

an issue, but it won't last. Nobody remembers any of the debate before Social Security. Nobody remembers any of the debate before Medicare. Of course, there were people saying all kinds of things out here. But when the bill is in, the people will take the benefits and be grateful for the Congress that acted on their behalf. I urge everyone to vote for this bill. The unemployed should not suffer again because of Senate filibusters.

Mr. LINDER. Madam Speaker, drip, drip, drip.

Here we are for yet another extension of unemployment benefits and various related programs. These programs have been repeatedly extended, even as Democrats claim their economic stimulus plan has worked and is creating jobs. Well, it's not, and our presence on this floor today is yet another affirmation of that obvious fact. If stimulus was working, more people would have paychecks. But it's not, so we are here to hand out more unemployment checks instead.

Let's review the history of just the unemployment benefit extensions we are continuing today.

In June 2008, Congress created a new Federal "temporary" unemployment benefit program paying 13 weeks of unemployment benefits, on top of 26 weeks of State benefits. CBO said the UI portion of that bill would cost \$14 billion. Unemployment was 5.5 percent.

In November 2008, that temporary program was expanded by 20 weeks of benefits—for a new total of 59 weeks of UI per person. CBO said that would cost just under \$6 billion. Unemployment was 6.9 percent.

In February 2009, Democrats' stimulus plan extended the temporary program through 2009 and nationalized the Federal/State extended benefits program, among other changes. That added another 20 weeks of Federal benefits, for a total of up to 79 weeks per person. CBO said that would cost \$40 billion. Unemployment was 8.2 percent.

In November 2009, Congress added another 20 weeks of temporary extended benefits, for a record total of 99 weeks of UI per person. CBO estimated that would cost \$2 billion just in the last few weeks of 2009. Unemployment was 10 percent.

In December 2009, the temporary program was extended for two months. CBO said that would cost \$14 billion. Unemployment was 10 percent.

Last month the program was extended through March, at a cost of \$8 billion. Unemployment was 9.7 percent.

And here we are again today, pondering yet another extension or expansion—the sixth of the program created in the summer of 2008—costing yet another \$6 billion. Since this program began, CBO estimates would suggest we will have spent a total of \$90 billion on Federal UI benefits through the end of next month. And that's not counting another \$50-plus billion it would cost to extend these programs for the rest of this year, as the Senate approved last week.

Unemployment has soared from 5.5 percent to 10 percent. Yet our colleagues on the other side of the aisle press on with their claims that this is somehow creating jobs. It's not.

What it is creating is more unemployment taxes, to cover the costs of the record unemployment benefits States are paying out.

Those are taxes on jobs, which are rising in 35 States this year, by a total of 44 percent.

Madam Speaker, we have tried extending unemployment benefits again and again. And we have only gotten more unemployment. Yet what unemployed workers really want are jobs and paychecks. We need to start over and do the things that really help create jobs for unemployed workers. That means eliminating uncertainty by scrapping Democrats' government health care takeover and cap and tax energy plans, extending expiring tax cuts on businesses and individuals, repealing wasteful stimulus spending, and committing to not increasing any tax until the economy has fully recovered.

Until we do that, additional extensions of unemployment benefits will simply spend even more money we don't have without truly helping unemployed workers find jobs, which must be our real goal.

Mr. McDERMOTT. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and pass the bill, H.R. 4851, as amended.

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

A motion to reconsider was laid on the table.

#### FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

Mr. COSTELLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4853

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Aviation Administration Extension Act of 2010".

#### SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "March 31, 2010" and inserting "July 3, 2010".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "March 31, 2010" and inserting "July 3, 2010".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "March 31, 2010" and inserting "July 3, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

#### SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "April 1, 2010" and inserting "July 4, 2010"; and

(2) by inserting "or the Federal Aviation Administration Extension Act of 2010" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking "April 1, 2010" and inserting "July 4, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

#### SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103(7) of title 49, United States Code, is amended to read as follows:

"(7) \$3,024,657,534 for the period beginning on October 1, 2009, and ending on July 3, 2010."

(2) OBLIGATION OF AMOUNTS.—Sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2010, and shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the period beginning on October 1, 2009, and ending on July 3, 2010, the Administrator of the Federal Aviation Administration shall—

(A) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2010 were \$4,000,000,000; and

(B) then reduce by <sup>89</sup>/<sub>365</sub>—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking "March 31, 2010," and inserting "July 3, 2010,".

#### SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking "April 1, 2010." and inserting "July 4, 2010.".

(b) Section 44302(f)(1) of such title is amended—

(1) by striking "March 31, 2010," and inserting "July 3, 2010,"; and

(2) by striking "June 30, 2010," and inserting "September 30, 2010,".

(c) Section 44303(b) of such title is amended by striking "June 30, 2010," and inserting "September 30, 2010,".

(d) Section 47107(s)(3) of such title is amended by striking "April 1, 2010." and inserting "July 4, 2010,".

(e) Section 47115(j) of such title is amended by striking "April 1, 2010," and inserting "July 4, 2010,".

(f) Section 47141(f) of such title is amended by striking "March 31, 2010." and inserting "July 3, 2010,".

(g) Section 49108 of such title is amended by striking "March 31, 2010," and inserting "July 3, 2010,".

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking "April 1, 2010," and inserting "July 4, 2010,".

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking "April 1, 2010," and inserting "July 4, 2010,".

(j) The amendments made by this section shall take effect on April 1, 2010.

#### SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1)(F) of title 49, United States Code, is amended to read as follows:

"(F) \$7,070,158,159 for the period beginning on October 1, 2009, and ending on July 3, 2010."

**SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

Section 48101(a)(6) of title 49, United States Code, is amended to read as follows:

“(6) \$2,220,252,132 for the period beginning on October 1, 2009, and ending on July 3, 2010.”.

**SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.**

Section 48102(a)(14) of title 49, United States Code, is amended to read as follows:

“(14) \$144,049,315 for the period beginning on October 1, 2009, and ending on July 3, 2010.”.

**SEC. 9. EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED SURFACE TRANSPORTATION PROGRAMS.**

(a) **SHORT TITLE.**—This section may be cited as the “Surface Transportation Extension Modification Act of 2010”.

(b) **MODIFICATION OF ALLOCATION RULES.**—Section 411(d) of the Surface Transportation Extension Act of 2010 is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “1301, 1302,”; and

(ii) by striking “1198, 1204,”; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking “apportioned under sections 104(b) and 144 of title 23, United States Code,” and inserting “specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),”; and

(ii) in clause (ii) by striking “apportioned under such sections of such Code” and inserting “specified in such section 105(a)(2) (except the high priority projects program),”; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “1301, 1302,”; and

(ii) by striking “1198, 1204,”; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking “apportioned under sections 104(b) and 144 of title 23, United States Code,” and inserting “specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),”; and

(ii) in clause (ii) by striking “apportioned under such sections of such Code” and inserting “specified in such section 105(a)(2) (except the high priority projects program),”; and

(3) by adding at the end the following:

“(5) **PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE AND NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAMS.**—

“(A) **REDISTRIBUTION AMONG STATES.**—Notwithstanding sections 1301(m) and 1302(e) of SAFETEA-LU (119 Stat. 1202 and 1205), the Secretary shall apportion funds authorized to be appropriated under subsection (b) for the projects of national and regional significance program and the national corridor infrastructure improvement program among all States such that each State’s share of the funds so apportioned is equal to the State’s share for fiscal year 2009 of funds apportioned or allocated for the programs specified in section 105(a)(2) of title 23, United States Code.

“(B) **DISTRIBUTION AMONG PROGRAMS.**—Funds apportioned to a State pursuant to subparagraph (A) shall be—

“(i) made available to the State for the 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—

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

“(II) 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 fund-

ing is administered under programs identified in clause (i).”.

(c) **EXPENDITURE AUTHORITY FROM HIGHWAY TRUST FUND.**—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986, as amended by the Surface Transportation Extension Act of 2010, is amended by striking “in effect on the date of the enactment of such Act)” and inserting “in effect on the later of the date of the enactment of such Act or the date of the enactment of the Surface Transportation Extension Modification Act of 2010”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect upon the enactment of the Surface Transportation Extension Act of 2010 and shall be treated as being included in that Act at the time of the enactment of that Act.

The **SPEAKER pro tempore**. Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

**GENERAL LEAVE**

Mr. COSTELLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H.R. 4853.

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 4853, the Federal Aviation Administration Extension Act of 2010. I want to thank Chairman LEVIN and Ranking Member CAMP, as well as Chairman OBERSTAR and Ranking Members MICA and PETRI for bringing this to the floor today.

The FAA has been operating under a series of short-term extensions for 2½ years since the last FAA reauthorization bill expired. Short-term extensions and uncertain funding levels can be disruptive to the aviation industry, airports, and local communities because they do not allow them to plan for long-term growth. Frankly, every month that goes by without a long-term FAA authorization is a lost opportunity to improve aviation safety and security and to create and maintain jobs around the country.

Madam Speaker, the House did its job and passed H.R. 915, the FAA Reauthorization Act of 2009, a 3-year authorization of FAA programs. For 8 months, we have been waiting on the other body to bring a bill to the floor and pass it. The Senate bill is now being debated in the other body, and we look forward to passage of that bill so that we can complete our work and begin with the reauthorization of the FAA bill.

However, the Airport and Airways Trust Fund will expire on March 31, 2010, and the bill before us today, H.R. 4853, extends aviation taxes and expenditure authority, and the Airport Improvement Program contract au-

thority, until July 3, 2010. H.R. 4853 also provides for a total of \$3 billion in AIP contract authority through early July, which translates to an annualized amount of \$4 billion for fiscal year 2010. This level of funding is consistent with the annual levels provided by the House and the Senate reauthorization bills, as well as the fiscal year 2010 concurrent budget resolution. These additional funds will allow airports to continue critical safety and capacity enhancement projects.

Additionally, the bill provides \$7 billion for FAA operations, \$2.2 billion for facility and equipment programs, and \$144 million for research, engineering, and development programs. When translated to yearly amounts, these figures equal the funding levels passed for these programs by the fiscal year 2010 Consolidated Appropriations Act.

In addition, the 3-month bill extends aviation excise taxes through July 3, 2010. These taxes are necessary to support the Airport and Airways Trust Fund, which funds a large portion of the FAA’s budget. Any lapse in these taxes could drain the trust fund’s balance, so it is important that we act now, pending the passage of a longer-term reauthorization bill.

Aviation is too important to our Nation’s economy, contributing \$1.2 trillion in output and approximately 11.4 million jobs, to allow the taxes or the funding for critical aviation programs to expire. Congress must ensure that this extension passes today to reduce delays and congestion, improve safety and efficiency, stimulate the economy, and create jobs.

