3 million jobs since then as unemployment rose to 10 percent:

GRAPHIC REMOVED

These rates are more than just abstract numbers. They represent real Americans who are no longer receiving a paycheck to provide for themselves and their families—a total of 3.7 million more unemployed than the President promised if his stimulus bill became law. Those 3.7 million people could form an unemployment line stretching literally from Washington, D.C. to Chicago, Illinois. No amount of Federal spending, no White House jobs summit, and not even millions of unemployment checks can distract from that sorry record of job destruction.

The American people are not fooled, either. A current CBS/New York Times poll finds that 61 percent think the \$1 trillion 2009 stimulus bill has either had no effect or made the economy worse. Half as many, only 32 percent, think the stimulus bill has made things better.

WORST "JOBS SPEAKER" EVER

In an attempt to distract from this grim record, Democrats have taken to blaming the last President for the failure of their own stimulus plan to create jobs. On December 4, 2009, 35 months after she became Speaker and 11 months after Barack Obama became President, House Speaker NANCY PELOSI said "Bush Administration policies created a huge jobs deficit." Yet every one of the "Bush Administration" job losses she decried happened on her watch as Speaker. The facts show NANCY PELOSI is the worst Speaker in terms of job creation since official data began in 1939. More than 6 million jobs—4.5 percent of all jobs in the U.S. economy—have been destroyed since she became Speaker in 2007:

GRAPHIC REMOVED

WORST "JOBS PRESIDENT" SINCE HERBERT HOOVER

Further, and despite repeated claims from the President and various Administration officials that stimulus "is working," Barack Obama has compiled the worst jobs record since Herbert Hoover:

GRAPHIC REMOVED

PROVIDING RECORD AMOUNTS OF UNEMPLOYMENT  
BENEFITS

In response to this horrific record of rising unemployment and job destruction, the Democrat leadership has only one "solution"—paying even more unemployment benefits. This latest extension comes just one month after the House considered the last expansion of unemployment benefits, which added 20 more weeks of Federal unemployment benefits, increasing total benefits to an unprecedented 99 weeks in most of the U.S.:

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The USA Today last week called this payment of 99 weeks of unemployment benefits "excessive" and "a disincentive to find work."

They're right. Everyone from Presidential advisor Larry Summers to the New York Times, Washington Post, and Congressional Budget Office agree that's a concern, especially as the job market starts to recover. And we all hope it will start to recover in the coming months.

CREATING RECORD UNEMPLOYMENT BENEFIT RECEIPT

But regardless of Democrats' current "jobs" rhetoric, there is no evidence this bill will deliver jobs and paychecks—just millions more unemployment checks. Those checks will be in addition to the all-time record number of unemployment benefits currently being paid to 9.5 million Americans per week last month. The Federal extended benefits programs are now so enormous—and the 2009 stimulus law was such an utter failure at stemming the tide of job loss and long-term unemployment—that soon more Americans will collect Federal extended benefits than regular State unemployment checks for the first time ever:

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ADDING MASSIVELY TO DEFICITS AND DEBT

These unemployment checks cost a tremendous amount of money. Since "emergency" Federal unemployment benefits began in mid-2008, the Federal government has spent an astonishing \$100 billion on these programs. That is 4 times what the Federal government spent on emergency unemployment benefits in the wake of the 2001 recession and terrorist attacks. The tidal wave of recent spending has bankrupted the Federal unemployment accounts and forced Democrats to engage in a massive and growing bailout with general revenues. The legislation before us adds to those massive totals, increasing Federal spending by \$7 billion per month, or a total of over \$40 billion more during just the next six months. All of which will add to our record deficits and debt.

Tellingly, none of these additional unemployment benefits will be paid for, despite Democrats' recent claims of fiscal responsibility. For example, last week on the House floor, senior Ways and Means Member Sander Levin of Michigan said of a bill that permanently raised taxes to pay for temporary tax relief "What we are suggesting here is fiscal responsibility. Don't dig the hole deeper and deeper. Step up and pay for it." The next day, Speaker PELOSI held a news conference at which she said: "On jobs, we hope next week that in our final appropriations bill we will be able to have a jobs piece that will create jobs in the near term to address the needs of those who are unemployed and do so in a fiscally sound way."

Yet here we are again digging that hole deeper, and doing nothing "in a fiscally sound way." None of our Democrat colleagues suggest we "step up and pay for" this new spending either. This despite the fact that, even before this measure passes, debt and unemployment have increased by a staggering 55 percent since President Obama took office just 11 months ago:

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MORE UNEMPLOYMENT AND BENEFIT SPENDING TO COME

No one seriously thinks all this spending—or the job losses—will end with this extension, either. That means at least some of the "emergency" spending in today's bill is likely to continue for years ahead. The President's economist, Dr. Christina Romer, anticipated as much this past weekend when she said "I'm

not going to say the recession is over until the unemployment rate is down to normal levels." She went on to define "normal" as "where we were before the recession." How long might that take? According to a recent study by economists at Rutgers, the U.S. won't return to pre-recession employment levels until 2017. That would mean the current recession, in Dr. Romer's view, would last a decade, or as long as the Depression of the 1930s.

#### THE COMING WAVE OF JOB-KILLING TAX HIKES

The Federal unemployment accounts are exhausted and most Federal benefits are currently supported by general revenues—the same source of funding for welfare benefits. State unemployment benefits, in contrast, remain supported either by State payroll taxes, or Federal loans—also supported by Federal general revenues and which will also have to be repaid with future State tax hikes.

