

Barton (TX) Edwards (MD) Langevin
 Bean Edwards (TX) Larsen (WA)
 Becerra Ellison Larson (CT)
 Berkley Ellsworth Latham
 Berman Emerson LaTourrette
 Berry Engel Latta
 Biggert Eshoo Lee (CA)
 Bilbray Etheridge Lee (NY)
 Billarakis Farr Levin
 Bishop (GA) Fattah Lewis (CA)
 Bishop (NY) Filner Linder
 Bishop (UT) Fleming Lipinski
 Blackburn Forbes LoBiondo
 Blumenauer Fortenberry
 Blunt Foster Loebsack
 Boccieri Foxx Lofgren, Zoe
 Boehner Frank (MA) Lowey
 Bonner Franks (AZ) Lucas
 Bono Mack Frelinghuysen
 Boozman Fudge Luetkemeyer
 Boren Gallegly Luján
 Boswell Garamendi Lummis
 Boucher Garrett (NJ) Lungren, Daniel
 Boustany Gerlach Mack
 Boyd Giffords Maffei
 Brady (PA) Gingrey (GA) Maloney
 Brady (TX) Gohmert Manzullo
 Bright Gonzalez Marchant
 Broun (GA) Goodlatte Markey (CO)
 Brown (SC) Gordon (TN) Markey (MA)
 Brown, Corrine Granger Marshall
 Brown-Waite, Ginny Graves (GA)
 Buchanan Graves (MO) Matsui
 Burgess Grayson McCarthy (CA)
 Burton (IN) Green, Al McCarthy (NY)
 Butterfield Green, Gene McCaul
 Buyer Griffith McClintock
 Calvert Grijalva McCollum
 Camp Guthrie McCotter
 Cantor Gutierrez McDermott
 Cao Hall (NY) McGovern
 Capito Hall (TX) McHenry
 Capps Halvorson McIntyre
 Capuano Hare McKeon
 Cardoza Harman McMahon
 Carnahan Harper McMorris
 Carney Hastings (FL) Rodgers
 Carson (IN) Hastings (WA) McNeerney
 Carter Heinrich Meek (FL)
 Cassidy Heller Meeks (NY)
 Castle Hensarling Melancon
 Castor (FL) Herger Mica
 Chaffetz Herseth Sandlin Michaud
 Chandler Higgins Miller (FL)
 Childers Hill Miller (MI)
 Chu Himes Miller (NC)
 Clarke Hinchey Miller, Gary
 Clay Hinojosa Miller, George
 Cleaver Hirono Minnick
 Clyburn Hodes Mitchell
 Coble Holden Mollohan
 Coffman (CO) Holt Moore (KS)
 Cohen Honda Moore (WI)
 Cole Hoyer Moran (VA)
 Conaway Hunter Murphy (CT)
 Connolly (VA) Inglis Murphy (NY)
 Conyers Inslee Murphy, Patrick
 Cooper Israel Murphy, Tim
 Costa Issa Myrick
 Costello Jackson (IL) Nadler (NY)
 Courtney Jackson Lee Napolitano
 Crenshaw (TX) Neal (MA)
 Critz Jenkins Neugebauer
 Cuellar Johnson (GA) Nunes
 Culberson Johnson, E. B. Nye
 Cummings Johnson, Sam Oberstar
 Dahlkemper Jones Obey
 Davis (AL) Jordan (OH) Olson
 Davis (CA) Kagen Oliver
 Davis (IL) Kanjorski Ortiz
 Davis (KY) Kaptur Owens
 Davis (TN) Kennedy Pallone
 DeFazio Kildee Pascarell
 DeGette Kilpatrick (MI) Pastor (AZ)
 Delahunt Kilroy Paulsen
 DeLauro Kind Payne
 Dent King (IA) Pence
 Deutch King (NY) Perlmutter
 Diaz-Balart, L. Kingston Perriello
 Diaz-Balart, M. Kirk Peters
 Dicks Kirkpatrick (AZ) Peterson
 Dingell Kissell Petri
 Djou Klein (FL) Pingree (ME)
 Doggett Kline (MN) Pitts
 Donnelly (IN) Kosmas Platts
 Doyle Kratovil Poe (TX)
 Dreier Kucinich Polis (CO)
 Driehaus Lamborn Pomeroy
 Lance Posey