I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. PETRI. Madam Speaker, in the 110th Congress, the House passed the FAA Reauthorization Act of 2007, H.R. 2881. That bill reauthorized the FAA for 4 years. In May of last year, the House voted again to pass a comprehensive reauthorization bill, H.R. 915, the FAA Reauthorization Act of 2009.

In just the last week, the Senate has begun consideration of their FAA reauthorization bill, and it looks quite possible that the two Chambers will soon begin negotiations to reconcile each of their bills. However, this reconciliation process will take time. Given that the current FAA extension expires at the end of this month, we need to again extend the FAA’s taxes and authorities to allow time to get a final, conferenced FAA bill.

H.R. 4853 would extend the taxes, programs, and funding of the FAA through July 3 of this year. This bill extends FAA funding and contract authority for just over 3 months, provides \$3 billion in Airport Improvement Program funding, extends the War Risk Insurance program, and extends other authorities related to Small Community Air Service, airport, and safety programs.

H.R. 4853 will ensure that our National Airspace System continues to

operate until a full FAA reauthorization can be enacted.

So as I have indicated many times since the passage of the House FAA reauthorization bill back in 2007, we need to pass a long-term bill so that we can meet the growing demands placed on our Nation's aviation infrastructure. Modernizing our antiquated air traffic control system and repairing our crumbling infrastructure need to be at the top of our priorities.

While I'm disappointed that the FAA has gone so long without a comprehensive reauthorization, I support this extension as the best alternative to keep the FAA and the National Airspace System running safely and efficiently until we can take up and pass a bipartisan and bicameral bill. It seems that we are closer to this goal than ever before, at least in recent Congresses.

H.R. 4853 also includes a provision that will change the way funding is distributed for the Projects of National and Regional Significance program and the National Corridor Infrastructure program in the surface transportation extension that the Senate passed this morning.

In its current form, this surface extension bill would prevent 22 States from receiving any funding and would direct 56 percent of the funding to just four States: California, Louisiana, Illinois, and Washington. This fix ensures that the funding for those two programs is distributed to all States through the existing Federal-aid highway formula. And I commend the people who are responsible for that fix.

With that, I urge my colleagues to support the bill, H.R. 4853.

I reserve the balance of my time.

Mr. COSTELLO. At this time, Madam Speaker, I recognize our friend who is a member of the subcommittee, the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Madam Speaker, I'm going to fly home hopefully later this weekend, and it is surely important to me that the FAA continues to do what it must do to keep the air safe. And I want to commend the minority as well as the Chair for this extension.

But beyond the extension, there is another extremely important element in this bill, and that is straightening out the funding for transportation. Mr. OBERSTAR worked a miracle and actually managed to give California less of more, which took a while for me to understand. But the reality is that by being able to work out a compromise with the Senate, we are going to be able to move the transportation programs forward. It's a great example of what can be done with some good leadership working both sides of the aisle.

I want to commend the bill to all of us and move this thing along so that we can fly home safely when we get the health care bill done and go home and tell our constituents about a good highway transportation program that's been put together.

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

Mr. COSTELLO. At this time, Madam Speaker, I would yield 2 minutes to a member of the full committee, Mr. SIRES from New Jersey.

Mr. SIRES. Madam Speaker, I rise today in strong support of H.R. 4853, the Federal Aviation Administration Extension Act of 2010. This legislation would extend the FAA's aviation programs and taxes for 3 more months, through July 3, 2010.

Funding authorization for aviation programs expired at the end of fiscal year 2007, and since then, 11 extensions have been passed.

Although the House passed Chairman OBERSTAR's bill, H.R. 915, the FAA Reauthorization Act of 2009, on May 21, 2009, the Senate has not acted on this legislation. Passage of a comprehensive reauthorization bill is necessary, but for the time being, we must once again pass an extension reauthorizing the FAA's aviation programs.

Included in this bill are also two very important surface transportation provisions. These provisions would alleviate concerns raised by Members of the House earlier this month when we passed the House amendments to the Senate amendments of the HIRE Act. Specifically, section 9 of this bill will amend the HIRE Act and resolve House concerns with the formula of distributing highway funding in the HIRE Act.

This bill would share among all States the \$932 million for projects of national and regional significance and the national corridor programs.

Under the Senate's bill, four States would automatically receive 58 percent of this funding and 22 States would receive no funding at all. Under this bill, all States will be allowed to compete for these programs.

This bill also distributes additional bonus formula funds to 13 current State highway formula programs, as opposed to only six of the highway formula programs. While the Senate Surface Transportation Act Extension Act skewed highway formula funding to certain States, this bill acts as a remedy. Additionally, these two surface transportation provisions would put into law Majority Leader REID's commitment to rectify the two differences between the House and the Senate transportation extension bills.

Madam Speaker, I urge my colleagues to join me in passing the FAA Extension Act, which includes several important provisions.

□ 1545

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

Mr. COSTELLO. Madam Speaker, at this time I recognize for such time as he may consume the chairman of the full Transportation Committee, Chairman OBERSTAR.

Mr. OBERSTAR. Madam Speaker, I thank the chair of the Aviation Subcommittee, Mr. COSTELLO. He has already well and duly explained the FAA authorization extension that is before

us at this moment. I want to address, as Mr. PETRI has done, as Mr. GARAMENDI and Mr. SIRES have done, the other provision in this bill.

When we passed the Hiring Incentives to Restore Employment Act a time ago, the legislation then was sent back by the Senate with some changes in the highway funding formula that I felt were unfair, unjust, unnecessary; and I held up House consideration of the bill until we could reach an agreement with the other body.