Those State tax hikes are already under way. On December 8, 2009, the bipartisan National Association of State Workforce Administrators issued a report that 35 States will increase State unemployment payroll taxes in 2010. These are direct taxes on jobs, made worse by the failure of the 2009 stimulus law to create jobs and stem unemployment. The NASWA report notes the 2010 tax hikes range up to a stunning 600 percent. As one small businessman said simply, "This is a job killer." (A list of other recent quotes about how these tax hikes will destroy jobs is included below.)

As the above data shows, Democrat stimulus legislation has succeeded in increasing unemployment, not reducing it. Instead of creating 3.5 million new jobs, the 2009 stimulus bill has been followed by almost 3 million job losses. And now record unemployment benefit payments that followed have become their own engine of job destruction, contributing to an enormous wave of Federal borrowing and State tax hikes that will stifle job growth for years to come.

Adding to the pain, Democrat energy policies would increase the price of energy and kill millions of jobs. Democrat health policies would make health care and health insurance more expensive and kill millions more jobs. And other Democrat spending proposals in this second (or really third or fourth, depending on how one counts) stimulus bill will further drive up the debt and kill even more jobs.

We can and must do better. It's well past time for us to shelve Democrats' job-killing energy, health care, and tax hike agendas. We will then unleash America's job creation engine so laid off workers can finally get back to work. That effort should start with a vote against this legislation, and a renewed commitment to offer unemployed workers real help in finding new work, instead of just more benefit checks.

#### APPENDIX: RECENT QUOTES ABOUT HOW STATE UNEMPLOYMENT TAX HIKES WILL KILL JOBS FROM SEA TO SHINING SEA

California: "Tax may feed unemployment: business owners fear insurance spike," March 30, 2009:

"Thanks to the tanking economy and past benefit hikes, the state's system for providing unemployment benefits is insolvent. And the fix that state lawmakers are considering is to dramatically raise the taxes employers pay into the system. The irony: That could force companies to lay off employees. Take, for example, Steve Diels, who owns a Redondo Beach call center. Any tax increase could

force him to fill out some pink slips. 'Right now, my profit margin has slipped and I'm doing everything I can to avoid laying anyone off,' said Diels, a Redondo Beach city councilman who employs 38 people at Aamcom Inc. 'But if they increase the unemployment tax, employers like me will have to lay people off and that will only make things worse with the unemployment fund.'"

Connecticut: "State may tax business to bail out broke jobless fund," December 5, 2009:

"Tony Sheridan, president of the Chamber of Commerce of Eastern Connecticut, said . . . 'It's a tough situation and there's not one single business that can stand a tax increase.'"

Florida: "Creating more jobs is 'Job No. 1,'" December 10, 2009

"A good example of policy that discourages hiring is the impending radical increase in the unemployment tax in Florida, triggered by the depletion of the unemployment trust fund by record jobless claims. That increase is so steep—from \$8.40 per employee to \$100 for the minimum tax; from \$378 to \$459 for the maximum—that it could not only discourage hiring, it could put some businesses under."

Hawaii: "Big payroll tax reset weighs on Hawaii business," December 4, 2009:

"Big Island contractor Hinchcliff Drywall Construction will see a more than six-fold increase in its payroll taxes next year, which will soar from the current \$18,500 annually to \$116,350. . . . 'I don't understand why the rates were not raised gradually over the period of two or three years—it almost seems a bit backwards,' said Michelle Danihel-Kreusling, controller of Hinchcliff Drywall, which employs 80 people. 'Practically cutting off your nose to spite your face,' she said. 'This rate hike will either require many businesses to either drastically reduce their labor force or close shop completely, both of which would increase the unemployment rate.'"

Maine: "Maine raises unemployment tax by \$54 million," December 1, 2009:

"David Clough, Maine director of the National Federation of Independent Businesses, said his members will be hit hard by the tax hike. He said it will cost jobs, either from layoffs or positions that go unfilled."

Maryland: "Rising unemployment taxes could hinder hiring," November 22, 2009:

"Employers already are squeezed by tight credit, rising health care costs, wary consumers and a higher minimum wage. Now, the surging jobless rate is imposing another cost. It's forcing higher state taxes on companies to pay for unemployment insurance claims. Some employers say the extra costs make them less likely to hire. . . . Chuck Ferrar, who owns a liquor store in Annapolis, Md., expects to pay \$9,000 in unemployment taxes next year, up from \$3,000 this year. Health care costs for his employees will rise by \$8,000, or 17.5 percent. 'When you start adding this up, it turns into real money,' he said. 'If I lose an employee through attrition, I will not replace him. You can't afford to do it.'"

Massachusetts: "Unemployment at 33-year high; insurance fund running dry," October 16, 2009:

"'This is a breathtakingly bad picture,' said Michael Widmer, president of the Massachusetts Taxpayers Foundation, a business-funded public policy group, and also a member of the advisory council that monitors the solvency of the two accounts that fund unemployment

benefits. 'They're putting additional taxes on employers, and we are seeing our jobs erode,' Widmer said in an interview. 'It's devastating in terms of the state's competitiveness.'"

Michigan: "New unemployment-insurance taxes: \$63 million in 2010," September 13, 2009:

"Frank Lope, an alliance board member and chairman of Romulus-based Aztec Manufacturing Corp., said . . . 'It's going to be another impediment on businesses as they go to look at hiring people,' Lope said. 'It's just another, so to speak, of the many nails in the coffin for continued growth of businesses in the state of Michigan.'"

