

Radio Act of 2010. I want to thank Chairman BOUCHER for his leadership in guiding this bipartisan bill through the Energy and Commerce Committee and the House last year. I also want to recognize and thank Mr. DOYLE and Mr. TERRY—the original sponsors of the bill—for their tireless leadership in pushing this legislation forward, and for their commitment to expanding diversity, localism, and competition in our media landscape. Mr. DOYLE has been an energetic champion of local community radio, and I greatly appreciate his leadership, flexibility, and perseverance.

I have long-supported expanding Low Power FM radio services. This bill removes a statutory barrier to the creation of potentially thousands of new low power stations across the country. The creation of these stations will further the overriding national policy goals of promoting broadcast localism and diversity. At the same time, this legislation fully protects incumbent radio broadcasters from unreasonable interference, with a clear dispute resolution process to mitigate interference with station transmissions.

In December 2009, the House has approved the Local Community Radio Act by voice vote. Since that time, however, the bill has been held up in the Senate due to ongoing concerns from some broadcasters. To address these concerns, Mr. DOYLE, Mr. TERRY, Senator CANTWELL, and Senator MCCAIN have been working diligently to eliminate outstanding objections so we can finally pass this legislation and send it to President Obama for signature. It is my hope that the Senate will take up H.R. 6533 promptly and do just that.

Most notably, this revised version of the bill incorporates additional interference remediation procedures preferred by the broadcasters. I am pleased that H.R. 6533 now has the full support of the National Association of Broadcasters. I want to thank NAB for working with us cooperatively to move this legislation closer to passage. I also want to thank the Prometheus Radio Project, the United Church of Christ, and other long-time supporters of Low Power FM services for their input and support.

This is a good bipartisan bill that will promote localism and diversity over the airwaves. I urge my colleagues to support H.R. 6533.

Mr. DOYLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HOLDEN). The question is on the motion offered by the gentleman from Pennsylvania (Mr. DOYLE) that the House suspend the rules and pass the bill, H.R. 6533.

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.

□ 1110

#### AIDING THOSE FACING FORECLOSURE ACT OF 2010

Mr. CAPUANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5510) to amend the Emergency Economic Stabilization Act of 2008 to allow amounts under the Troubled Assets Relief Program to be used to pro-

vide legal assistance to homeowners to avoid foreclosure, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5510

*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 “Aiding Those Facing Foreclosure Act of 2010”.

#### SEC. 2. FORECLOSURE AVOIDANCE ASSISTANCE.

Section 109 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5219) is amended by adding at the end the following new subsection:

“(d) LEGAL ASSISTANCE.—

“(1) USE OF FUNDS.—The Secretary shall make amounts that were obligated under this title, through the financial instruments for the Housing Finance Agency Innovation Fund for the Hardest-Hit Housing Markets program of the Secretary (in this subsection referred to as the ‘Hardest-Hit Fund’), available to eligible entities, housing finance agencies, or affiliates of such entities or agencies participating in the Hardest-Hit Fund, upon request by such entities, housing finance agencies, or affiliates, for the additional purpose of providing assistance to State and local legal organizations, including nonprofit legal organizations, whose primary business or mission is to provide legal assistance, for use for providing legal assistance to homeowners of owner-occupied homes consisting of from one to four dwelling units who have mortgages on such homes that are in default or delinquency, in danger of default or delinquency, foreclosure, or any deed in lieu of foreclosure or short sale.

“(2) PROHIBITION ON CLASS ACTIONS.—No funds provided under this subsection to a State or local legal organization, including a nonprofit legal organization, may be used to support any class action litigation.

“(3) LIMITATION ON DISTRIBUTION OF ASSISTANCE.—

“(A) IN GENERAL.—None of the amounts made available under this subsection shall be distributed to—

“(i) any organization which has been convicted for a violation under Federal law relating to an election for Federal office; or

“(ii) any organization which employs applicable individuals.

“(B) DEFINITION OF APPLICABLE INDIVIDUAL.—In this paragraph, the term ‘applicable individual’ means an individual who—

“(i) is—

“(I) employed by the organization in a permanent or temporary capacity;

“(II) contracted or retained by the organization; or

“(III) acting on behalf of, or with the express or apparent authority of, the organization; and

“(ii) has been convicted for a violation under Federal law relating to an election for Federal office.

“(4) AUTHORIZATION.—Amounts used as described under paragraph (1) shall be deemed to be for actions authorized under this title.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. CAPUANO) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. CAPUANO. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. CAPUANO. Mr. Speaker, I yield such time as she may consume to the sponsor of the bill, the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Thank you very much to my dear colleague, Congressman CAPUANO of Massachusetts, for yielding me this time in support of moving today H.R. 5510, the Aiding Those Facing Foreclosure Act, which merely allows technical clarification language to existing legislation. No authorization of funding or any expansion of existing funding is included in this bill.

I would like to thank my colleagues on both sides of the aisle for their support and for bringing this forth today. In particular, I would like to thank Chairman FRANK and Congressman STEVE LATOURETTE for their ongoing efforts on behalf of homeowners facing foreclosure.

Ohio is among those States labeled as the hardest hit in our Nation by the foreclosure and economic crisis, along with 18 other States. These states receive what is called “hardest hit” assistance funds.

Ohio, among other States, wants the discretion to use a small amount of its existing funds under existing authorities to support legal advice through not-for-profit legal organizations to individual families facing foreclosure. However, Treasury interpreted that existing law didn’t allow that. That is why we are here today—to clarify that, in fact, citizens of our Nation who are single-family homeowners do have the right to proper legal advice in such critical mortgage workout proceedings that affect their equity, that affect their family’s home and their future.