As I went on to explain in meetings of the caucus, meetings with our committee members on both sides of the aisle, the Senate version of this bill directed major highway discretionary program funding to a select group of States: four would get 58 percent of the funding; 22 States get nothing; the other 20 got dribbles.

That formulation would provide a permanent windfall for those four States. And not just a one-time shot but a long-term windfall, because it would skew underlying highway formulas, changing the baseline for those four States that got the lion's share of the money.

After a good deal of discussion and consideration, I had a conversation with my very good friend from the time he served in the House. Senate Majority Leader HARRY REID pointed out that there was \$932 million in discretionary highway funds that we had formulated one way in the bill we passed in December. The Senate has now taken that language and skewed it in a different direction, and that is the wrong thing to do and will change from our provision in the December bill that distributed that \$932 million in discretionary funding to the Secretary to fold it into the regular highway formula for all of the States on a proportional basis, rather than just the 29 States that had programs and projects of national and regional significance and national corridor infrastructure improvement programs. That included my State of Minnesota, which would have benefited from the windfall of the Senate formula.

I could have just said nothing, sat on my hands, let it go. It is a very arcane, very complex formula. Few people would have understood it. But it was the wrong thing to do. It was the wrong way to hijack the House bill and hijack these funds and just simply allocate them to a few States.

Furthermore, the language, the provision in the other body's legislation designated seven programs as second-tier programs and further rated those funds—the Appalachia Development Highway System, the Rail Highway Grade Crossing, the Equity Bonus Program, Recreational Trail, Safe Routes to School, Coordinated Border Infrastructure, and the Metropolitan Planning programs—relegated them to a second-tier status, and denies them the opportunity to receive additional funding during the extension period and weakens their standing during the

long-term authorization. That is wrong.

I explained it to Senator REID. He fully understood it. I proposed an exchange of letters, which he did, and he said, "We will agree to the adjustment," as proposed in the formula that I set forth and which I will include in the RECORD at this point, including the exchange of letters with Senator REID in our committee summary explanation of this provision.

# HIGHWAY AND BRIDGE FORMULA FUNDING BY STATE UNDER SURFACE TRANSPORTATION EXTENSION ACTS, HIRE ACT VS. SURFACE TRANSPORTATION MODIFICATION ACT OF 2010, MARCH 17, 2010

[37 States Fare Better under the Surface Transportation Modification Act of 2010; 14 States Fare Better under the HIRE Act]

State	HIRE Act <sup>1</sup>	Surface Transportation Modification Act <sup>2</sup>	Increase (decrease) under Surface Transportation Modification Act
Alabama	\$1,160,135,018	\$1,178,768,813	\$18,633,795
Alaska	698,820,601	702,234,406	3,413,805
Arizona	1,119,833,846	1,137,317,569	17,483,723
Arkansas	780,938,283	757,601,098	(23,337,185)
California	5,540,834,984	5,348,478,144	(192,356,840)
Colorado	808,562,089	808,216,244	(345,845)
Connecticut	771,124,583	774,468,106	3,343,523
Delaware	254,115,413	258,166,183	4,050,770
Dist. of Col.	241,637,283	226,506,326	(15,130,958)
Florida	2,901,459,068	2,948,516,502	47,057,434
Georgia	1,990,475,595	2,022,248,870	31,773,275
Hawaii	258,011,916	262,133,940	4,122,024
Idaho	436,473,412	443,558,991	7,085,579
Illinois	2,133,468,322	2,014,527,598	(118,940,724)
Indiana	1,454,478,215	1,473,826,863	19,348,649
Iowa	721,928,309	731,252,426	9,324,118
Kansas	582,189,917	591,518,358	9,328,441
Kentucky	1,012,890,986	1,027,305,950	14,414,964
Louisiana	1,045,633,419	1,002,664,600	(42,968,819)
Maine	280,240,625	284,757,226	4,516,601
Maryland	918,077,359	930,393,685	12,316,326
Massachusetts	835,232,711	950,187,222	114,954,511
Michigan	1,628,896,250	1,649,577,451	20,681,201
Minnesota	969,838,993	960,370,670	(9,468,323)
Mississippi	730,280,701	740,066,612	9,785,911
Missouri	1,422,349,455	1,444,428,478	22,079,023
Montana	595,326,967	604,421,087	9,094,120
Nebraska	439,714,255	446,827,117	7,112,863
Nevada	509,981,437	517,716,094	7,734,658
New Hampshire	255,499,273	259,619,857	4,120,584
New Jersey	1,522,180,325	1,521,313,478	(866,848)
New Mexico	558,845,157	564,388,783	5,543,626
New York	2,585,021,983	2,601,114,874	16,092,891
North Carolina	1,597,585,980	1,623,405,549	25,819,569
North Dakota	376,542,187	382,541,944	5,999,758
Ohio	2,046,630,272	2,071,931,711	25,301,439
Oklahoma	958,778,621	936,700,103	(22,078,518)
Oregon	745,775,067	717,111,735	(28,663,333)
Pennsylvania	2,533,737,942	2,561,421,751	27,683,809
Rhode Island	328,209,791	333,303,797	5,094,006
South Carolina	960,038,143	962,956,224	2,918,081
South Dakota	423,697,858	430,371,013	6,673,155
Tennessee	1,286,665,098	1,280,356,104	(6,308,994)
Texas	4,835,326,374	4,912,212,474	76,886,100
Utah	482,941,887	490,736,905	7,795,018
Vermont	299,846,556	304,031,221	4,184,665
Virginia	1,550,364,905	1,538,365,476	(11,999,429)
Washington	1,021,098,782	981,828,852	(39,269,930)
West Virginia	660,653,936	651,000,745	(9,653,191)
Wisconsin	1,135,046,618	1,138,278,090	3,231,471
Wyoming	389,303,475	395,692,926	6,389,451
Total	58,896,740,240	58,896,740,240	0

<sup>1</sup> The Surface Transportation Extension Act of 2010, title IV of H.R. 2847, the "Hiring Incentives to Restore Employment Act" (HIRE Act).