Nevada: "Businesses May See Huge Tax Increase," September 23, 2009:

"Some financial experts are still concerned that a huge jump in the unemployment benefit tax will force businesses to lay off employees to pay for the increase."

North Carolina: "N.C. borrowing billions for jobless," December 1, 2009:

"Walden, the economist, said raising taxes would be a mistake as long as the economy is hurting. 'In essence, you can look at that as a tax on new employees, and we don't want to do that,' he said. The deep recession has made it impossible for North Carolina to forecast how much unemployment tax funds the state will receive from employers next year, Clegg said. 'Not to be maudlin, but I don't know who will be paying taxes in the first quarter of 2010 because I don't know what businesses will survive,' he said."

Rhode Island: "R.I. businesses to pay higher jobless taxes," November 23, 2009:

"Mark Higgins, dean of the University of Rhode Island's College of Business Administration, said the tax hike was inevitable. . . . Depending on the circumstances, the tax increase is one factor that could discourage a business from hiring next year, Higgins said. Higher unemployment tax 'just increases the cost of hiring somebody,' he said. 'It increases the cost of payroll . . . [and] of keeping [an employee] on the payroll,' he said."

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of the Jobs for Main Street Act. Now that recent initiatives aimed at stabilizing our financial system and stimulating our economy are beginning to have their intended effect, this targeted legislation is laser-focused on job creation to ensure that all Americans will have an opportunity to participate in our ongoing economic recovery.

Specifically, the Jobs for Main Street Act invests \$48 billion in our nation's highways, transit systems, school facilities, water infrastructure and housing stock. In addition to putting hundreds of thousands of Americans back to work, these funds will make needed improvements and renovations to our nation's aging infrastructure. \$27 billion is provided to hire, train and equip an estimated 820,000 teachers, police, firefighters and other public service personnel. Job-generating small businesses will get greater access to Small Business Administration (SBA) loans by eliminating fees and by providing higher guarantees to the private banks that lend to them. These measures, in addition to the small business Recovery Act initiatives that preceded them, will help generate well over \$9 billion in new small business lending.

To help Americans who are out of work or have lost their employer-provided health insurance, this legislation extends emergency unemployment and COBRA benefits through



June, 2010. States will receive an extra six months of federal matching funds to help cover their Medicaid costs through June, 2011, and the families of 16 million low-income children will get a tax cut through greater access to the Child Tax Credit.

Madam Speaker, this Congress on a bipartisan basis extended support to Wall Street during a period of potentially catastrophic systemic risk and extraordinary need. It is now high time we make an equally extraordinary effort on behalf of creating jobs for Main Street so that the prosperity we are creating is broadly shared by all.

Mr. BUYER. Madam Speaker, I rise in opposition to H.R. 2847 the, "Jobs for Main Street Act of 2009."

Madam Speaker, once again members are being asked to vote on a 100-page bill, which was posted in the dead of night in the name of creating jobs that unfortunately will probably never materialize. What it will do is needlessly expand the size of the Federal Government. Madam Speaker, this is not the type of open and transparent process that the American people want or deserve.

I am especially concerned that this bill spends millions of taxpayer dollars on innumerable pork barrel programs and pet projects, but it does not spend a dime to help create jobs for veterans. Recent unemployment numbers from the U.S. Bureau of Labor Statistics show that in the month of November there were over one million unemployed veterans, and that is unacceptable.

The unemployment rate among our newest veterans, ages 18–24, remains extremely high at 20 percent. Equally disturbing is that 700,000 of the one million unemployed veterans are between the ages of 35 and 64, the years normally characterized by both highest earning power and highest financial need for important items such as paying mortgages and tuitions.

Madam Speaker, it is because of these alarming statistics that earlier this month I was joined by many members of the Committee on Veterans' Affairs in introducing H.R. 4220 the Promoting Jobs for Veterans Act of 2009. H.R. 4220 would help veterans find employment by providing funding and incentives for them to pursue employment training and education. The bill would also expand opportunities within the Federal Government for veteran-owned and service disabled veteran-owned small businesses.

It was my hope that any "jobs package" would have included provisions such as those from H.R. 4220 to help those who have defended freedom, and it is unfortunate that the heavy handed tactics being used today have effectively prevented anyone from offering an amendment to include these provisions.

Madam Speaker, I believe that veterans could serve as an important catalyst to economic recovery. Veterans are dedicated employees and engaged entrepreneurs, and this would expand job and entrepreneurial opportunities for these selfless individuals. It is my hope that early in the next session we can consider H.R. 4220 and examine other ways to improve employment opportunities for our veterans.

Mr. DEFAZIO. Madam Speaker, the U.S. economy continues to limp along mired in a jobless recovery. Wall Street banks have begun to recover thanks to a \$700 billion bailout paid for by taxpayers. Unfortunately, ev-

eryone else continues to suffer the effects of the economic collapse. Oregon's unemployment rate exceeds 11 percent and small businesses in my district can't get banks to lend to them. I have long advocated for a targeted jobs recovery program that focuses on substantial investments in our Nation's infrastructure, which will create jobs quickly and leave a long-term benefit for future generations.

I reluctantly voted for H.R. 2847, the Jobs for Main Street Act because it begins to make these investments that are both desperately needed and effective at creating jobs. There are nearly 10,000 of ready-to-go infrastructure projects across the country that have been postponed or delayed due to decades of underinvestment and underfunding. There are 61,000 miles of the National Highway System in poor or fair condition. 152,000 bridges are structurally deficient or functionally obsolete. The Nation's largest transit agencies face a combined \$80 billion maintenance backlog to bring their rail systems to a state of good repair.