Millions of people have faced foreclosure across our Nation. Far too many are losing their homes without proper, necessary legal representation. Many even have no idea that they have legal standing in such property proceedings. At such a critical and emotional moment in a family’s life, legal advice can help a family find the outcome that works best for them in a foreclosure proceeding. In today’s very complex mortgage proceedings, it becomes daunting for affected homeowners to gain the legal advice necessary to navigate the increasingly complex world of distant banks and courts, which often are much more easily navigated by the mortgagor. And certainly the mortgagee should have similar legal rights as well.

We appreciate the fact that the Treasury is sending a letter of support in furtherance of our efforts. Thus, I introduce this legislation as a legislative fix, H.R. 5510. For those States already receiving hardest hit funds, H.R. 5510 increases the State’s ability to serve only single-family owner-occupied units that are facing default, delinquency, foreclosure, deed in lieu, or

short sale by permitting, if the State so chooses, to use hardest hit funds to support legal services offered by not-for-profit legal aid organizations.

In sum, the bill does not require States to use funds to support legal aid or services. So there's no requirement. This language is only permissive. The bill does not permit funds to be used for class action lawsuits. It only applies to single-family owner-occupied units. The bill does not permit any organizations like ACORN or others that are not not-for-profit legal assistance groups to receive funding. Further, the bill does not take money away from any State that is already administering its funds. And the bill actually will help relieve pressure on the States that are not hardest hit as other funding becomes available in related housing programs in the future.

So, let me be clear. There's no new money involved here. This is only giving the hardest hit States a new tool, if they so choose to use it, to fight foreclosures in their States and give proper legal standing to all parties involved. Nothing could be more important than allowing families facing foreclosure to be afforded proper legal assistance to rework their loan where that is possible.

Please support passage of H.R. 5510, the Aiding Those Facing Foreclosure Act.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts (Mr. FRANK) will control the time.

There was no objection.

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

I rise on behalf of Ranking Member SPENCER BACHUS, the minority in opposition, strong opposition, to H.R. 5510.

Mr. Speaker, here we go again. The American people have rightly demanded an end to the bailouts, but this outgoing Democratic majority just can't seem to let go. Just this past October, Secretary Geithner put out a lengthy report proclaiming the expiration of TARP, but it seems that the \$700 billion bailout isn't quite dead yet.

Just a week away from Christmas Eve, the Democratic majority is today attempting to bring the bailout back to life for the sole purpose of showering taxpayer money on community groups that provide legal assistance. The premises of reopening TARP for this purpose is troubling enough, but perhaps even worse is that we are bypassing any form of regular order to consider this this morning.

We first received the text of this language, which is substantially different from the introduced version, at 9 a.m. this morning. No hearings were held on this legislation. No subcommittee or full committee markup. No CBO score has been produced. We have yet to receive any feedback whatsoever from the Department of Housing and Urban Development or from the President.

We have heard that there's a letter of support, but simply the letter we've re-

ceived from the Treasury is one outlining why they can't do it. In fact, there's been newspaper articles about how Secretary Geithner has blocked this from occurring. In fact, the General Counsel recently wrote that the proposed legal aid services are not necessary to the implementation or effectiveness of the hardest hit fund because Congress has provided other specific appropriations that funded the same type of legal aid processes or services proposed by the State and Federal; that legal aid services are not necessary or essential to the implementation of a loan modification program. The case has not been made that there are inadequate resources for legal assistance.

□ 1120

The American people expect better.

The legislation before us today could conceivably result in billions of taxpayer dollars being pumped into community groups similar to the now defunct ACORN. That was not the purpose of the hardest-hit housing market's program nor was it contemplated by the original emergency TARP bailout. Even Treasury Secretary Geithner agrees with that point. TARP was designed to return all unspent funds directly to the taxpayer so that legislative efforts like today's wouldn't be possible. In theory, this legislation could prevent more than \$7 billion from being returned to the taxpayers.

Our goal should be to return as much taxpayer money to the taxpayer, not to invent new ways to make sure that we spend it. TARP was not designed to be a perpetual slush fund.

The drafters of the 2008 TARP clearly understood how tempting it would be to have a \$700 billion pot of money lying around, so they installed a firm expiration date for the program. That hasn't stopped this majority from attempting to use the emergency stabilization money for other purposes; but today's poorly crafted, non-vetted, redundant, duplicative, and perhaps unnecessary bailout is particularly egregious due to the process they followed.

I urge my colleagues to reject this suspension, and if additional legal assistance moneys are required, go through regular order to prove it.

I reserve the balance of my time.

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

Mr. Speaker, I salute the "good soldier" attitude of my friend from Nebraska. In the absence of any member on the Financial Services Committee, he agreed to stand up and read what was written. He has no way of knowing how silly it is. Nobody explained to him how inaccurate it was.

For example, he says this has not gone through regular order. It is, in fact, exactly the same legislative language that was debated, amended and adopted in the House Financial Services Committee and then in conference during financial reform. It is exactly that.

There is language in here that the gentlewoman from Ohio sensibly agreed to that makes it clear that organizations that have been convicted of criminal abuses can't be here, that only genuine legal services organizations can get this money and that there can be no class actions. It was carefully done. It's not the gentleman's fault. He wasn't there. I wish the people who had been there had told him that.

This is the legislative language taken from a bill that went through the full legislative procedure and passed the House. In fact, there was a change because we told the gentlewoman from Ohio, who has been very diligent in this regard, that we thought it was best precisely to avoid that kind of argument and to take the language that had already been adopted in the committee, in the conference and on the floor of the House.

Secondly, we are told it's going to cost extra money. No, it will not. In fact, it could save money. In the language that the House passed and the conference committee passed, we authorized \$35 million for exactly this purpose.

What the gentlewoman from Ohio is proposing is that we take money that has already been voted under the TARP and use it for that. The gentleman has been asked to characterize it as a "slush fund." Hardheartedness has rarely come so close to the Christmas season. This slush fund is to go to working Americans who bought homes and who are facing foreclosure. Frankly, we were reasonably certain of this when we passed this earlier this year, but we now know there have been serious legal problems with the foreclosures. Some of them are merely paperwork. Others we have seen are documented abuses.