<sup>2</sup> The Surface Transportation Modification Act of 2010, section 9 of H.R. 4853, the "Federal Aviation Administration Extension Act of 2010", implementing the February 26, 2010 written agreement among Senate Majority Leader Harry Reid, Speaker Nancy Pelosi, and Chairman James L. Oberstar.

This table was prepared by the Committee on Transportation and Infrastructure Majority staff based on technical assistance provided by the Federal Highway Administration.

U.S. SENATE,

Washington, DC, February 26, 2010.

Hon. NANCY PELOSI,

Speaker, House of Representatives, The Capitol, Washington, DC.

Hon. JAMES L. OBERSTAR,

Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MADAM SPEAKER AND MR. CHAIRMAN: Thank you for your cooperation in facilitating the House passage of the H.R. 2847, the "Hiring Incentives to Restore Employment Act", passed by the Senate on February 24,

2010. I appreciate your concern that the urgency of passage of the legislation did not allow time for a Conference Committee or other discussions to reconcile surface transportation extension act differences between the Senate-passed amendment (Title IV) and the House-passed bill, the "Jobs for Main Street Act" (Title II of H.R. 2847).

To accommodate House concerns with Title IV, the "Surface Transportation Extension Act of 2010", of the Senate-passed amendment, we have reached agreement on the following changes to H.R. 2847:

1. Distribute the Projects of National and Regional Significance (PNRS) and National Corridor Infrastructure Improvement (Corridor) program funding among all States based on each State's share of fiscal year 2009 highway apportioned funds rather than to only 29 States that had PNRS and Corridor projects under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

2. Distribute "additional" highway formula funds (which the bill makes available in lieu of additional Congressionally-designated projects) among all of the highway formula programs rather than among just six formula programs.

I pledge to you that I will make every effort to include these provisions in the next Jobs bill passed by the Senate, which we hope to accomplish in the next few weeks. I have attached legislative language to accomplish these changes.

I will also join you in requesting that the Federal Highway Administration not apportion the PNRS and Corridor funding to States until Congress has passed this corrective legislation.

Thank you for your consideration.

Sincerely,

HARRY REID,  
Majority Leader.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, SUMMARY OF H.R. 4853, THE "FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010", MARCH 17, 2010

## BACKGROUND

The most recent long-term Federal Aviation Administration (FAA) reauthorization act, Vision 100—Century of Aviation Reauthorization Act (P.L. 108-176), expired September 30, 2007. Work in the House to reauthorize the FAA culminated most recently with the passage of H.R. 915, the "FAA Reauthorization Act of 2009", on May 21, 2009. To date, the Senate has not completed action on a long-term FAA reauthorization bill.

In the meantime, pending completion of a long-term reauthorization bill, Congress has passed a series of short-term acts extending the FAA's authority. The current FAA extension act expires on March 31, 2010.

Separately, on February 25, 2010, the Senate passed H.R. 2847, the "Hiring Incentives to Restore Employment Act" (HIRE Act), with an amendment. The HIRE Act includes an extension of highway, highway and motor carrier safety, and public transit programs through December 31, 2010. It also includes a number of provisions that raised concerns for Members of the House. The House was able to address some of these provisions (e.g., PAYGO costs) through amendments at that time. However, the urgent need to pass the legislation did not allow sufficient time to resolve two major differences between the surface transportation extension title of the HIRE Act and the surface transportation extension passed by the House on December 16, 2009, as part of H.R. 2847, the "Jobs for Main Street Act":

1. the treatment of Projects of National and Regional Significance and the National Corridor Infrastructure Improvement programs; and

2. the programmatic distribution of additional formula funds provided to States in lieu of additional Congressionally-designated project funding.

First, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (P.L. 109-59) established two major discretionary programs: the Projects of National and Regional Significance (PNRS) and National Corridor Infrastructure Improvement (National Corridor) programs. Although the programs were designed as competitive, discretionary programs, during deliberations on the bill in 2005, the Conference Committee decided to designate individual projects under each program. The HIRE Act extends funding for these two programs, providing a total of \$932 million for the PNRS and National Corridor programs over a 15-month period (October 1, 2009 through December 31, 2010). This approach distributes these funds only to States that had earmarks under these programs in SAFETEA-LU—with four States receiving 58 percent of the funding and 22 States receiving nothing. This provision would create a permanent windfall for these four States, and would unfairly skew the highway formulas.

Second, in fiscal years (FY) 2005 through 2009, SAFETEA-LU included Congressionally-designated projects under several discretionary programs (e.g., House and Senate Congressionally-designated projects under the High Priority Projects and Transportation Improvements programs). The HIRE Act extends funding for these programs, but does not include any earmarks during the extension period. Instead, it provides each State with an amount equal to its FY 2009 Congressionally-designated projects under these discretionary programs and distributes those additional funds through six existing State highway formula programs.