The American Recovery and Reinvestment Act, ARRA, provided a mere \$34 billion for highway and transit formula programs. Nearly 70 percent of the funding has already been put out to bid on over 9,500 infrastructure projects. The 7,900 Recovery Act infrastructure projects have created or sustained more than 210,000 direct jobs, as well as 630,000 indirect jobs in the past nine months.

As the ARRA Act infrastructure funding draws to a close, there are still over 9,000 shovel ready infrastructure projects across the country that could proceed within 120 days. The projects include 7,500 in ready-to-go highway and bridge projects; over 1,800 in ready-to-go transit, rail, port, and aviation projects; and an estimated \$21 billion worth of projects that transit agencies across the country could undertake immediately. These projects will create not just public sector construction jobs, but will procure American-made transit buses, trains, electrical equipment, computer systems and software designed by private sector, American engineers.

H.R. 2847 represents the bare minimum of what we need to do. Should the Senate redirect this effort to tax cuts or other ineffective job creation policies, I will have a very difficult time supporting a final bill.

Mr. CONYERS. Madan Speaker, I rise in support of passage of the Jobs for Main Street Act of 2010.

I believe this legislation is one of the most cost effective ways to provide cities across this country with desperately needed federal funding to help create and stabilize jobs, assist families who need their unemployment benefits extended, and to ensure that they can keep their health insurance.

Passage of the Jobs for Main Street Act of 2010 is critically important for America's working families, and unemployed individuals, given the current economic status of this country.

The Nation is experiencing extreme difficulties leading to high unemployment rates, especially in my home State of Michigan. Passage of this bill will provide real tangible relief for those who are depending on the Federal Government to help them survive in a time of financial crisis—not empty rhetoric and promises that help nobody.

The Jobs for Main Street Act of 2010 will help reduce these problems by stabilizing and

creating jobs through infrastructure investments, an increase in public service jobs, and provide emergency relief for families hurt by the economy.

The bill will provide billions of dollars to create or save jobs with targeted investments for highways and transit, school renovation, hiring teachers, police, and firefighters, small business, job training and affordable housing which are essential elements in promoting economic growth.

However, passage of the Jobs for Main Street Act of 2010 is just the beginning of the process to put America back to work. We must act quickly to establish a full-employment economy, where every American who wants a job should be able to find one; and at a livable wage. This can and must be done if America is ever going to become a truly productive country.

During the depression, President Roosevelt put millions of Americans to work by creating public service jobs such as building roads, national parks, and rural electrification systems. We can do the same by creating a 21st century public works jobs program for America that can quickly employ the millions of citizens in this country who simply cannot find employment in the private sector.

The passage of this legislation will help put our Nation on the road to recovery. Therefore, I urge my colleagues to support this bill.

Mr. HOLT. Madam Speaker, I rise in support of H.R. 2847, the Jobs for Main Street Act. This legislation would provide jobs for tens of thousands of Americans, preserve thousands more jobs, and continue essential benefits to aid the unemployed without increasing the national debt.

We have taken important steps to bring our economy back from the worst economic crisis in three-quarters of a century. We've made important investments in our infrastructure, clean energy jobs, science research, and the next generation of workers.

There are clear signs that the economy is improving. Instead of shrinking by 6.4 percent a quarter, the economy has grown by 2.8 percent. Instead of losing 741,000 jobs a month, as the economy did a year ago, last month the economy shed 11,000 jobs. These are encouraging signs.

Yet, I'm not going to sit on my hands and wait for job creation. Families in New Jersey, who have lost a job or had their hours or paychecks cut, are still hurting. And we know employers have cut jobs more sharply and are more hesitant to replace them than in previous downturns.

The government can and should work together to increase employment opportunities in the short-term, mid-term, and long-term. Economists, business leaders, financial experts, among others, have argued that the Federal Government, and only the Federal Government, can inject into the economy a stimulus of sufficient size to make up for the frozen, collapsing economy. The package we are considering today will build on our previous investment, creating needed jobs and helping those who continue to be unemployed.

The Jobs for Main Street Act would redirect \$48.3 billion to put Americans to work rebuilding our Nation's crumbling roads and bridges, modernizing public buildings, and improving air and water quality. Specifically it would invest \$27.5 billion in highway infrastructure improvements, \$8.4 billion for transit improvements, and \$800 million to improve Amtrak. It

is estimated that this investment will create over 750,000 new jobs. Additionally, H.R. 2847 would invest \$2.8 billion in clean water infrastructure, aquatic ecosystem restoration, and flood mitigation; creating another 50,000 jobs. It also will put contractors back to work by providing states with \$4.1 billion for school construction, rehabilitation, and renovations. The \$270 million that this legislation would invest in improving and protecting Federal, State, and local public lands would support approximately 14,000 short-term jobs, improving service to visitors, reducing the large backlog in facilities and habitat restoration needs, and reducing hazardous fuels that lead to damaging and expensive wildfires. These investments will do more than create jobs in the short term, they will provide long term benefits to all Americans.