You are a homeowner in trouble. You have the legal teams coming at you from the lenders, from the servicers and others. You cannot yourself afford a lawyer. You're having trouble meeting your mortgage payment.

What we say is, We will give you access to a lawyer—not in the offensive way. There is no class action here. There is no legal suit that can be brought against the lenders. There maybe should be.

This says, I'm being foreclosed. I don't think I should be foreclosed. They made a mistake. I paid that mortgage; or I got a modification. Somebody forgot it.

All we're asking is, Can we take some money that has already been voted and let that person have a lawyer to go to court—a legal services lawyer, vetted by the local bar association—to defend him?

To the Republican Party, that's a slush fund. I am appalled. I am appalled at the insensitivity and at the cruelty.

By the way, I voted for the TARP money, along with Mr. BOEHNER, the incoming Speaker. They did it at the

request of President Bush. As for the bailouts they keep flailing about, every single bailout that exists in America today was initiated by President George Bush, every single one—AIG, the TARP, the automobiles. It was George Bush who did it, and George Bush, after the election conveniently, said that it was the TARP that saved the economy from the consequences, I think, of mistakes that had been made during his Presidency. So that's the bailout they are talking about.

What we are saying is this:

We put an end to any new money. Given existing money, given the clear documentation that there have been abuses and errors and even, in some cases, fraud in the foreclosure process—although, in some cases, they were just paperwork errors—this is for beleaguered homeowners who are trying to save their homes, who are trying to keep themselves and their families from being kicked out of their homes in case there was a mistake at legal assistance. If everything is in order, the lawyers can't save them.

What we are saying is, given what has been documented, let's take some of the money that has already been voted in the TARP—that's right. It has no CBO score—and put it there.

Secretary Geithner told me personally that he supports this. I'm sorry the letter isn't here yet, but I think Members will accept the fact that I'm telling the truth when I tell you that I spoke to the Secretary and showed him what we were doing, and he supports it. The language has gone through the full legislative process. It is language taken from the bill.

I hope we will pass this and also have the \$35 million. This is for the hardest-hit States, the States that have had the worst impact. The \$35 million could then be used for the other States. But again, a slush fund? It's a slush fund that can't go to ACORN. I know ACORN is a real focus for them.

It, of course, validates the old saying: Great obsessions from tiny acorns grow.

So every time we try to help any poor people with legal assistance so they are not faced with the unfair situation of being outgunned by an array of lawyers and they don't have any lawyers themselves to defend them, ACORN gets it. ACORN can't get this money on a number of grounds. There can't be class action suits.

If there is a homeowner who is convinced that he or she is being unfairly foreclosed upon and could document errors, should that person be denied legal assistance from money already voted at the request of George Bush and with the support of MITCH MCCONNELL and with the support of the incoming Speaker and with the support of the incoming majority leader? Should they not be able to use it?

I wish this weren't partisan. People tell me, Why are things partisan?

I wish things weren't partisan. I wish I could eat more and not gain weight. I wish a lot of things.

We are here on a partisan situation because what ought to be obvious is that money already appropriated, knowing as we do that there have been abuses in the foreclosure process, ought to be available to appoint genuine lawyers to defend people. By the way, do you know legal services lawyers? They're among the most dedicated people you'll find. These people could be making far more money in private practice, but they're there to help out.

They're restricted. There can't be class action suits. They can't go to a general organization that does legal work. They have to go to a genuine legal services organization, which are often, in my case, always supervised by the State bar association—and it is a slush fund.

You know, I can understand some differences of opinion, but to demean it this way—to call it a "slush fund"—to deny ownership of the bailout, which was, of course, a Republican administration policy and to characterize it that way, all we are saying is money already voted could be made available for genuine legal assistance to help people who are facing unfair foreclosures so they can go to court.

The point is that we get this demeaning characterization. You know, we are supposed to be proud of our system of justice. We are not talking about giving anybody a free pass. What we are saying is working people who are facing foreclosure ought to be able to get to court on, not equal terms with the lenders and the large organizations opposing them, but with some bare minimum of representation—and that's a slush fund. That's a political trick.

□ 1130

I am very disappointed. We had real hopes that we could get some agreement on this. Everybody acknowledges that there have been abuses in the foreclosure process. We know there are people who can't afford lawyers. It will not cost the taxpayers any money. This is money that will be used elsewhere. It's a diversion from money that was otherwise going to be used in the TARP. It doesn't reopen the TARP. I hope it will add to the \$35 million we hope we can get. It has been vetted through the legislative process. The gentlewoman from Ohio, who has been a great crusader on behalf of people in this situation, accepted our suggestion that she take the language that has already been voted on in the House.

So I am disappointed, but I hope that party discipline will not prevail on the Republican side. People—particularly from those States, Ohio, California, Indiana, and Florida, where they are particularly hard hit, but everybody, because everybody will benefit if we can increase this pool—will say something that's apparently terribly radical to my Republican friends. Let's let members of legal assistance operations, supervised by their bar associations, subject to their supreme courts and the

State's supervision, go to court to defend someone facing an array of high-priced legal talent when they know that they are being foreclosed upon illegally and inappropriately.

And that is apparently a terrible thing to the Republican Party. I am, as I say, appalled. I hope that a sense of fairness will somehow prevail and we can pass this bill.

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

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

I appreciate my friend from Massachusetts pointing out my good soldiering here, but there are certain things that I do know are facts, and that is: Taxpayers are already paying for legal services for the impoverished. It's the Legal Services Corporation. And the appropriation for this year, at least as it currently is listed, is \$440 million.

Perhaps what we're saying here is using the TARP fund as the vehicle and keeping TARP alive is the wrong process here. Perhaps this isn't a TARP or financial services issue. The right way is an appropriation issue.

