

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.

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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