H.R. 2847, the "Jobs for Main Street Act", as passed by the House, would have distributed the additional funding through all of the 13 current State highway formula programs: Interstate Maintenance, National Highway System, Highway Bridge, Surface Transportation Program, Highway Safety Improvement Program, Congestion Mitigation and Air Quality Improvement, Metropolitan Planning, Equity Bonus, Appalachian Development Highway System, Recreational Trails, Safe Routes to School, Rail-Highway Grade Crossing, and Coordinated Border Infrastructure programs. By limiting the distribution of the additional funding through only six highway formula programs, the HIRE Act essentially designates seven programs—the Appalachian Development Highway System, Rail-Highway Grade Crossing, Equity Bonus, Recreational Trails, Safe Routes to School, Coordinated Border Infrastructure, and Metropolitan Planning programs—as "second-tier" programs, denying them the opportunity to receive additional funding during the extension period and weakening their standing during the ongoing authorization process.

On February 26, 2010, to accommodate House concerns with Title IV, the "Surface Transportation Extension Act of 2010", Senate Majority Leader Harry Reid, Speaker Nancy Pelosi, and Chairman James L. Oberstar reached agreement on the following changes to the HIRE Act in future legislation:

1. Distribute the PNRS and National Corridor program funding among all States based on each State's share of FY 2009 highway apportioned funds rather than to only 29 States that had PNRS and National Corridor projects under SAFETEA-LU.

2. Distribute "additional" highway formula funds (which the bill makes available in lieu of additional Congressionally-designated projects) among all of the highway

formula programs rather than among just six formula programs.

On the strength of this commitment, on March 4, 2010, the House passed the HIRE Act. The Senate is expected to vote on final passage of the HIRE Act on March 17, 2010.

#### H.R. 4853, THE "FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010"

H.R. 4853, the "Federal Aviation Administration Extension Act of 2010", extends FAA programs for three months and modifies the previously-described surface transportation provisions of the HIRE Act.

#### AVIATION PROVISIONS

H.R. 4853 extends the FAA's aviation programs and taxes for three months, through July 3, 2010. Aside from covering the FAA's funding needs through July 3 and making appropriate adjustments to amounts, the FAA provisions do not differ substantially from prior three-month extension bills.

H.R. 4853 provides \$3 billion in contract authority for the Airport Improvement Program (AIP) from October 1, 2009, until July 3, 2010. These funds will enable airports to move forward with important safety and capacity projects. This level of AIP funding, when annualized, is \$4 billion, which is consistent with AIP funding authorizations in both H.R. 915 and the pending Senate FAA reauthorization bill, as well as the FY 2010 Concurrent Budget Resolution.

The bill also authorizes appropriations for FAA Operations, Facilities and Equipment (F&E), and Research, Engineering, and Development (RE&D) programs. Specifically, H.R. 4853 authorizes, for the period between October 1, 2009, and July 3, 2010, \$7 billion for FAA Operations, \$2.2 billion for F&E, and \$144 million for RE&D. When annualized, these authorized funding levels equal the FY 2010 enacted funding levels that have already been provided for these programs by the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010 (division A of P.L. 111-117).

In addition, the bill extends aviation excise taxes until July 3, 2010. These taxes are necessary to support the Airport and Airways Trust Fund, which funds a substantial portion of the FAA's budget. The Trust Fund's uncommitted cash balance was only \$299 million at the end of FY 2009, and any lapse in aviation taxes could put the solvency of the Trust Fund at risk.

#### SURFACE TRANSPORTATION PROVISIONS

Section 9 of H.R. 4853 amends the HIRE Act in keeping with Majority Leader Reid's February 26, 2010 commitment, resolving House concerns with the HIRE Act's distribution of highway funding.

Regarding the treatment of PNRs and National Corridor programs, section 9 of H.R. 4853 amends the HIRE Act to achieve a compromise between the initial House and Senate positions. Under this compromise, the \$932 million will be distributed among all States, rather than just the 29 States that had PNRs and National Corridor projects under SAFETEA-LU. The funds will be distributed based on each State's share of FY 2009 highway apportioned funds.

Regarding the programmatic distribution of additional formula funds provided to States in lieu of additional Congressionally-designated funding, section 9 amends the HIRE Act to distribute the additional formula funds through all 13 current State highway formula programs.

Today's action keeps faith with the House, permits Senator REID to keep his commitment, which he has done. He has cleared this language with the relevant Members of the other body, and I am confident we will correct this

invasive mistake and raid on the highway trust fund with passage of this legislation we will move today through the House and I expect, very quickly, similarly, through the other body.

I very much appreciate the cooperation Majority Leader REID, Speaker PELOSI, the members of our committee, including my good friend Mr. MICA who has been a partner in shaping this language as we moved along, and Mr. COSTELLO for adding this to the very important extension of the aviation authorization.

Mr. PETRI. I yield such time as he may consume to the ranking minority member of the full committee, my colleague from Florida, Representative JOHN MICA.

Mr. MICA. I thank the gentleman for yielding.

I am pleased to rise in support of this legislation, which would provide a 3-month extension for the operations of the Federal Aviation Administration.

This is kind of interesting. I think just for the record, Madam Speaker, and also for the benefit of our colleagues who may be listening or their staff trying to figure out what is going on, Madam Speaker, this is in fact the 12th extension of the FAA reauthorization.

I was the chairman back in 2001 and through the next 6 years, and my leadership I think is looking better and better every week and every month now.

I introduced the current bill that has been extended—today will be the 12th time—May 15 in 2003. It actually was agreed to in conference on November 21, 2003, and it was signed by the President on December 12, 2003. So I got it done in 6 months. Not record speed, but pretty good speed.