If the majority is upset that there is not enough money going to legal services for the poor, whether it's for foreclosures or other legal issues, the right path would be addressing the Appropriations Committee and asking for additional funds within an already existing process.

Committee staff is not aware of whether or not Geithner has now said he is in favor of this bill. We don't know of any conversations, but we have no doubt to disagree with the gentleman from Massachusetts' statement that he has had conversations. We've heard about a letter, but we only have one dated September 13.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. TERRY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Yes, the letter is on the way. I state, as a matter of fact, that I personally spoke to Secretary Geithner and he told me, as I explained it, that he supports it.

Does the gentleman doubt my word?

Mr. TERRY. No, and I said I don't doubt your word. I said that.

What we have here is a September 13 letter, but we've also heard that there is another letter, or maybe we are talking about the same letter.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. TERRY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The letter you are talking about is one in which he says he doesn't have the legal authority to do it. This bill gives him the legal authority. There is no conflict. This bill now is a response to that letter. And I repeat that he has said that he is in favor of getting the legal authority to do it.

Mr. TERRY. And reclaiming my time, that's the reason for our opposition here.

The Treasury Department—it wasn't Republicans. It was their own administration and the Cabinet Member, Mr. Geithner, that said TARP doesn't have the powers to be a legal aid fund, so it takes them to have to change this.

I kind of heard both things here, that if the administration was agreeing to this or saying that this was the right thing for TARP or that they had the powers, why was this bill even necessary? But let's say TARP was necessary, or this bill is necessary, because, as Geithner said in the September 13 letter, they don't have the power. So now, 2 years after the fact, they want to change TARP to become a legal aid fund.

I was part of the group that held out our votes because we wanted to make sure that this wasn't going to be a fund that was going to be continuously used, that every dollar that was going to be spent had the opportunity to be recouped so that the taxpayers at the end would not be out any dollars. This changes the whole philosophy of TARP for many people that voted for it.

DEPARTMENT OF THE TREASURY,  
Washington, DC, September 13, 2010.

Hon. MARY JO KILROY,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE KILROY: I am writing in response to your recent inquiries about the Housing Finance Agency Innovation Fund for the Hardest-Hit Housing Markets (the "HFA Hardest-Hit Fund"). As you know, we designed the Fund to support new and innovative foreclosure prevention efforts in states—such as Ohio—that have been hardest hit by housing price declines and high unemployment rates. I share your strong commitment to maximizing the impact of the HFA Hardest-Hit Fund and to helping responsible Americans keep their homes.

I also understand your interest in whether the HFA Hardest-Hit Fund can support legal aid services proposed by state HFAs. It is critically important that struggling American families receive accurate and helpful advice about how to take advantage of the Administration's housing relief efforts. Accordingly, I asked George Madison, the General Counsel of the Treasury Department, to review the issue closely. Mr. Madison has concluded that legal aid services cannot be funded through programs such as the HFA Hardest-Hit Fund that are authorized under the Emergency Economic Stabilization Act of 2008 ("EESA"). I have enclosed a detailed memorandum that analyzes the legal issues and statutory limitations.

Thank you for your attention to these critical issues. Although we cannot use EESA funds to support legal aid services, we are fully committed to working with you to ensure that the HFA Hardest-Hit Fund successfully provides targeted aid to struggling homeowners and encourages innovative solutions to the housing downturn.

Sincerely,

TIMOTHY F. GEITHNER,  
Secretary of the Treasury.

Enclosure.

DEPARTMENT OF THE TREASURY,  
Washington, DC, September 10, 2010.

MEMORANDUM FOR SECRETARY GEITHNER  
FROM: George W. Madison, General Counsel

SUBJECT: Funding of Legal Aid Services in connection with the Housing Finance

Agency Innovation Fund for the Hardest Hit Housing Markets

This memorandum addresses whether the Department of the Treasury ("Treasury") can support certain proposed legal aid services using Troubled Asset Relief Program ("TARP") funds in connection with the Housing Finance Agency Innovation Fund for the Hardest Hit Housing Markets ("HFA Hardest-Hit Fund").

We understand that you intend to share this memorandum with Members of Congress.

#### I. SUMMARY CONCLUSION.

For the reasons discussed below, we have concluded that legal aid services cannot be funded through programs such as the HFA Hardest-Hit Fund that are funded under the Emergency Economic Stabilization Act of 2008 ("EESA"). Legal aid services are not specifically authorized under EESA. In addition, the proposed legal aid services are not necessary and incidental, as a matter of law, to the implementation or effectiveness of the HFA Hardest-Hit Fund, because: (1) Congress has provided other specific appropriations that fund the same type of legal aid services proposed by the state Housing Finance Agencies ("HFAs"); and (2) legal aid services are not necessary or essential to the implementation of a loan modification program.

#### II. FACTUAL BACKGROUND.

Treasury has provided funding under EESA for the HFA Hardest-Hit Fund for measures developed by state HFAs to help homeowners in the states that have been hardest hit by the housing downturn. Treasury has designated the HFA Hardest-Hit Fund specifically for implementation in eighteen states, as well as the District of Columbia. Each applicable state HFA (or an eligible entity on its behalf) has developed a range of programs tailored to the needs of its individual state and has submitted funding requests to Treasury. Proposal submission guidelines instruct the eligible state HFAs that the proposed programs must "meet the requirements of EESA."

Staff members from several eligible HFAs have expressed an interest in funding certain types of counseling and/or legal aid services. Accordingly, they requested Treasury's views on the funding of these types of services. In response, we communicated—through a law firm engaged by Treasury to assist it with the implementation of the HFA Hardest-Hit Fund—our conclusion that certain limited counseling services are eligible for funding under EESA, but that the proposed legal aid services are not eligible. This memorandum describes Treasury's legal position in further detail.