Price (GA) Schauer
 Price (NC) Schiff
 Putnam Schmidt
 Quigley Schock
 Radanovich Schrader
 Rahall Schwartz
 Rangel Scott (GA)
 Rehberg Scott (VA)
 Reichert Serrano
 Reyes Sessions
 Richardson Sestak
 Rodriguez Shadegg
 Roe (TN) Shea-Porter
 Rogers (AL) Sherman
 Rogers (KY) Shimkus
 Rogers (MI) Shuler
 Rohrabacher Shuster
 Rooney Simpson
 Ros-Lehtinen Sires
 Roskam Skelton
 Ross Smith (NE)
 Rothman (NJ) Smith (NJ)
 Roybal-Allard Smith (TX)
 Royce Smith (WA)
 Ruppertsberger Snyder
 Rush Space
 Ryan (OH) Speier
 Ryan (WI) Spratt
 Salazar Stark
 Sánchez, Linda Stearns
 T. Stupak
 Sanchez, Loretta Sullivan
 Sarbanes Sutton
 Scalise Tanner
 Schakowsky Taylor

NAYS—6

Campbell Flake
 Duncan Johnson (IL) Paul
 Sensenbrenner

NOT VOTING—15

Akin Fallin
 Andrews Hoekstra
 Braley (IA) Lewis (GA)
 Crowley Moran (KS)
 Ehlers Slaughter
 Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1937

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TONKO). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

GENERAL AND SPECIAL RISK INSURANCE FUNDS AVAILABILITY ACT OF 2010

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5872) to provide adequate commitment authority for fiscal year 2010 for guaranteed loans that are obligations of the General and Special Risk Insurance Funds of the Department of Housing and Urban Development, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5872

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 “General and Special Risk Insurance Funds Availability Act of 2010”.

SEC. 2. ADEQUATE COMMITMENT AUTHORITY.

Notwithstanding any other provision of law, for fiscal year 2010 the Secretary of Housing and Urban Development may enter into commitments to guarantee loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), in an amount not exceeding \$20,000,000,000 in total loan principal, any part of which is to be guaranteed.

SEC. 3. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

□ 1940

GENERAL LEAVE

Mr. FRANK of Massachusetts. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials on this bill.

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

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

The FHA has become a very successful program. It has taken up a lot of the slack that was created by problems elsewhere in the housing area. It is being run very well. Secretary Donovan and Administrator Stevens deserve a great deal of credit.

In a bipartisan way, the Committee on Financial Services has cooperated with them. We recently passed a bill, again a bipartisan bill, and the ranking member of the Housing Subcommittee, the gentlewoman from West Virginia (Mrs. CAPITO) is here, to enhance their authority to allow them to do a better job statutorily of guarding against abuse and fraud.

The program's been sufficiently successful so that they have now run out of commitment authority. This bill would give them \$5 billion more in commitment authority. But it is not an expenditure. Indeed, it is the opposite. This will save \$94 million because we have structured the FHA today, and it's being run in a way that it makes a small profit for the Federal Government.

If we do not pass this bill before the end of next week, us first and then the Senate, the FHA program will stop until October. That will deny people housing, and this is housing, homeownership and other forms of housing, that is responsibly done. It will be a further shot to the housing sector of the economy which is so important.

I add letters from the American Bankers Association and a joint letter from virtually every organization that deals with housing from the standpoint of consumers, or from the standpoint of financing, also from the standpoint of people in the business of providing housing. So providers of housing, financiers of housing, sellers of housing, consumers of housing all agree that we need this bill.

It should not be controversial because it extends a very successful program, stops it from being interrupted between now and October, and it will present savings of \$94 million.

I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, just briefly, I would like to join with the chairman of the full committee, Mr. FRANK, in full support of this bill. I would also like to thank the Appropriations Committee for letting us bump up two bills so we could get ahead a little bit on our evening.

I would like to reiterate just very quickly that this FHA program is a critical source of financing for affordable rental housing, and I am in full agreement that we should pass this bill, as it will help to mitigate any disruptions in the housing market.

I have no further speakers, and I yield back the balance of my time.

Mr. FRANK of Massachusetts. I yield myself 1½ minutes to say that some of the homeownership parts will continue, but there are very important pieces here involving health care facilities, involving multi-family housing, and there is some homeownership which would be lost if we were not able to do this. So I am glad to be joined by my colleague from West Virginia, and I hope that the House will promptly pass this bill and that the Senate will even promptly pass this bill, although that's always a greater hope.

JULY 28, 2010.

Hon. BARNEY FRANK,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FRANK: Our organizations would like to express strong support for H.R. 5872, The General and Special Risk Insurance Funds Availability Act of 2010. Recently, the Federal Housing Administration (FHA) notified Congress that it had exceeded 75 percent of its commitment authority to insure mortgages under the General Insurance and Special Risk Insurance (GI/SRI) Fund. FHA Commissioner David Stevens further warned that without an additional \$5 billion in commitment authority, the agency's current limitation would be fully exhausted by late August or September.