Over the past year, I have held a number of events focused on jobs. Two months ago, I brought 50 central Jersey small business owners to Washington to hear their concerns and help them access helpful programs. Two weeks ago, I hosted a jobs forum in central New Jersey. At both events, I heard from small business owners struggling to get the credit and loans they need. The Jobs for Main Street Act would help those small businesses by eliminating fees on Small Business Administration loans and by providing a strong guarantee for Small Business Administration loans to encourage more banks to lend to small businesses. Small businesses are the engine that drives our economy, and during rough economic times they are also the engine that drives job creation. This is one step that Congress is taking to help our small businesses, who generate jobs and develop the innovative products of the future.

I especially am pleased this bill provides funding to ensure that states can keep police officers, firefighters, teachers, and other State and local employees on the job. Without this funding, States would be forced to make the difficult decision between cutting jobs and services or increasing taxes. That is a choice that no state should have to make, especially in difficult economic times.

The Jobs for Main Street Act includes \$1.18 billion to help put more than 5,500 law enforcement officers on the beat throughout the United States, and \$500 million to retain, rehire, and hire firefighters across the United States. According to the International Association of Firefighters, nearly 6,000 firefighters have been laid off or are subject to layoffs. An additional 6,000 positions have been lost through attrition. The bill would provide \$18.9 billion to school districts and public institutions of higher education to retain or create 250,000 teaching jobs.

The recession has hit those between the ages of 16 and 25 particularly hard, and the unemployment rate is especially high for this group. The Jobs for Main Street Act would provide much needed job training and temporary public service positions to get these individuals back to work. The bill would provide \$200 million to hire an additional 25,000 AmeriCorps Members, this funding would enable those individuals to serve their communities while earning an education award to further their education or pay off student loans. With the teenage unemployment rate at its highest rate in history, 27.8 percent, this legislation would invest \$500 million to create 250,000 summer jobs for disadvantaged

youth. H.R. 2847 would help up to 250,000 students stay in school by investing \$300 million in the College Work Study program, which supports low- and moderate-income undergraduate and graduate students who work while attending college. Additionally, this legislation would provide \$750 million for competitive grants to support job training for approximately 150,000 individuals in high growth and emerging industry sectors, particularly in the health care and green industries that are adding jobs despite difficult economic conditions.

For those workers struggling to maintain their health insurance while in between jobs, this bill would extend the COBRA subsidy established in the Recovery Act, which has already benefited approximately 7 million Americans. This expanded COBRA subsidy would help workers for 15 months with their COBRA health insurance premiums and help more Americans access this benefit. Job losses also have caused State Medicaid rolls to swell. This bill temporarily would increase the Federal Government's contribution to Medicaid to ensure States are able to provide health coverage to these workers. This two-prong approach will help ensure millions of unemployed workers are able to maintain health coverage for their families.

When we talk about jobs, we are not just talking about the economy. We are talking about the dignity that comes from holding a steady job that supports your family. The Jobs for Main Street Act recognizes this, and would help our families in real ways. I urge my colleagues to support it.

Mr. ETHERIDGE. Madam Speaker, I rise in support of H.R. 2847, the Jobs for Main Street Act. Over the last year, our economy has sustained serious damage. Although recent signs are pointing to an upswing in the overall economy, millions of Americans are jobless or have seen their hours drastically cut. The national unemployment rate is 10 percent while in my State of North Carolina the figure is 11 percent statewide, and reaches as high as 13 percent in parts of my district. Action is needed to help solve this crisis.

H.R. 2847 builds on earlier actions taken by Congress to create jobs and get Americans back to work. This bill provides \$48.3 billion for highway construction, mass transit, and other infrastructure projects. Our Nation's infrastructure is in need of a serious update, and repairing our highways, renovating our schools, building new mass transit, and improving our airports and water and sewer facilities provides vitally needed jobs to Americans across the country. This bill also extends authorization for highway, transit, and safety funding, the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU) through September of 2010. H.R. 2847 is a timely bill and gets funding in place for infrastructure projects that can start with the spring construction season.

I would like to thank Chairman RANGEL, and Speaker PELOSI, for their work to make Qualified School Construction Bonds more effective in this bill. I worked with Chairman RANGEL to create these bonds to put the Federal Government in partnership with local schools to meet their needs and help create jobs. Where these bonds have been issued, they are having a great impact on our economy and our communities. However, contrary to the intentions of the bill, only 15 percent of the 2009 QSCB bond allocations have been used to date. This

bill allows State or local governments who issue QSCBs or Qualified Zone Academy Bonds to choose a direct payment to cover the interest they would otherwise have to fund themselves, at no additional cost to the Federal Government since the payment is equal to the tax credit that would otherwise be received by the investor. As I have mentioned before, investing in school construction and modernization is one of the best ways to help Main Street, create jobs, and address pressing national needs. I am pleased that we were able to make this change in the bill to bring funds quickly to our local schools and communities.

H.R. 2847 also provides \$26.7 billion in aid for State and local governments. These funds are used to retain police, firefighters, teachers, and other workers who would otherwise lose their jobs due to State and local revenue shortfalls. This bill also provides assistance for those struggling the most in today's economy by extending the emergency unemployment benefits initiative for six months and the COBRA health insurance subsidy for an additional six months. H.R. 2847 includes \$26.1 billion in tax credits for other assistance initiatives like the Child Care Tax Credit and Social Security legal assistance. Finally, H.R. 2847 targets small businesses, the economic engines that create the majority of new jobs, by extending funds for the Small Business Administration to continue affordable long-term loans for new startups.