#### III. LEGAL ANALYSIS.

As a general matter, government funds may be used only for their intended purpose. EESA does not expressly authorize payments for legal aid services. Section 101 of EESA authorizes the Secretary of the Treasury to purchase "troubled assets from any financial institution." And 109(a) authorizes the Secretary to use "loan guarantees and credit enhancements to facilitate loan modifications to prevent avoidable foreclosures." Consistent with this authority, Treasury has specified that HFA Hardest-Hit Fund proposals must facilitate loan modifications using credit enhancements in the form of payments to loan servicers, investors, and borrowers.

EESA does not cite, much less authorize, spending for legal aid services. However, appropriations law does not require that all government expenditures must be specifically or expressly identified by Congress. It is well-settled that when Congress makes an appropriation for an expressly-stated pur-

pose, it also authorizes by implication expenditures that are "necessary or incidental to" the implementation of the expressly stated purpose.

The Comptroller General of the United States has held that three factors must be considered when determining whether a federal government expense is necessary or incidental—as a matter of law—to the implementation of the object of an appropriation (in this case, the implementation of a mortgage modification program under EESA). All three factors must be satisfied.

First, the expenditure must be "reasonably related to the purposes for which the appropriation was made." Second, the expenditure "must not be prohibited by law." And third, the expenditure "must not fall specifically within the scope of some other category of appropriations"—in other words, the expenditures are only authorized if they have not been provided for more specifically by some other appropriation or statutory funding scheme. The last requirement applies even if the more appropriate funding source is exhausted and therefore unavailable. If a federal agency funds an activity under a broad appropriation, despite the fact that the activity been specifically funded by another appropriation, the agency would violate the Anti-Deficiency Act (31 U.S.C. § 1341)."

In our view, the expenditure of EESA funds for legal aid services under the HFA Hardest-Hit Fund is prohibited, because it does not satisfy the third factor of the Comptroller General's test. Congress has otherwise appropriated federal funds for the same types of legal aid services proposed by the state HFAs. This conclusion, by itself, is dispositive and means the proposals cannot be funded under the HFA Hardest-Hit Fund.

In addition, we have concerns about whether the HFA proposals satisfy the first factor of the Comptroller General's test. Although the precise legal standard governing this factor is unclear, numerous opinions require a close nexus to a specific statutory purpose—i.e., that expenditures be "necessary" or "essential." We recognize that typical legal aid services, such as those proposed by the various state HFAs, are reasonably related to foreclosure prevention efforts generally. However, we do not believe they are necessary or essential to loan modification programs under the HFA Hardest-Hit Fund.

#### A. Legal Aid Services Fall Specifically within the Scope of Another Appropriation.

The third factor of the Comptroller General's test prohibits the payment of any expenses if another appropriation "makes more specific provision for such expenditures. In this case, the question is whether the legal aid services proposed by the state HFAs fall within the scope of other existing appropriations.

The answer is yes. Congress has specifically provided funds for legal aid services through annual appropriations to the Legal Services Corporation (the "LSC"). The LSC uses appropriated funds to make grants to non-profit legal aid programs, which in turn offer legal services to low-income individuals and families. Those services include helping "homeowners prevent foreclosures or renegotiate their loans."

Moreover, Congress recently authorized legal aid specifically related to foreclosure prevention efforts. On July 21, 2010, the President signed into law the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-517 (2010) (the "Dodd-Frank Act");

Section 1498 of the Dodd-Frank Act authorizes HUD to establish and administer a program that funds foreclosure legal assistance to low- and moderate-income homeowners and tenants related to home ownership preservation, home foreclosure prevention, and tenancy associated with home foreclosure;

Section 1498(d)(1) requires that the legal assistance only be provided to “homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure;” and

Section 1498(f) appropriates to the Secretary of HUD \$70 million for fiscal years 2011 and 2012 (\$35 million each year) for these legal aid grants.

In short, Congress already has funded legal aid services through existing appropriations and statutory funding schemes. Accordingly, we believe that providing additional funding for legal aid services under the HFA Hardest-Hit Fund would be contrary to opinions of the Comptroller General and it might violate the Anti-Deficiency Act.

*B. Legal Aid Services May Not Constitute a “Necessary Expense.”*

The first factor of the Comptroller General’s test requires that necessary and incidental expenses must be “reasonably related to the purposes for which the appropriation was made.” As previously noted, we are not relying upon this analysis, because the HFAs’ legal aid proposals clearly do not satisfy the third factor of the Comptroller General’s test. Nonetheless, various Members of Congress and other interested parties have raised questions related to this issue. Therefore, we have considered it and concluded that the legal standard may not be satisfied.

Despite a “vast number of decisions over the decades,” the Comptroller General has not applied the first prong of its test in a clear and consistent manner.” Instead, the Comptroller General has used a variety of different formulations when discussing the standard. “If one lesson emerges, it is that the concept is a relative one.” Nonetheless, in numerous opinions, the Comptroller General has required a close nexus between a specific express statutory purpose and any proposed expenditures—i.e., the expenditures must be “necessary” or “essential.”

In this case, legal aid services may be reasonably related to foreclosure prevention efforts generally; however, they are not necessary or essential to running a loan modification program. Typically, legal aid lawyers who represent struggling homeowners perform a variety of functions, other than just negotiating mortgage modifications. For example, legal aid lawyers represent borrowers in arbitration proceedings against their lenders; file injunctions and bankruptcy petitions to prevent foreclosure sales; and, when foreclosure sales occur, file exception proceedings in state court.

Notably, the HFAs’ legal aid proposals do not focus on obtaining modifications under the HFA Hardest-Hit Fund or under Treasury’s Home Affordable Modification Program (“HAMP”). Instead, they fall within two general categories: using EESA funds to pay lawyers to represent distressed borrowers in state foreclosure proceedings, or using funds to provide general support to legal aid programs related to foreclosure prevention. Given the breadth of the proposals, legal aid services frequently would result in outcomes other than loan modifications. Accordingly, they are not—by definition—necessary or essential to loan modification programs under the HFA Hardest-Hit Fund. Moreover, even if the HFAs’ proposals were more targeted, most borrowers can obtain modifications without traditional legal services. That is, there is no need for representation in court proceedings, no requirement to file papers or cite legal authorities, and no need to negotiate contracts (because the modifications are standardized).