FHA is now facing the real possibility that it will have to shut down the multifamily and health care insurance programs. Without swift passage of H.R. 5872, needed affordable rental housing and health care facilities

could be at risk of losing time-sensitive financing and subsidy commitments as a result. Properties with maturing loans that must refinance could be at risk of losing the only source of refinancing available in the market at this time. The consequence is the delay or loss of bringing affordable housing to those people who need it so much.

As you know, during this period of significant turmoil in the credit markets, FHA's multifamily and health care programs have been a critical source of stable and affordable financing. We cannot afford a suspension of these important programs now.

We strongly urge Congress to act expeditiously to provide FHA with the additional commitment authority it is seeking. Failure to do so before Congress recesses this summer will cause significant disruptions to financing for apartment, hospital, and health care facilities that serve millions of Americans.

We thank you in advance for your support for H.R. 5872.

Sincerely,

American Health Care Association;
American Association of Homes and Services for the Aging; American Seniors Housing Association; Assisted Living Federation of America; Coalition for Seniors Health Care Reform; Council for Affordable Rural Housing; Committee on Health Care Financing; Housing Partnership Network; Institute of Real Estate Management; Institute for Responsible Housing Preservation; Mortgage Bankers Association; National Apartment Association; National Affordable Housing Management Association; National Association of Affordable Housing Lenders; National Association of Home Builders; National Association of Realtors; National Council of State Housing Agencies; National Leased Housing Association; National Multi Housing Council; New York Housing Coalition; Settlement Housing Fund; Stewards of Affordable Housing for the Future; Volunteers of America.

NATIONAL ASSOCIATION OF HOME BUILDERS,
Washington, DC, July 28, 2010.

Hon. BARNEY FRANK,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FRANK: On behalf of the 175,000 members of the National Association of Home Builders (NAHB), I am writing to express our strong support for H.R. 5872, the General and Special Risk Insurance Funds Availability Act of 2010. H.R. 5872 would increase the commitment authority for fiscal year 2010 for the General and Special Risk Program Account of the U.S. Department of Housing and Urban Development. Without the proposed \$5 billion increase, the Federal Housing Administration (FHA) could be forced to shut down the multifamily and health care facilities mortgage insurance programs. FHA recently notified Congress that without this increase, the agency's current limitation would be fully exhausted by late August or September, in advance of the end of the fiscal year.

The FHA multifamily and health care mortgage insurance programs are critically needed during this period of significant turmoil in the credit markets. Without additional commitment authority, needed affordable rental housing and health care facilities could be at risk of losing time-sensitive financing and subsidy commitments as a result. Properties with maturing loans that must refinance could be at risk of losing the only source of refinancing available in the market at this time. The consequence is the

delay or loss of bringing affordable housing to those people who need it so much.

Again, NAHB supports H.R. 5872 and urges your support on the House floor. This critical legislation will benefit thousands of people who need affordable rental housing and health care facilities, as well as provide needed construction jobs in this difficult economy.

Best regards,

JOE STANTON,
Senior Vice President,
Government Affairs.

MORTGAGE BANKERS ASSOCIATION,
Washington, DC, July 28, 2010.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.

Hon. SPENCER BACHUS,
Ranking Member, Committee on Financial Services,
House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: On behalf of the Mortgage Bankers Association, I want to thank you for your leadership in quickly moving H.R. 5872, the General and Special Risk Insurance Funds Availability Act of 2010, to the House floor. This legislation is urgently needed to avert a looming shutdown in the Federal Housing Administration's multifamily programs.

Recently, FHA notified Congress that it was close to exhausting its commitment authority to insure multifamily mortgages, and that an additional \$5 billion would be needed to keep the programs running through the end of the fiscal year. FHA's multifamily programs have been a critical source of stable and affordable financing during the current downturn in the credit markets. We simply cannot afford a suspension of these important programs now.

It is also important to note that the authorization of commitment authority is not the same as a direct appropriation and does not come with a cost to taxpayers. In fact, because FHA collects premiums to guard against the risk of default, the additional \$5 billion in commitment authority is estimated to generate \$94 million to the U.S. Treasury.

We urge the House to approve this bill so that we keep these important multifamily programs up and running.

Sincerely,

WILLIAM P. KILLMER,
Senior Vice-President,
Legislative and Political Affairs.

NATIONAL MULTI HOUSING COUNCIL
AND NATIONAL APARTMENT ASSOCIATION,
Washington, DC, July 28, 2010.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The National Multi Housing Council (NMHC) and National Apartment Association (NAA) urge immediate action on H.R. 5872, the "General and Special Risk Insurance Funds Availability Act of 2010", to prevent an imminent shutdown of the FHA multifamily loan program.