Not only does this bill create jobs and boost the economy, it does so in a fiscally responsible manner. It includes the previously House-passed PAYGO language and would be paid for in part by savings from the Troubled Asset Relief Program, TARP. It's time for Wall Street to help shoulder some of the burden on Main Street. I support strong job creation measures and I support H.R. 2847. I urge my colleagues to join me in voting for its passage.

Mr. CARSON of Indiana. Madam Speaker, as we consider this final important jobs creating measure, I would like to draw attention to one of the important pieces of the legislation: the extension of the eligibility period for COBRA benefits. Unemployment numbers continue to hover nationally at 10 percent; however, in many areas of the country these numbers are far higher. With these high numbers comes a decline in access to healthcare benefits and thus the need for this critical provision.

Congress passed the landmark Consolidated Omnibus Budget Reconciliation Act (COBRA) health benefit provisions in 1986, and it has maintained a successful program by providing a continuation of group health coverage for individuals and families that might otherwise have been terminated. And, through the economic stimulus package passed in February, a 65 percent subsidy was provided for COBRA benefits for nine months and has been a welcome relief for thousands of unemployed workers who otherwise would not have been able to afford the COBRA premiums.

Many individuals and families have already exhausted their subsidy and are trying to figure out how to maintain their health insurance coverage. The problem is especially felt by older Americans who are close to retirement age and not yet eligible for Medicare, as they

tend to use more health care services. Providing our constituents with the ability to maintain health coverage when they become unemployed is a key to ensuring these individuals do not fall through the cracks and end up without the health insurance they need. I urge passage of this important legislation.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H.R. 2487, the Jobs for Main Street Act. I salute my colleague Chairman OBEY for this bill that is the opening salvo in our effort to tackle one of the most important issues of the day facing our nation.

The bill redirects \$48.3 billion from Wall Street to help put people to work rebuilding our crumbling roads and bridges, modernizing public buildings, and cleaning our air and water. I'm happy that we gave the American people a gift with \$27.5 billion to make additional highway infrastructure investments. These projects support jobs in the short term while saving commuters time and money in the long term.

Another gift was made in the area of transit, with \$8.4 billion for public transportation investments including \$6.15 billion for urban and rural formula grants; \$500 million for capital investment grants for new or expanded fixed guide way projects; and \$1.75 billion in formula funds to address repair needs of existing subway, light rail and commuter rail systems. Public transportation saves Americans time and money, reducing carbon emissions by 37 million metric tons each year, which is timely as the world's eyes are centered on the debates in Copenhagen.

These gifts are news to the ears of my constituents. Let me share with you that in my district, which covers parts of the nation's fourth largest city, Houston, TX, our unemployment rate stands at nearly 9%. While this rate is more than a full percentage point below the national average, it should be noted that over 110,000 jobs were lost in the first 10 months of this year. Regrettably, a disproportionate share of those impacted by these job losses in my district have been African Americans and Latinos.

Yet, this "jobs disparity" is not limited to Houston; data from the Department of Labor indicates that African Americans throughout the nation today, in the era of President Obama, are still the last hired and the first fired. Specifically, the Bureau of Labor Statistics reports that the unemployment rate for African American men (20 and older) was 16.5 percent as of October of this year, and 12.4 percent for African American women at the same age level.

Historically, experts have suggested that the antidote to unemployment is education. However, Labor Department statistics appear to indicate that education, alone, does not level the playing field. In fact, higher education amongst African Americans may strangely enough even make it more difficult to obtain a job. For the first 10 months of this year, as the recession has dragged on, unemployment for least educated workers was the same for African Americans and the general population. However, in 2009, the unemployment rate for African American college graduates 25 and older has been nearly twice that of their Caucasian American male counterparts (8.4 percent compared with 4.4 percent). According to a New York Times article published on December 1st, even African American college graduates

with degrees from Ivy League schools such as Yale, my alma mater, are finding themselves in the ranks of the unemployed.

In addition to the racial dimension of this "jobs disparity," the recent economic downturn has focused a spotlight on a widening gap between employment rates among men and women, particularly in the African American community. It has been reported that since the nation's slowdown has been most pronounced in the manual labor sectors, men with the lowest levels of education have suffered the brunt of the unemployment crisis. CNN commentators recently described our current economic condition as a "man-cession."

According to a recent Bureau of Labor Statistics report, the unemployment rate for African American men aged 20 and older was 4.1 percent higher than the unemployment rate for African American women of the same age group, which was 12.4 percent. This gender unemployment gap among African Americans mirrors a similar gap between Caucasian and Latino Americans, thus demonstrating a nationwide trend.

Friends, we are in a battle for the hearts and souls of America, literally and figuratively. To win this battle, we must take bold action, like passing health care reform legislation in both chambers of Congress. Madam Speaker, I concur with the assessment that the health reform legislation voted out of this chamber last month in fact a "jobs bill."

As evidence of this, the Bureau of Labor Statistics reports that last month's slight dip in the unemployment rate was caused by the fact that for the third straight month, hospitals reported solid payroll additions, with 6,800 new jobs created. In the first 11 months of this year, the healthcare sector created 249,700 new jobs, an average of 22,700 new health care jobs each month, according to BLS' preliminary data. Since the start of the recession in December 2007, overall 7.9 million people in America have lost their jobs, while the healthcare sector has created 613,000 jobs.

In an article published in HealthLeaders Media, it was reported that the healthcare sector—from hospitals, to physicians' offices, to residential mental health homes, kidney dialysis centers, and blood and organ banks—grew by 21,000 payroll additions in November and 613,000 payroll additions since the start of the recession in December 2007. The home healthcare services sector reported 7,300 payroll additions in November, BLS preliminary data show.