My bill has been in effect for about 7 years, I think the longest FAA authorization in history. I am quite proud of it, but in fact even my legislation does need improvement. We do need an update in policy for running the FAA. We need definition and delineation of projects which are authorized, including the important next generation getting the best technical equipment, going from a ground-based system to satellites, and getting better utilization out of our air space, and also using less fuel and more efficient utilization of our important airports. But, again, I think it is incredible that we are on the 12th extension with the passage of this, but it must be done.

The other body continues to belabor this particular bill. We are hoping for the best and that it does come out, and that we do have new language for the country and for the operation of our Federal Aviation Administration.

What is sad, too, is, again, I think if you look at the 3 years that the other side has controlled this Chamber, and this was pointed out again in a meeting that we had with some of the former TSA administrators, the turnover in personnel, not only in TSA and failure to replace the Transportation Security

Administration leader, but also in the FAA. We had seen turnover in the FAA administrator's position when I came to Congress some 18 years ago. We reached a bipartisan accord and agreement to have a 5-year appointment of an FAA administrator, and that would transcend a Presidential term.

We had two great administrators. One appointed by President Clinton, served for 5 years, Jane Garvey; and then we had one appointed by President Bush for 5 years, Marion Blakey, and she did an outstanding job.

And then what did we have? We had a period for an acting administrator, and the other side held him up, demeaned him. While he served in the position, we had a vacancy with an FAA administrator for over 1 year, and we didn't adhere to the bipartisan agreement to keep FAA out of politics and keep it with sound continuous administration. So I am disappointed in that fact.

Then, again, Madam Speaker, and for those Members that are listening, people are wondering what we are doing here on adjusting the jobs bill that just passed the Senate, I am told, today.

In that bill, as you may recall, and I offer this particular exhibit to the RECORD, it showed that with the extension through the end of December, the other body in fact denied 22 States payment and gave 58 percent of payment for one of our largest portions and designations of funding to four States. One was, of course, California; another one was Illinois, surprise; the State of Washington, another surprise; and then the Louisiana Purchase at the end.

But, Mr. OBERSTAR, I will say I have to compliment him. He did get an agreement, and he got the correction in this legislation so it is something we can all vote for. We can now equitably distribute the money to all 50 States.

There was a proposal to give it to the Secretary of Transportation. Now, I have been there and done that with the Secretary. I didn't like that proposal, because just several weeks before this fiasco took place, we distributed \$1.5 billion worth of stimulus funds to our economically job-disadvantaged States. And my State of Florida, seventh in the Nation with now 11.8 percent unemployment, they ended up getting zero, with discretionary money being distributed to again supposedly States that were hurting, and Florida is number seven of the top 10 in unemployment. So I wasn't a big fan of having the Secretary distribute that money.

I think what we have done here, which I suggested to the chairman and to the other side, was a fair distribution. Everyone knows what the distribution formula is; everyone will be treated equitably and fairly. So I am pleased to support both the FAA extension and then the correction and proper distribution of highway trust funds.

Now, this takes us only, folks, through December of this year. I know it is confusing because we are on a 30-

day highway extension because we haven't done a highway and transportation major rewrite of the TEA-legislation, but it will take us through the end of the year.

That is somewhat good news, but it is also bad news because States cannot plan beyond the end of the year. That means that we can't get people working beyond the end of the year. That means that we can't make commitments for improving our Nation's infrastructure and probably the biggest programs that we could do as far as this Congress in employing people.

So I am disappointed that the administration failed to support Mr. OBERSTAR, my chairman, on a 6-year authorization. At a time we needed to do it, they recommended an 18-month. And what have we got here? We have got until December, and leaving everyone at bay, people without work, States not knowing what to do after the end of this year.

So we have to do this. We have to get the extension as long as we can get it. Right now the other side is saying until December. I am disappointed in that. We have to straighten out the formula. And then we have to extend the FAA bill, and I am so pleased that we are extending my FAA bill, which, wasn't, I must say in closing, a bad piece of work.

□ 1600

Mr. PETRI. I have no further requests for time, and I yield back the balance of my time.

Mr. COSTELLO. Madam Speaker, I have no further requests for time. I ask my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and pass the bill, H.R. 4853.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

- H. Res. 1141, by the yeas and nays;
- S. 1147, by the yeas and nays;
- H.R. 3954, by the yeas and nays;
- H.R. 946, by the yeas and nays;
- H.R. 4825, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### HONORING SUPREME COURT JUSTICE SANDRA DAY O'CONNOR

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1141, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 1141.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 14, as follows:

[Roll No. 123]