Absent Congressional action the multifamily and health care insurance programs will shut down. As a result, needed affordable rental housing and health care facilities could be at risk of losing time-sensitive financing and subsidy commitments. Properties with maturing loans that must refinance could be at risk of losing the only source of refinancing available in the market at this time. The consequence is the delay or loss of bringing affordable housing to those people who need it so much.

As required, the Federal Housing Administration (FHA) notified Congress that it had

exceeded 75 percent of its commitment authority to insure mortgages under the General Insurance and Special Risk Insurance (GI/SRI) Fund. FHA Commissioner David Stevens further warned that without an additional \$5 billion in commitment authority, the agency's current limitation would be fully exhausted by late August or September. Without swift action, that warning is now a reality.

As you know, during this period of significant turmoil in the credit markets, FHA's multifamily and health care programs have been a critical source of stable and affordable financing. We cannot afford a suspension of these important programs.

NMHC and NAA strongly urge passage of this critical legislation.

Sincerely,

DOUGLAS M. BIBBY,
President, National
Multi Housing
Council.

DOUGLAS S. CULKIN, CAE,
President, National
Apartment Associa-
tion.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 5872, 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.

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

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111-577) on the resolution (H. Res. 1568) providing for consideration of the bill (H.R. 5893) to amend the Internal Revenue Code of 1986 to create jobs through increased investment in infrastructure, to eliminate loopholes which encourage companies to move operations offshore, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111-578) on the resolution (H. Res. 1569) providing for consideration of the bill (H.R. 5850) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, which was referred to the House Calendar and ordered to be printed.

UNITED STATES PATENT AND TRADEMARK OFFICE SUPPLEMENTAL APPROPRIATIONS ACT, 2010

Mr. MOLLOHAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5874) making supplemental appropriations for the United States Patent and Trademark Office for the fiscal year ending September 30, 2010, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2010, and for other purposes, namely:

DEPARTMENT OF COMMERCE

UNITED STATES PATENT AND TRADEMARK OFFICE

For an additional amount for "Salaries and Expenses" of the United States Patent and Trademark Office, \$129,000,000, 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 \$2,016,000,000, this amount shall be reduced accordingly.

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

Of funds made available under this heading by Public Law 111-117, \$129,000,000 are hereby rescinded.

This Act may be cited as the "United States Patent and Trademark Office Supplemental Appropriations Act, 2010".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from Virginia (Mr. WOLF) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. MOLLOHAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 5874.

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

There was no objection.

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

Mr. Speaker, the United States Patent and Trademark Office, on an annual basis practically, has budgetary problems. It arises from the system under which they are funded and estimate their own finances, and the Appropriations Committee responds to that. It's imperfect because their predictions are obviously imperfect. They are talking about revenues that they may or may not receive into the future.

This legislation addresses their concerns for this year. The activities of

the U.S. Patent and Trademark Office are fully financed by user fees. And every year Congress appropriates an amount for the agency's activities that is equal to what the agency estimates it will collect in fees.

Based on higher-than-estimated fee collections to date in fiscal year 2010, it appears that the agency could potentially collect more in fees this year than was earlier estimated, and these additional fees would be unavailable to the agency this year under its current 2010 appropriation level.

What this bill, Mr. Speaker, will do, is allow USPTO to spend up to an additional \$129 million in patent and trademark fees if the agency actually collects fees over and above the current appropriation level of \$1.887 billion. This additional appropriation was requested by President Obama's administration and is based on a revised CBO estimate of the agency's fee collections for fiscal year 2010. This bill reflects the administration's and Congress's commitment to make fee revenue available to USPTO for patent and trademark activities.

The timely and efficient processing of patent and trademark applications is critical to the competitiveness of American businesses and the contributions of individual inventors to economic growth. The USPTO currently takes an average of over 34 months to complete the examination of patent application and has maintained a backlog of unexamined applications for several years. There are approximately 1.2 million patent applications now in the system, with over 750,000 awaiting an initial review by a USPTO patent examiner.

We should be clear, however, about what this bill will do and what this bill will not do. If the additional fees are actually collected in the remaining weeks of the fiscal year, the additional \$129 million in budget authority provided by this bill will begin to help the agency address the ongoing patent pendency and backlogs.

□ 1950

Mr. Speaker, what this bill will not do is fix the underlying structural flaws in USPTO's revenue mechanisms that are the major cause for the patent pendency and backlog problems that have plagued USPTO for years. The only path to a meaningful and permanent reduction in patent pendency and the backlog is for stakeholders to support, and Congress to approve, new fee authorities for USPTO that will lead to patent fees that reflect the actual cost to the agency and to our government. But that is beyond the scope of this appropriations bill.

Before concluding, Mr. Speaker, I want to reiterate that the Appropriations Committee consistently appropriates budget authority for USPTO based on the agency's own estimates of fee collections, and the current year appropriation was no exception to this rule. The administration's request for