Recognizing this Madam Speaker, I am working with health care and labor leaders to craft a jobs bill that create innovative new retraining programs in partnership with our Historically Black Colleges and Universities like Texas Southern University in my District or Howard University, here in Washington, DC. These training programs would focus on retooling workers for jobs in the growth sectors such as health, biotech, and information technology. In addition to funding for job training, I propose that we provide stipends to those who are unemployed and who participate in training programs to assist them in caring for their families. Along with this, my jobs bill would allow unemployed workers participating in job retraining to continue receiving unemployment benefits.

As a senior member of the Judiciary Committee, I am also working with the DOJ to incorporate into my jobs legislation a measure

that would assist ex-offenders who are returning to the job market with strikes against them. In addition to eliminating any barriers for ex-offenders, I am also studying how we can encourage states to suspend criminal prosecution of fathers and other parents who are delinquent in child support so long as they are making good faith efforts to find jobs in this difficult employment market.

Madam Speaker, I also propose that we task the Department of Labor to expand its definition of the unemployed to cover not only those currently receiving unemployment compensation, but also those who have run out of unemployment insurance, known as the long term unemployed. I suspect that if we had accurate data that captured the entire unemployment picture, we would see jobless figures of upwards of 25–30 percent.

In addition, Madam Speaker, I also plan to propose we offer assistance to the underemployed, including thousands of lawyers and other professionals who work as part-timers or temp workers. Many of these professionals split their time between working for others and operating their own small firms. Furthermore, it has been noted that while larger firms are enjoying the benefit of government funded bailouts, our African American law firms, accounting firms, investment banking firms and media outlets are being left out of the funds directed at stimulating Wall Street. As Comcast and NBC Universal and other firms seek government permission to merge, I intend to work with these companies to ensure that our African American businesses are included, not left out of the deal flow.

Another jobs initiative would focus on creating apprentice and internship programs managed by cities and nonprofits like the Urban League. This is a take off of a Department of Labor that was very successful in the 1970s, which helped our nation rebound from its last recession.

Madam Speaker, during the 1930s–40s, the FDR Administration developed the Work Progress Administration (WPA). The WPA created thousands of jobs and helped lift our nation from depression. I am drafting legislation that would create a WPA for the 21st Century. This concept involves providing stimulus dollars to several federal agencies such as Interior, Transportation, and HHS to fund large scale projects.

Under my legislation, the new WPA would include modern day infrastructure and other projects including making broadband wireless Internet service available for all Americans, not just in wealthier suburban and downtown districts. In addition, we should create high speed rail and environmentally friendly highways and byways.

Finally, I plan that we work with HHS and the Energy Department to build new Green Hospitals across the country. This project would ensure that our nation's healthcare facilities are themselves healthy.

Madam Speaker, many of our unemployed constituents in Houston and around the nation are asking us a simple question: how long, how long before I can find a job? I say to them, not long . . . help is on the way. With the introduction and passage of jobs legislation offered by myself and the rest of the Congressional Black Caucus, help for the unemployed and underemployed, help for small businesses, is on the way.

I ask my colleagues to join me in supporting H.R. 2847, the Jobs for Main Street Act.

The SPEAKER pro tempore. All time for debate has expired.

### CALL OF THE HOUSE

Mr. OBEY. Madam Speaker, pursuant to clause 7 of rule XX, I move a call of the House.

The SPEAKER pro tempore. The previous question being ordered, the Chair notes the absence of a quorum in accord with clause 7(c) of rule XX and chooses to entertain a motion for a call of the House pursuant to clause 7(b) of rule XX.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

#### [Roll No. 990]

Abercrombie	Chaffetz	Gingrey (GA)
Ackerman	Chandler	Gohmert
Aderholt	Childers	Gonzalez
Adler (NJ)	Chu	Goodlatte
Akin	Clarke	Gordon (TN)
Alexander	Clay	Granger
Altmire	Cleaver	Graves
Andrews	Clyburn	Grayson
Arcuri	Coble	Green, Al
Austria	Coffman (CO)	Green, Gene
Baca	Cohen	Griffith
Bachmann	Cole	Grijalva
Bachus	Conaway	Guthrie
Baird	Connolly (VA)	Gutierrez
Baldwin	Conyers	Hall (NY)
Barrett (SC)	Cooper	Hall (TX)
Barrow	Costa	Halvorson
Bartlett	Costello	Hare
Barton (TX)	Courtney	Harman
Bean	Crenshaw	Harper
Becerra	Crowley	Hastings (FL)
Berkley	Cuellar	Hastings (WA)
Berman	Culberson	Heinrich
Berry	Cummings	Heller
Biggert	Dahlkemper	Hensarling
Billbray	Davis (AL)	Herger
Bilirakis	Davis (CA)	Herseth Sandlin
Bishop (GA)	Davis (IL)	Higgins
Bishop (NY)	Davis (KY)	Hill
Bishop (UT)	Davis (TN)	Himes
Blackburn	Deal (GA)	Hinchey
Blumenauer	DeFazio	Hinojosa
Blunt	DeGette	Hirono
Boccieri	Delahunt	Hodes
Boehner	DeLauro	Hoekstra
Bonner	Dent	Holden
Bono Mack	Diaz-Balart, L.	Holt
Boozman	Diaz-Balart, M.	Honda
Boren	Dicks	Hoyer
Boswell	Dingell	Hunter
Boucher	Doggett	Inglis
Boustany	Donnelly (IN)	Inslee
Boyd	Doyle	Israel
Brady (PA)	Dreier	Issa
Brady (TX)	Driehaus	Jackson (IL)
Braley (IA)	Duncan	Jackson-Lee
Bright	Edwards (MD)	(TX)
Broun (GA)	Edwards (TX)	Jenkins
Brown (SC)	Ehlers	Johnson (GA)
Brown, Corrine	Ellison	Johnson (IL)
Brown-Waite,	Ellsworth	Johnson, E. B.
Ginny	Emerson	Johnson, Sam
Buchanan	Engel	Jones
Burgess	Eshoo	Jordan (OH)
Burton (IN)	Etheridge	Kagen
Butterfield	Fallin	Kanjorski
Buyer	Farr	Kaptur
Calvert	Fattah	Kennedy
Camp	Filner	Kildee
Campbell	Flake	Kilpatrick (MI)
Cantor	Fleming	Kilroy
Cao	Forbes	Kind
Capito	Fortenberry	King (IA)
Capps	Foster	King (NY)
Capuano	Fox	Kingston
Cardoza	Franks (AZ)	Kirk
Carnahan	Frelinghuysen	Kirkpatrick (AZ)
Carney	Fudge	Kissell
Carson (IN)	Gallely	Klein (FL)
Carter	Garamendi	Kline (MN)
Cassidy	Garrett (NJ)	Kosmas
Castle	Gerlach	Kratovil
Castor (FL)	Giffords	Kucinich