We recognize that some Comptroller General opinions suggest that expenditures merely need to be “reasonably related” or “contribute materially” to an authorized

statutory purpose. Here, one could argue that a general statutory purpose of EESA is to prevent foreclosures and that any expenditures reasonably related to that purpose are permissible. We believe that such an interpretation sweeps too broadly. It would authorize an almost unlimited number and variety of government expenditure—i.e., anything that is reasonably related to preventing foreclosures. It also would render meaningless the express provisions in EESA that together provide authority for the HFA Hardest-Hit Fund: Section 101 authorizes the Secretary to purchase “troubled assets from any financial institution,” and 109(a) authorizes the Secretary to use “loan guarantees and credit enhancements to facilitate loan modifications to prevent avoidable foreclosures.” Lastly, such an interpretation would be contrary to how Treasury has implemented EESA.

*C. Certain Limited Intake and Follow-Up Services Are Eligible for EESA Funding.*

Finally, it is instructive to compare the HFAs’ legal aid proposals to the much narrower intake and follow-up services related to TARP-funded modifications that are provided by homeowner counseling agencies. We previously have concluded that these services satisfy the Comptroller General’s test and are eligible for EESA funding.

Most HFAs have submitted proposals to Treasury that include services narrowly tailored to obtaining modifications under the HFA Hardest-Hit Fund programs, such as: (i) making prequalification assessments of eligibility and submitting the qualified applications to the HFAs; (ii) obtaining supporting documentation from the borrowers and providing it to the HFAs; (iii) ensuring that borrowers execute the necessary documents for HFA Hardest-Hit Fund programs; (iv) conducting post-closing meetings with borrowers receiving assistance to ensure that they are complying with the HFA Hardest-Hit Fund programs; and/or (v) verifying the steps that the borrower has taken to find a job.

In contrast to legal aid, these particular services do not fall within the scope of other existing appropriations. Moreover, they are “necessary” and “essential” to running a mortgage modification program, within the meaning of the Comptroller General opinions. The HFAs have represented that in the absence of intake and follow-up services, both the number of applicants and the number of approved participants will be materially smaller. These services are necessary for many borrowers to participate in the HFA Hardest-Hit Fund programs, and it will be very difficult for many of these programs to run effectively without such services. In addition, intake and follow-up services are directly related to the HFA Hardest-Hit Fund programs. They will neither be available to nor assist applicants to other, non-TARP funded programs.

IV. CONCLUSION.

We recognize that legal aid services—such as representing a borrower in court to avoid a foreclosure, or advising a borrower about his or her legal rights—may be helpful to preventing foreclosures. However, EESA does not expressly authorize payments for such services, and Congress has provided other federal funds for the same types of services proposed by the HFAs. Moreover, unlike the specific counseling services that HFAs have proposed, legal aid services are not necessary or essential to the implementation of the particular HFA Hardest-Hit Fund programs, within the meaning of the Comptroller General opinions. For all these reasons, Treasury has determined that legal aid services are not eligible for EESA funding from the HFA Hardest-Hit Fund.

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

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

Well, apparently the gentleman from Nebraska, having denounced those bailouts, now tells us he voted for it. So it’s confession time before the House. He apparently voted for the measure that he characterizes as a “bailout” that was such an imposition.

Secondly, I have never heard anything more confusing than this discussion of the letters. Yes, the Secretary wrote and said, I don’t now have the authority. And we then said, Okay. We will give you the authority.

Mr. TERRY. Will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Nebraska.

Mr. TERRY. We were referring to the gentlelady from Ohio’s statement on the floor that she has a letter saying that they support this. We have not seen a letter that says that.

Mr. FRANK of Massachusetts. I know you haven’t seen the letter. I told her that the Secretary told me the letter is coming. The letter is now being cleared by OMB. So we don’t have the letter yet—the letter has been written—but I can tell you the Secretary says he wants it.

The gentleman’s discussion of the letter is totally confused—and confusing, as a consequence.

Yes, there was a letter saying we don’t now have the authority. This gives them the authority, which they welcome. Secondly, this does not extend the TARP at all. This does not extend the TARP in any way. And as to getting repaid, there is legislation that we added to the TARP that requires that at the end of the TARP program, 5 years from the date of it, 2013, the President must submit to us legislation that gives us a way to get it back from the financial services industry.

So, yes, this will be repaid to the taxpayer by the financial services industry. By the way, the TARP is now down to a total of 25. This does not add \$1 or 1 day to the TARP, either in its lifetime or in its funding.

The gentleman said, well, there is money in legal services. Yes. The legal services appropriation last year was passed before we understood the extent of the mistake, the fraud, and the abuse in the foreclosure process. That is exactly right. The \$400 million in legal services did not anticipate what we have since learned about abuses in the foreclosure process.

Finally, the gentleman said do it through the appropriation. We have done that as well. We have asked for \$35 million additional. By the way, this is not extra money. The appropriations would be additional money. But I will look forward to their support when that happens.

Mr. Speaker, I would now yield 3 minutes to the gentlewoman from Ohio (Ms. KILROY).

Ms. KILROY. I thank the chairman, and I thank the gentlelady, my colleague from Ohio, Congresswoman KAPTUR, for bringing this bill forward.

You know, the hardest hit funds were put into place with the intention of assisting and helping people in States that have been hard hit by the foreclosure crisis that has enveloped this country, States like Ohio that have been hit for years over and over again with record foreclosures.