YEAS—416

Ackerman	Chu	Granger	LaTourette	Nunes	Scott (VA)
Aderholt	Clarke	Graves	Latta	Nye	Sensenbrenner
Adler (NJ)	Clay	Green, Al	Lee (CA)	Oberstar	Serrano
Akin	Cleaver	Green, Gene	Lee (NY)	Obey	Sessions
Alexander	Clyburn	Griffith	Levin	Olson	Sestak
Altmire	Coble	Grijalva	Lewis (GA)	Olver	Shadegg
Andrews	Coffman (CO)	Guthrie	Linder	Ortiz	Shea-Porter
Arcuri	Cohen	Gutierrez	Lipinski	Owens	Sherman
Austria	Cole	Hall (NY)	LoBiondo	Pallone	Shimkus
Baca	Conaway	Hall (TX)	Loeb	Pascarell	Shuler
Bachmann	Connolly (VA)	Halvorson	Loeb	Pastor (AZ)	Shuster
Bachus	Conyers	Hare	Lowey	Paul	Simpson
Baird	Cooper	Harman	Lucas	Paulsen	Sires
Baldwin	Costa	Harper	Luetkemeyer	Payne	Skelton
Barrow	Costello	Hastings (FL)	Lujan	Pence	Slaughter
Bartlett	Courtney	Hastings (WA)	Lummis	Perlmutter	Smith (NE)
Barton (TX)	Crenshaw	Heinrich	Lungren, Daniel	Perriello	Smith (NJ)
Bean	Crowley	Heller	E.	Peters	Smith (TX)
Becerra	Cuellar	Hensarling	Lynch	Peterson	Smith (WA)
Berkley	Culberson	Henger	Mack	Petri	Snyder
Berman	Cummings	Herseth Sandlin	Maffei	Pingree (ME)	Souder
Berry	Dahlkemper	Higgins	Maloney	Pitts	Speier
Biggett	Davis (AL)	Hill	Manzullo	Platts	Spratt
Bilbray	Davis (CA)	Himes	Marchant	Poe (TX)	Stearns
Bilirakis	Davis (IL)	Hinchee	Markey (CO)	Polis (CO)	Stupak
Bishop (GA)	Davis (KY)	Hinojosa	Markey (MA)	Pomeroy	Sullivan
Bishop (NY)	Davis (TN)	Hirono	Marshall	Posey	Sutton
Bishop (UT)	DeFazio	Hodes	Matheson	Price (GA)	Tanner
Blackburn	DeGette	Hoekstra	Matsui	Price (NC)	Taylor
Blumenauer	Dent	Holden	McCaul	Putnam	Teague
Blunt	Diaz-Balart, L.	Holt	McClintock	Quigley	Terry
Boccieri	Diaz-Balart, M.	Honda	McCollum	Radanovich	Thompson (CA)
Boehner	Dicks	Hoyer	McCotter	Rahall	Thompson (MS)
Bonner	Dingell	Hunter	McDermott	Rangel	Thompson (PA)
Bono Mack	Doggett	Inglis	McGovern	Rehberg	Thornberry
Boozman	Donnelly (IN)	Inlee	McHenry	Reichert	Tiahrt
Boren	Doyle	Israel	McIntyre	Reyes	Tiberi
Boswell	Dreier	Issa	McKeon	Richardson	Tierney
Boucher	Driehaus	Jackson (IL)	McMahon	Rodriguez	Titus
Boustany	Duncan	Jackson Lee	McMorris	Roe (TN)	Tonko
Boyd	Edwards (MD)	(TX)	Rodgers	Rogers (AL)	Towns
Brady (PA)	Edwards (TX)	Jenkins	McNerney	Rogers (KY)	Tsongas
Brady (TX)	Ehlers	Johnson (GA)	Meek (FL)	Rogers (MI)	Turner
Braley (IA)	Ellison	Johnson (IL)	Meeks (NY)	Rohrabacher	Upton
Bright	Ellsworth	Johnson, E. B.	Melancon	Rooney	Van Hollen
Broun (GA)	Emerson	Johnson, Sam	Mica	Ros-Lehtinen	Velázquez
Brown, Corrine	Engel	Jones	Michaud	Roskam	Visclosky
Brown-Waite,	Eshoo	Jordan (OH)	Miller (FL)	Ross	Walden
Ginny	Etheridge	Kagen	Miller (MI)	Rothman (NJ)	Walsh
Buchanan	Fallin	Kanjorski	Miller (NC)	Roybal-Allard	Wamp
Burgess	Farr	Kaptur	Miller (NY)	Royce	Wasserman
Burton (IN)	Fattah	Kennedy	Miller, George	Ruppersberger	Schultz
Butterfield	Filner	Kildee	Minnick	Rush	Waters
Buyer	Flake	Kilpatrick (MI)	Mitchell	Ryan (OH)	Watson
Calvert	Fleming	Kilroy	Molloy	Ryan (WI)	Watt
Camp	Forbes	Kind	Mollohan	Salazar	Waxman
Campbell	Foster	King (IA)	Moore (KS)	Sánchez, Linda	Weiner
Cantor	Fox	King (NY)	Moore (WI)	T.	Welch
Cao	Frank (MA)	Kingston	Moran (KS)	Sanchez, Loretta	Westmoreland
Capps	Franks (AZ)	Kirk	Moran (VA)	Scalise	Whitfield
Capuano	Frelinghuysen	Kirkpatrick (AZ)	Murphy (CT)	Schakowsky	Wilson (OH)
Cardoza	Fudge	Kissell	Murphy (NY)	Schauer	Wilson (SC)
Carnahan	Gallegly	Klein (FL)	Murphy, Patrick	Schiff	Wittman
Carney	Garamendi	Kline (MN)	Murphy, Tim	Schmidt	Wolf
Carson (IN)	Garrett (NJ)	Kosmas	Myrick	Schock	Woolsey
Carter	Gerlach	Kratovil	Nadler (NY)	Schrader	Wu
Cassidy	Giffords	Kucinich	Napolitano	Schwartz	Yarmuth
Castle	Gingrey (GA)	Lamborn	Neal (MA)	Scott (GA)	Young (AK)
Castor (FL)	Gohmert	Lance	Neugebauer		
Chaffetz	Gonzalez	Langevin			
Chandler	Goodlatte	Larson (CT)			
Childers	Gordon (TN)	Latham			

NOT VOTING—14

□ 1628

Mr. HENSARLING changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PREVENT ALL CIGARETTE TRAFFICKING ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the