Lamborn	Murphy, Tim	Schwartz
Lance	Myrick	Scott (GA)
Langevin	Nadler (NY)	Scott (VA)
Larsen (WA)	Napolitano	Sensenbrenner
Larson (CT)	Neal (MA)	Serrano
Latham	Neugebauer	Sessions
LaTourette	Nunes	Sestak
Latta	Nye	Shadegg
Lee (CA)	Oberstar	Shea-Porter
Lee (NY)	Obey	Sherman
Levin	Olson	Shimkus
Lewis (CA)	Olver	Shuler
Lewis (GA)	Ortiz	Shuster
Linder	Owens	Simpson
Lipinski	Pallone	Sires
LoBiondo	Pascarella	Skelton
Loeb sack	Pastor (AZ)	Slaughter
Lofgren, Zoe	Paul	Smith (NE)
Lowey	Paulsen	Smith (NJ)
Lucas	Payne	Smith (TX)
Luetkemeyer	Pence	Smith (WA)
Lujan	Perlmutter	Snyder
Lummis	Perriello	Souder
Lungren, Daniel	Peters	Space
E.	Peterson	Spratt
Lynch	Petri	Stark
Mack	Pingree (ME)	Stearns
Maffei	Pitts	Stupak
Maloney	Platts	Sullivan
Manzullo	Poe (TX)	Sutton
Marchant	Polis (CO)	Tanner
Markey (CO)	Pomeroy	Taylor
Markey (MA)	Posey	Teague
Marshall	Price (GA)	Terry
Massa	Price (NC)	Thompson (CA)
Matheson	Putnam	Thompson (MS)
Matsui	Quigley	Thompson (PA)
McCarthy (CA)	Rahall	Thornberry
McCarthy (NY)	Rangel	Tiahrt
McCaul	Rehberg	Tiberi
McClintock	Reichert	Tierney
McCollum	Reyes	Titus
McCotter	Richardson	Tonko
McDermott	Rodriguez	Towns
McGovern	Roe (TN)	Tsongas
McHenry	Rogers (AL)	Turner
McIntyre	Rogers (KY)	Upton
McKeon	Rogers (MI)	Van Hollen
McMahon	Rohrabacher	Velázquez
McMorris	Rooney	Visclosky
Rodgers	Ros-Lehtinen	Walden
McNerney	Roskam	Walz
Meek (FL)	Ross	Wamp
Meeks (NY)	Rothman (NJ)	Wasserman
Melancon	Roybal-Allard	Waltz
Mica	Royce	Waters
Michaud	Ruppersberger	Watson
Miller (FL)	Rush	Watt
Miller (MI)	Ryan (OH)	Waxman
Miller (NC)	Ryan (WI)	Weiner
Miller, Gary	Salazar	Welch
Miller, George	Sánchez, Linda	Westmoreland
Minnick	T.	Wexler
Mitchell	Sanchez, Loretta	Whitfield
Mollohan	Sarbanes	Wilson (OH)
Moore (KS)	Scalise	Wilson (SC)
Moore (WI)	Schakowsky	Wittman
Moran (KS)	Schauer	Wolf
Moran (VA)	Schiff	Woolsey
Murphy (CT)	Schmidt	Wu
Murphy (NY)	Schock	Yarmuth
Murphy, Patrick	Schrader	Young (AK)

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the call). Although some of the amber lights in the display over the south gallery are not operational, the other system displays confirm that all of the Members listed in the affected column have recorded their presence.

□ 1845

The SPEAKER pro tempore. 429 Members have recorded their presence. A quorum is present.

#### JOBS FOR MAIN STREET ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 976, the previous question is ordered.

The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY).

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

#### RECORDED VOTE

Mr. LEWIS of California. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to concur will be followed by a 5-minute vote on the motion to suspend the rules and pass H.R. 4194, if ordered.

The vote was taken by electronic device, and there were—ayes 217, noes 212, not voting 6, as follows:

#### [Roll No. 991]

#### AYES—217

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