We have tried various ways to assist in this issue, and the President and the Treasury came up with and we approved the Hardest Hit Fund Program, H.R. 5510. That allows States to put together a plan for how they want to address the issue of foreclosures inside their own State. The States need to agree.

Now, some States wanted to include legal services in their plans and were not able to do it. States like Ohio were not able to do it, even though the use of attorneys in the process can be a very cost effective and useful way of moving the cases forward, of coming to agreement, of helping people come up with a plan and helping the banks to agree with it. Sometimes they are needed because there are egregious abuses on the other side in the foreclosure process that need to be addressed. But sometimes, in counties like mine, Franklin County, Ohio, where, when I was a county commissioner, we set up a court mediation process for foreclosures, lawyers are needed and useful in, again, bringing the parties together and helping them resolve the issues with respect to their mortgages, their refinancing, and their ability to keep their home, which is a major investment in their life. And keeping people in their homes also helps our communities. It helps our neighborhoods, because every time we have a foreclosure, we see crime going up and we see the value of their neighbors' properties going down.

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This fix to allow Treasury to approve plans submitted by States that want to use legal services will help this process move forward in an effective, just, and cost-effective way.

I thank the gentleman.

Mr. FRANK of Massachusetts. How much time is remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 2 minutes remaining, and the gentleman from Nebraska has 10½ minutes remaining.

Mr. TERRY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. LATOURETTE) who was actually a sponsor of the bill.

Mr. LATOURETTE. Mr. Speaker, I wasn't going to come over and talk on this bill this morning, but there's some things that are upsetting me as we wind down this lame duck session, and I think there's one merciful thing that could happen around here—this lame duck ought to be killed because nothing good's occurring at the moment.

But this particular bill, I am a proud cosponsor of this bill with Ms. KAPTUR and I commend her for moving this legislation; and as a matter of fact, we were engaged in some conversations last night to clear it for unanimous consent. That didn't quite work out because there are, as you know from the debate today, some objections.

But I have to say that having listened to the discussion, the objections fall short, in my estimation. This bill doesn't extend TARP. By the way, for the record, I voted against TARP despite the fact that President Bush wanted us to vote for it, Secretary Paulson and a number of our leadership. I thought it was a bad idea, continue to think it's a bad idea even though some people say it saved America. Bad idea because it had no rules. We're going to do this—no, we're going to do that—we're going to buy banks, whatever.

But, anyway, so the money is already out there, however, and all this bill does is say that States may have an option, if they choose, to take some of the money in the hard hit fund and allow people who are being foreclosed upon unjustly to use those funds for legal representation. No class action, no ACORN, no peanuts, no nothing. I mean, this is a clean bill when it comes to that, and I think that we are letting form subsume substance.

Yesterday, I was on the floor and I was a cosponsor on a piece of legislation with the gentlelady from Minnesota (Ms. MCCOLLUM) that would have just moved money, no new money, would have moved money so that societies that are coercing young girls into marriage, we could build them latrines so they could go to school or we could make sure that they could stay in school so they're not forced into marriage at the age of 12 and 13. All of a sudden, there is a fiscal argument. When that didn't work, people had to add an abortion element to it.

Look, this is a partisan place. I'm a Republican. I'm glad that we beat their butt in the election and we're going to be in the majority next year. But there comes a time when enough is enough, and MCCOLLUM's bill was a good bill last night. KAPTUR's bill is a good bill today. We should stop the nonsense, approve the bill and move on.

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

The point here is there's an appropriate vehicle and this isn't it. We already have taxpayers paying into legal services. Perhaps there should have been more money in there, but we didn't go through an appropriations process for this area this year. That was the majority's decision here. We can have this argument and debate, but that's the proper course here. And it needs to go through regular service. This is not.

Enough is enough. My friend from Ohio is right, enough is enough. Let's let TARP die. We want it gone. It served its purpose. Let's not keep it

alive. Let's use the appropriate ways to do this, which is Legal Services Corporation.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield the balance of my time to one of the single most effective fighters against unfair foreclosures on our committee and among the leaders in the Nation, the gentlewoman from California (Ms. WATERS).

The SPEAKER pro tempore. The gentlewoman is recognized for 2 minutes.

Ms. WATERS. Thank you very much.

Mr. Speaker and Members, I'd first like to thank BARNEY FRANK for all of the efforts he's put into helping homeowners and the leadership that he's provided on this committee, the Financial Services Committee.

I'd like to thank MARCY KAPTUR. She has been a stalwart, not on the committee but working every day because she's in one of the hardest hit States, but so am I in California.

It is unthinkable that we could have used TARP funds for every major corporation, all of the banks, all of the too-big-to fail, and yet we would deny homeowners in the heart of his State some assistance. What are we saying? These are people who have followed the American Dream, and we have found that all kinds of exotic products were put on the market. Many of them were tricked into signing on the dotted line, and now we have whole communities that are being boarded up, that are in foreclosure, communities that are being driven into the ground because cities can't afford to keep them up.

We've done everything that we could do. We had the NSP. We have assistance to unemployed folks. We're trying to do everything with not a lot of help from the administration or from the regulatory agencies in general.

The HAMP program simply has not worked. We need to send a message and a real substantive message to the people and homeowners of America that we care about them. We don't want them put on the street. We don't want them losing their homes. The services or the too-big-to-fail banks, everybody has made out on the backs of the American public. What's wrong with using some of the TARP money for legal assistance?

People are trying very hard to fight these battles alone. They can't get in touch with the services. They're trying to figure out where the notes are, who really owns the mortgages. We have found that all kind of robo-signing is going on. This whole industry has failed us and we are allowing these homeowners to swim out there alone by themselves with no help.

Let's help the American people. This is the least that we can do as we close out this 111th Congress. We can not only send this message, but we could stand up and demand that they get the kind of help that will keep them and their families in their homes.

Mr. FRANK of Massachusetts. Mr. Speaker, I would like to submit the following letter from

the Secretary of the Treasury Timothy Geithner to Congresswoman MARCY KAPTUR:

DEPARTMENT OF THE TREASURY  
Washington, DC, December 17, 2010.

Hon. MARCY KAPTUR,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE KAPTUR: I am writing in support of your proposed legislation, the "Aiding Those Facing Foreclosure Act of 2010", H.R. 5510, as amended for consideration under suspension of the Rules.

This legislation would permit the funding of legal aid and other services to struggling homeowners through the Housing Finance Agency Innovation Fund for the Hardest-Hit Housing Markets program ("Hardest-Hit Fund"). Under current law, funds available under the Emergency Economic Stabilization Act of 2008, which are being used to finance the Hardest-Hit Fund, cannot be used for legal aid services. If the legislation is enacted, I believe Treasury would have the authority to approve proposals for Hardest-Hit Fund monies that were Previously allocated to states to be used for legal aid services to homeowners.

I appreciate your ongoing commitment to this critical issue.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise in support of H.R. 5510, the Aiding Those Facing Foreclosure Act, which would redirect bank bailout funds to help struggling homeowners stay in their homes.

Mr. Speaker, the American people are deeply frustrated with the financial services industry. The same lenders who begged for taxpayer-funded welfare to survive their own mistakes now carelessly and summarily throw American families out of their homes. When they came to Congress hat in hand, having imperiled the global economy, they implored us to bail them out with claims that the American people would suffer if they were allowed to fail. Now, once again boasting record profits, they are throwing the American people under the bus.

I applaud the distinguished gentle lady from Ohio, Ms. CASTOR, for her courageous efforts to produce this bill, which would take bank bailout money and put it to good use assisting homeowners who face the nightmare of foreclosure.

I opposed the bank bailout known as TARP in 2008. I am pleased now to support redirecting those funds to a better cause.

I urge swift passage of H.R. 5510, a common sense bill that serves the public interest, not the rich, powerful, and connected.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. CAPUANO) that the House suspend the rules and pass the bill, H.R. 5510, 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.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

Mr. SKELTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6523) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6523

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

**SECTION 1. SHORT TITLE.**

(a) **SHORT TITLE.**—This Act may be cited as the "Ike Skelton National Defense Authorization Act for Fiscal Year 2011".

(b) **REFERENCES.**—Any reference in this or any other Act to the "National Defense Authorization Act for Fiscal Year 2011" shall be deemed to refer to the "Ike Skelton National Defense Authorization Act for Fiscal Year 2011".

**SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.**

(a) **DIVISIONS.**—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

**DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

**Subtitle A—Authorization of Appropriations**

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

**Subtitle B—Navy Programs**

Sec. 111. Multiyear funding for detail design and construction of LHA Replacement ship designated LHA-7.

Sec. 112. Requirement to maintain Navy airborne signals intelligence, surveillance, and reconnaissance capabilities.

Sec. 113. Report on naval force structure and missile defense.

Sec. 114. Reports on service-life extension of F/A-18 aircraft by the Department of the Navy.

**Subtitle C—Joint and Multiservice Matters**

Sec. 121. Limitations on biometric systems funds.

Sec. 122. System management plan and matrix for the F-35 Joint Strike Fighter aircraft program.

Sec. 123. Quarterly reports on use of Combat Mission Requirements funds.

Sec. 124. Counter-improvised explosive device initiatives database.

Sec. 125. Study on lightweight body armor solutions.

Sec. 126. Integration of solid state laser systems into certain aircraft.

Sec. 127. Contracts for commercial imaging satellite capacities.

**TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

**Subtitle A—Authorization of Appropriations**

Sec. 201. Authorization of appropriations.

**Subtitle B—Program Requirements, Restrictions, and Limitations**

Sec. 211. Enhancement of Department of Defense support of science, mathematics, and engineering education.

Sec. 212. Limitation on use of funds by Defense Advanced Research Projects Agency for operation of National Cyber Range.

Sec. 213. Separate program elements required for research and development of Joint Light Tactical Vehicle.

Sec. 214. Program for research, development, and deployment of advanced ground vehicles, ground vehicle systems, and components.

Sec. 215. Demonstration and pilot projects on cybersecurity.

**Subtitle C—Missile Defense Programs**

Sec. 221. Sense of Congress on ballistic missile defense.

Sec. 222. Repeal of prohibition of certain contracts by Missile Defense Agency with foreign entities.

Sec. 223. Limitation on availability of funds for missile defense interceptors in Europe.

Sec. 224. Medium Extended Air Defense System.

Sec. 225. Acquisition accountability reports on the ballistic missile defense system.

Sec. 226. Authority to support ballistic missile shared early warning with the Czech Republic.

Sec. 227. Report on phased, adaptive approach to missile defense in Europe.

Sec. 228. Independent review and assessment of the Ground-Based Midcourse Defense system.

Sec. 229. Iron Dome short-range rocket defense program.

**Subtitle D—Reports**

Sec. 231. Report on analysis of alternatives and program requirements for the Ground Combat Vehicle program.

Sec. 232. Cost benefit analysis of future tank-fired munitions.

Sec. 233. Annual Comptroller General report on the VH-(XX) presidential helicopter acquisition program.

**Subtitle E—Other Matters**

Sec. 241. Sense of Congress affirming the importance of Department of Defense participation in development of next generation semiconductor technologies.

Sec. 242. Pilot program on collaborative energy security.

Sec. 243. Pilot program to include technology protection features during research and development of defense systems.

**TITLE III—OPERATION AND MAINTENANCE**

**Subtitle A—Authorization of Appropriations**  
Sec. 301. Operation and maintenance funding.

**Subtitle B—Energy and Environmental Provisions**

Sec. 311. Reimbursement of Environmental Protection Agency for certain costs in connection with the Twin Cities Army Ammunition Plant, Minnesota.